



The Scottish Parliament  
Pàrlamaid na h-Alba

Ash Regan MSP,  
Minister for Community Safety

Via email only

Equalities Human Rights and Civil Justice  
Committee

The Scottish Parliament

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10 March 2022

Dear Minister,

**Equalities, Human Rights and Civil Justice Committee  
Round table on Family Law**

The Committee held a round table session on family law as part of its civil justice remit. At its meeting, and in the written submissions received, stakeholders raised concerns about certain aspects of the processes used in family cases. The Committee agreed to write to you for your views.

*Webex*

The Committee heard that the Webex system has been rolled out as part of the move to digital hearings. However, we heard it is not being used in some sheriff courts for child welfare hearings. Glasgow Sheriff Court was specifically mentioned in this context. Furthermore, Shared Parenting Scotland's written submission suggested parents are not being included in the Webex child welfare hearings.

The Committee would welcome an update on the roll-out of the Webex system, including the courts' approach to participation by parents in Webex child welfare hearings.

*Form F-9 and children's participation in decisions about them*

The Committee understands that a new version of the Form F-9, which was intended to be more child-friendly, was introduced in 2019.

However, witnesses remarked throughout the session on the new version of the form which children and young people are asked to complete, including children as young as five. Witnesses without exception commented that the form was not fit for purpose. They suggested it is unsuitable as a means of gathering the views of

children and young people, especially very young children. Furthermore, witnesses said that alternative methods of taking the views of children and young people, in a manner suitable to their circumstances, should be developed in family cases.

The Committee is keen to understand whether the Scottish Government has any plans to address the issue of the appropriateness of the F9 Form as a method of gathering views.

Related to this, we are interested in any plans the Scottish Government has to promote other methods of taking the views of children and young people. This includes the Government's plans relating to implementation of key parts of the Children (Scotland) Act 2020, such as section 21, on children's advocacy services.

The Committee agreed to undertake some further work in this area and has scheduled a session in April to hear views from a number of stakeholders.

#### *Alternative Dispute Resolution (ADR)*

For cases suitable for ADR, some witnesses argued that the current processes and measures in place for ADR are overly complex and create barriers to the use of ADR in practice.

We note that, in the context of section 24 of the Children (Scotland) Act 2020, there has also been a delay associated with the planned pilot of information meetings about ADR for those individuals contemplating court proceedings. In particular, [the Scottish Government's second report on implementation of sections 23 and 24](#) (at para 28) suggests the pilot is now unlikely to commence until "at least mid-2023".

The Committee notes from this report (at paras 18 to 28) that there appear to be a number of issues which require to be resolved before the pilot can commence and we would welcome any updates on progress in resolving those issues.

Yours sincerely,

Joe FitzPatrick MSP  
Convener  
Equalities, Human Rights and Civil Justice Committee