



Family Justice Council
Minutes of the Council Open Meeting held on 11 July 2016 in
Conference Room 2M, Queens Building, Royal Courts of Justice

Present:

Mrs Justice Pauffley, Chair
Melanie Carew, Cafcass
Alex Clark, Secretary to the Council
The Honourable Mr Justice Cobb
David Duffett, Department for Education
Elizabeth Gibby, MoJ
Andrew Greensmith, District Judge
Professor Rosemary Hunter, Academic
Elizabeth Isaacs, QC
Sara McIlroy, Parents and Families
Helen Morris, Family Magistrate
Matthew Pinnell, Cafcass Cymru
Jane Probyn, Circuit Judge
The Honourable Mr. Justice Cobb
Malek Wan Daud, Family Barrister
Paula Adshead, Assistant Secretary to the Council
Taz Said, President's Office
Daphna Wilson, Secretariat

Apologies:

Christina Blacklaws, Private Law Solicitor
Dominic Raeside, Family Mediator
Graham Ritchie, Office of the Children's Commissioner

1. Announcements

The Chair opened the Open Meeting by welcoming the guests who had been invited to observe the Council at work. Their pre-submitted questions would be answered at the end of the meeting.

The Chair also welcomed David Duffett who was attending his first meeting as the representative for the Department for Education.

Members were pleased to learn that, after some considerable delay, four new members had been appointed to the Council:

- Professor Rosemary Hunter, Academic
- Dr Jaime Craig, Child Mental Health Specialist
- Professor Alison Kemp, Paediatrician
- Stuart Smith, Justices' Clerk

All were congratulated on their appointment and the Council looked forward to working with them in the near future.

A change in MoJ policy now meant that all future appointments to the Council would be made by the President of the Family Division without the need for Ministerial involvement. This would reduce compliance requirements and simplify the process considerably. The Secretariat would resume the process to appoint a Public Law Solicitor and an Assistant Director of Children's Services.

2. Minutes of the last meeting and matters arising

The minutes from the last meeting were approved.

Matters arising:

Financial needs guidance for the judiciary and courts: The guidance for the judiciary, courts and legal advisers was published in June on the FJC web pages and the judiciary intranet. 500 printed versions would be distributed the family judiciary dealing with money cases. The Council was grateful to Mrs Justice Roberts and the Financial Needs Working Group for their hard work in producing both this and the Sorting Out Finances on Divorce guide.

Joint FJC/British Psychological Society (BPS) standards for psychologists: Guidance produced by the Family Justice Council in conjunction with the British Psychological Society was published in May on the FJC and BPS websites.

Consultation - Changes to rules relating to the composition of magistrates' courts, bench officers, elections and justices' training and authorisations: Following the consultation, the new rules were laid before Parliament on 7 July and would come into force on 31 July. Two points were highlighted:

- There had been no change to the formation of Family Panels. Magistrates would remain on the panel, under the judicial leadership of a Designated Family Judge.

- A discrete family magistrates training committee called the Family Training, Approvals, Authorisations and Appraisals Committee (FTAAAC) would be formed which would have increased authority over Family 'ticketed' magistrates.

Consultation - Reforming the courts' approach to McKenzie Friends: More than 300 responses had been submitted and a report was expected later in the year.

No fault divorce: The Second Reading of the Private Members' Bill, *No Fault Divorce*, did not take place and would not progress further.

Department for Education's proposal to gather evidence for judicial and local authority decision-makers: David Duffett thanked members for their comments on the proposal paper. It was envisaged that research would be commissioned along two key themes:

- A summary of the relevant key research on different placement types
- An evidence review into the impact of abuse and neglect on children

Andrew Greensmith and Liz Isaacs offered to represent the Council on the DfE steering group and Matthew Pinnell would represent Wales.

There were no other matters arising that are not agenda items.

3. Business Plan 2016-17

Sara Mcilroy had presented the Business Plan to the Family Justice Board at its last meeting. The Board had welcomed the Plan, showing particular interest in the work on lessons from research (activity 4).

4. Lessons from research for the judiciary in public law

Liz Isaacs and Professor Kate Morris (leading the Council's Social Work Academic Group), had recently met with Teresa Williams and Lord Justice Ryder of the Nuffield Foundation.

Nuffield had approved the Council's funding bid and would issue a grant of £30,000 to the project. Work would cover two main areas:

- the provision of a baseline map of where the family judiciary currently gets data and research evidence.
- an exploration of current levels of research literacy, considering contested areas of evidence.

The bronze/silver/gold models previously proposed would not be developed at this stage. The project would begin on 1 September and be formally governed by Nuffield through its Family Justice Observatory advisory group, of which Liz Isaacs and Professor Kate Morris would be members. Liz and Teresa Williams would update the Family Justice Board at its

October meeting (one year since the original proposals were put to the Board) and Professor Morris would provide an interim report to the Council at its January meeting.

Full details of the agreement can be found at Annex A.

5. Immigration and indefinite leave to remain

This item was adjourned to a future meeting.

6. Bridget Lindley Memorial Lecture

The theme for the first lecture, scheduled for March 2017, would focus on pre-issue work in public law. Having discussed the proposal with the Family Rights Group, Alex Clark suggested that Baroness Hale would be an excellent choice of speaker and the Council agreed that she should be approached in the first instance.

It was decided that the lecture should take place on a Thursday evening and despite Bridget's links with Cambridge, a more central location would be more practical. Future lectures would then take place at a different location each year.

7. Conference

Sara McIlroy informed members that arrangements for the conference were progressing well and most of the speakers had now been secured. She was, however, finding it difficult to identify a willing litigant in person to speak. *[Subsequent to this discussion, Brendan Clarke and Richard Nixon who attended the meeting as guests, kindly volunteered to fill this role.]*

The Council discussed whether an HMCTS official should be invited to speak about digitisation plans and impact for LiPs or whether this could be covered in the MoJ presentation. Elizabeth Gibby suggested that the decision be made nearer the time so that any developments could be taken into account.

Andrew Greensmith suggested that a model or overall strategy on digitisation would be helpful and highlighted, as an example, the problems being encountered in his local area in relation to LiPs and electronic filing. Malek Wan Daud suggested that there was a need to cover both the policy and the practical implementation of digitisation and underlined the difficulties already faced by court staff on a day to day basis. Stephen Cobb suggested that an item on the practicalities of online divorce would be timely.

It was agreed that lunch break be reduced to 45 minutes to allow for a longer session on 'Learning from schemes from the UK and abroad'.

8. Support for litigants in person – next steps

There were two key aspects to this work:

- The need to improve awareness of the material on Advicenow and other websites, using Local FJBs, Law Clinics, media and charities to help promote the information.
- Digitisation and steps to divert people away from court. Although the Council's focus was on those who *do* go to court, these elements should be factored into any thinking. Reports and consultations were expected in the autumn with regard to next steps in public and private law and the Council would await further information from MoJ/HMCTS.

To help inform this work, Sara suggested formulating a written survey to canvass the views of LiPs about the court system, procedures and etiquette. As a simple, non-academic survey, it could take place in the court itself.

It was suggested that the LFJBs could help facilitate the survey. However, concerns were raised that some were now little more than a performance monitoring body. It was important that they also take practical steps to improve the delivery of family justice and this may be a message for the national Board to feed down.

Rosemary Hunter said that the interview data gathered in her study, *Litigants in Person in Private Family Law Cases*, could be extracted and used to feed into this work. Although the LiPs' experiences took place before the legal aid changes, many of the issues raised would still be valid. She felt that regardless of the amount of advice available, there was a significant number of LiPs who would not proactively seek such information and that it might be more effective for court staff to send out the FJC-Advicenow leaflet rather than rely on it being picked up at court.

It was agreed to set up a working group to take forward the work, led by Sara and Helen Morris, and co-opting Rosemary Hunter to consider academic research in this area.

9. Debate

The annual debate would take place on Thursday 1 December at the Grand Connaught Rooms in London.

Members agreed that the use of settlement conferences to resolve public law issues was a topic of current interest and would make for a lively debate. The motion "*Settlement conferences – are they Article 6 compliant?*" was approved.

10. Questions and answers

The Chair introduced the guests and invited them to ask their question. Annex B shows the questions and provides a full written answer to each question.

The Chair expressed her gratitude to those who tabled a question and to those Council members that provided a response.

11. Any other business

Settlement conferences:

Andrew Greensmith raised the issue of settlement conferences and said it was important for people to realise that this was a judicial initiative. He proposed that, should the scheme be introduced nationally, the Council ought to be proactive now by formulating clear guidelines and considering the training and authorisation of judges.

Members voiced concerns at the lack of any independent research into the outcomes of the pilots and the absence of consultation with groups such as NYAS and ALC. It was felt that there was a danger of pre-empting the results of the evaluation.

It was noted that the current pilot would be reviewed on a three-monthly basis and potentially extended to other areas after nine months. It was agreed to gather more information before deciding on next steps.

Glossary:

Malek raised the issue of the glossary which had been compiled by the Council's former Diversity Sub-Committee as part of its work on interpreters. He was concerned about the lack of awareness of the glossary, both by Capita providers and court staff. Although on the Council's website, it was difficult to find. He asked that more be done to promote the glossary.

**Next Family Justice Council Meeting:
Monday 17 October at 10am**

**Lessons from research for the judiciary in public law cases:
Agreement with the Nuffield Foundation**

1. Project Scope:

Kate Morris clarified that the project is a platform piece that will provide the following bits of the jigsaw that the FJC hopes will be useful to the wider Family Justice (FJ) Observatory scoping study:

- a) A 'baseline map' of where family judges currently get data and research evidence from.
- b) Exploration of current levels of research literacy, through workshops which deliberately consider contested areas of evidence (either because the evidence is genuinely mixed; or because of different standards of evidence).

What the project will NOT do at this stage is develop any of the proposed mechanisms (bronze/silver/gold models).

2. Governance:

Agreed that a single advisory group guiding the FJ Observatory scoping work and this FJC-sponsored project would be beneficial for the following reasons:

- a) It will ensure that both projects share their learning and networks and that conclusions about the way forward are aligned.
- b) Gives Family Justice Board and others assurance that work is developed that meets the need of the whole system.
- c) Gives the Foundation assurance it needs about quality and delivery

We therefore agreed this project will only have the FJ Observatory scoping study Advisory Group as its formal governance. Kate will not have a separate advisory group but will ask the Social Work Academic Group (SWAG) to review outputs.

3. Conditions:

There are two:

- Requirement that the study reports to the FJ Observatory advisory group (to be included in the Confirmation of Award).
- More detail work plan for the proposed approach at 1a and 1b (which Kate will meet through updated application as at 4a below, and met prior to Confirmation of Award)

4. Next steps:

- a) Kate will update the proposal to clarify work plan and governance in the light of the discussion.
- b) Liz will formally seek FJC agreement to the revised conditions and report back.
- c) Teresa/Ruth will arrange necessary internal sign off and Alison will then issue a Confirmation of Award letter with start date of 1 September 2016 as originally requested.
- d) Nuffield will ensure that the FJ Observatory scoping study Advisory Board receives an update regarding their role in overseeing this study.
- e) Kate will need to be invited to the September Advisory Board (Liz unable to attend)
- f) Teresa and Liz will go back to FJB in October to provide a 'year on' update and reassurance that everything is progressing in a joined up way.

Family Justice Council Open Meeting on 11 July 2016

Questions and Answer Session

Question 1

Richard Nixon (for Philip Wilson) – Families Need Fathers

When an order has been made these are frequently ignored/broken by the resident parent. What plans does the council have to ensure orders are being followed? Should a review process be implemented?

Answer by Mr Justice Cobb

The Council has no plans to seek alterations to the current law or procedures to “ensure that [private law] orders are being followed”. The Council is of the view that judges are rightly discouraged from fixing reviews of child arrangements in private law cases unless the court is satisfied that a review would be (a) “necessary”, (b) “for a clear purpose”, (c) “in the timetable for the child” and (d) “in the child’s interests”: see *PD12B FPR 2010* §15.3¹. Parents are encouraged to exercise parental responsibility to resolve disputes between themselves; it is not the function of the court to keep proceedings alive in order to ‘follow’ the implementation of its orders.

In the right case, it would be open to the court to make a family assistance order at the time of making a CAO (per *section 16 CA 1989*). This would only happen where the court is of the view that this would benefit the family. Contact monitoring orders are also available (*section 11G/H CA 1989*), but are yet more rare, as there is no mechanism within them for Cafcass to return the case to court.

It is of course open to the parent affected by the breached order to return the case to court for enforcement. In this regard, the Council endorses the helpful 2013 report of Dr. Liz Trinder entitled Enforcing Contact: Problem-solving or Punishment? which was commissioned by the Nuffield Foundation.

Question 2

Christine Parker – CP Mediation

Under a child arrangement order the court may order a resident parent make the children available to the non-resident parent or face possible punishment by the court. Is it time to look at a punishment for the non-resident parent’s repeated failure to attend leaving

¹ : §15.3 “While it is acknowledged that an interim order may be appropriate at an early stage of court proceedings, cases should not be adjourned for review (or reviews) of contact or other orders / arrangements, &/or for addendum section 7 report unless such a hearing is necessary and for a clear purpose that is consistent with the timetable for the child and in the child’s best interests”

children disappointed and confused and causing further conflict and imbalance of power between separated parents?

Answer by Mr Justice Cobb

The Council recognises that children suffer harm when they experience disappointment and confusion by being failed by a parent who does not participate in, or engage in the arrangements for, contact.

The courts proceed from the statutory premise that (unless the contrary is shown) it is in the interests of the child that *both* parents have an involvement in the child's life (*section 1(2A) CA 1989*). That is an important backcloth to the statutory arrangements for enforcement of contact as they apply to the parent with care of the child. However, parental involvement in the child's life of the 'other' parent cannot be compelled. Therefore, while the Council recognises that it is in the interests of the child for the child to have a relationship with both parents, it would *not* be in the interests of the child for contact to take place with a parent who is at best indifferent, and at worse reluctant, to participate in contact.

Courts can and often do regulate the arrangements for contact in such a way that the child is shielded from the unreliability of the parent for whom the arrangements are made (such as requiring the parent in favour of whom the order is made to communicate with the parent with care of the child in advance of the arranged time for contact to confirm that contact will happen). In the end, it is open to the court to discharge orders for contact which are not being respected; that – it is suggested – may be less harmful to the child than trying to sustain repeated failing arrangements.

Question 3

Brendan Clarke – Private research

Do you anticipate significant changes in the way that disputed ancillary relief case are presented and dealt with in the wake of the Supreme Court Ruling of 14th October 2015 in the cases of Sharland and Gohil?

Answer by District Judge Greensmith

The thrust of the decisions on these two cases is that the duty of openness during financial proceedings has been made very clear. They have further emphasised that the duty is to the court and that one of the parties cannot exonerate the other where the duty has not been complied with.

With an increasing number of financial applications being presented by LIPs, there may be an argument for the court adopting a more inquisitorial role during the court proceedings and particularly when being asked to approve a consent order. It may be time to review the Statement of Financial Circumstances for approval of consent orders.

Question 4

Richard Nixon – Families Need Fathers, Crawley and Horsham

LAPSO Act 2012 made the granting of civil legal aid for divorce & family matters dependent on evidence of domestic violence with non-molestation orders being the most used form of DV evidence. FOI data has shown that NMOs have increased by 20.3% from 2011 to 2015 with very high increases in certain family courts in Sussex & West Midlands family justice areas. Government ministers say they cannot investigate the increase in NMOs and their use to make non-meritorious applications for civil legal aid as the judiciary is independent of government, yet Sir James Munby said at the AGM of Families Need Fathers in Nov 2014 “I think one thing we have got to recognise and did not recognise institutionally until too recently is that a wrongly granted without notice order sets the tone of proceedings thereafter..... If the answer is that there is in fact a significant increase that would concern me and I would investigate it.” What action can the Family Justice Council take to investigate the NMO / Legal Aid issue and would it not be a good idea to introduce OFFJUDGE to monitor the standards & performance of the family courts in England & Wales just like OFSTED monitors the standards & performance of schools & colleges, so that when issues like NMO / Legal aid link arises there is an organisation independent of both the government and judiciary whose remit would be investigate the issues?

Answer by District Judge Greensmith

The process for obtaining an injunction under the FLA is clearly set out in the Act itself; in addition the High Court has given a clear steer to lower courts to adopt a robust approach to the granting of orders without notice to the Respondent.

One only has to read the judgment of Peter Jackson J in **R v R [2014] EWFC 48** to see how the High Court has been scathing of judges who have made without notice orders inappropriately. It is important to remember that there is no ‘right’ to a Non-Molestation Order without notice – they are ordered when, in the judge’s view, the circumstances of the case warrant it.

The statistic quoted does not necessarily imply that the law is either being applied incorrectly or that there is a regional variation as to its application. It could be that there are organisations and agencies which are particularly active in certain areas of the country which are assisting genuine victims of DV to obtain the protection they need.

For example, the National Centre for Domestic Violence, a referral organisation which has been awarded a Law Society Excellence Award, has a number of testimonials on its website from the Constabularies of Sussex and West Midlands and it could be that this organisation working with the Police, and other agencies, in these counties has given rise to the statistic you have obtained from your FOI request.

So far as investigating this further, there may be a piece of research to be done to ascertain if there is a link between its activity in these areas and the apparent higher than average without notice NMOs granted in the courts serving these areas.

With regard to the second part of our question: would it be a good idea to introduce an office to monitor the standards and performance of judges, "OFFJUGE"? This is a matter which raises significant constitutional issues and is outside the remit of the FJC.

Question 5

Paul Apreda – FNF Both Parents Matter, Cymru

What practical steps can the Council take to increase the voice of Family Court service users in the design and delivery of the service?

Answer by Helen Morris, Magistrate

First of all we must define 'Service Users'. There are two categories:

- Advocates, Local Authorities (social workers etc), HMCTS staff
- Litigants in Person, 3rd sector advisors, McKenzie Friends

All are taken heed of in discussion and in making recommendations to the Board. The network of contacts available to Council members range across wide range of service users in both categories. Thus members bring a wealth of knowledge and experience to inform discussion. One member is especially appointed to represent families and special interest groups and brings their views to bear in research and debate.

The Council is aware that some local FJBs have user sub-groups and would be happy to consider this model for the Council. However, it is important to remember that there are a number of ways to capture the views of service users including surveys, focus groups, conferences and consultations all of the Council uses from time to time.

Question 6

Robert Hush – TV Edwards LLP

Given the increase in LiPs, has the time come to call for significant investment in LIP support services and to offer specific support sessions for LiPs BEFORE they go to their court hearing? Eg, information giving sessions?

Answer by Helen Morris, Magistrate

I am sure that we would all agree with this statement.

In certain parts of the country such support is already well established and, in an ideal world, there would be a national system in development. The current patchwork of resources is not acceptable: rural users are especially poorly served. However, the lack of financial resource within government to fund support services must be recognised.

What can the FJC do? There are two elements of our current business plan that supports initiatives. We are working on encouraging better signposting for parties to the significant

number of national agencies e.g. websites (Advicenow) that already provide advice and assistance. We are also encouraging local initiatives, such as those in Bristol and working with the MoJ to explore improvements to Family Court processes for Litigants in Person.

We are asking if, long term, a private law system that doesn't involve court process is possible? Or is there a potential for a virtual court?

The FJC will be investigating more at their conference in October. There is a need to bring all interested parties to the table to discuss what is being done and the conference will provide that opportunity.

Question 7

Ros Brown – Norfolk Community Law Service

How can charities such as NCLS be supported to deliver services that make a difference for Litigants in Person and enable access to justice?

Answer by Sara McIlroy, Parents and Families representative

In recent years the FJC has been looking at how we can better equip Litigants in Person (“LiPs”) when engaging in family court proceedings as well as making the family justice system more accessible for them. In the first instance the FJC can work to ensure that you and other similar charities have access to the materials which have already been developed for LiPs when entering family court proceedings.

In the last 18 months, the Family Justice Council has worked with Advicenow to develop a library of materials to assist LiPs when going to court on a range of issues. This includes a video on representing yourself in court and written guides on how to make applications to court when you do not have a lawyer. There are also other guides, such as how LiPs may wish to approach making arrangements for their children without the need to go to court.

We are working with the Local Family Justice Boards to look at how this network may also be able to facilitate the sharing of materials and exchange information on local best practice and news on local schemes currently in place to support LiPs. For example, you may have heard of the Family Court Information Scheme which has been developed in the Bristol, Bath, Weston & Gloucester Family Court area? This is something which is being led by the local Designated Family Judge, HHJ Steven Wildblood QC and local professionals to help families involved in their local family justice system. In this local initiative, the court has held a number of judge led meetings or open evenings for LiPs who are involved with family cases in the court. They have also developed a website to explain the family justice process and answer many of the questions LiPs tend to have.

We are aware that the Norfolk Community Law Service has a greater offer of services for LiPs than many other similar charities. Where local charities are unable to offer free legal advice clinics we can look to signpost charities to local pro bono centres and university legal advice clinics who may be able to help them.

Looking forward, as part of the FJC's work this year, we will be evaluating the current and proposed procedures for LiPs engaged (or about to engage) in family court proceedings. We are also considering how to support charities and family justice interest groups who are seeing the increased use of McKenzie Friends within family court proceedings.

Finally, the FJC would also like to hear from you. What do you feel we should also be looking at and doing to support you in your work to make a difference for LiPs and enable access to justice?

Question 8:

Mary Mullin - NYAS

What is the Council's stance on the proposed new guidance for the judiciary to help aid transparency through the publication of properly anonymised judgments following evidence provided by NYAS young people working with Dr Julia Brophy. What are the anticipated barriers for the judiciary?

Answer by Mr Justice Cobb

The report from Dr. Julia Brophy has not yet been published; it is therefore premature for the Council to express its view on the proposed guidance. The Council is aware that the Guidance is likely to propose improving the quality of anonymisation of judgments delivered in proceedings concerning children. The Council recognises the risk, at present, that identifying features are sometimes included in inadequately redacted judgments, which can lead to unintended 'jigsaw' identification of the subjects. The Council will consider carefully any reasonable proposals to enhance the protection of children from identification, while maintaining the practice of publishing judgments in order to enhance the transparency of the family court.

Question 9

Deidre Fottrell QC - ALC

With the increasing emphasis on dispute resolution, including the piloted use of settlement conferences in all children cases, including adoption, how can the family justice system ensure that the independent voice of the child is heard, and fairness for children and young people is guaranteed; and how will we know if the changes enhance rather than undermine the voice of the child ?'

Answer by Malek Wan Daud, Barrister

The Family Justice Council has firmly in mind that section 1(1) of the Children Act ensures the child's welfare is the court's paramount consideration. The Court must also have regard to the criteria in section 1(3)(a) of the Children Act 1989 namely the ascertainable wishes and feelings of the child. This is the starting point for all children cases including those cases that may be suitable for a Settlement Conference or any alternative form of dispute resolution. There are some cases which can benefit from alternative dispute resolution, including

mediation, and, in some cases, Settlement Conferences. There are other cases which are not suitable and a contested trial is required.

It is important to remember that the Settlement Conference Pilot is a judicially-led initiative supported by the President of the Family Division.

The Settlement Conference pilot has been running in Merseyside since July 2015 and pilots are underway in Cheshire and Devon. The pilot is being extended to a number of other hearing centres including Central London, South East Wales, Avon, Somerset and Gloucestershire.

In the relevant pilot areas Settlement Conferences are available to parties in both public and private law children cases at any stage of the case but particularly at the IRH. However, before a Settlement Conference can be held all parties must agree to it. It is an entirely consensual process in the presence of the parties' lawyers with ample opportunity for advice to be given outside of the process and for careful reflection by all parties before a decision is made. This includes a child in cases where a child is a party. Where the parties agree, a Judge will refer the case to be resolved by a different Judge at a Settlement Conference.

The Judge will not impose any duress or pressure on the parties at a Settlement Conference. During the course of the Settlement Conference the Judge will hear from all parties. Where a child is a party this includes the child usually through the child's solicitor and/or Guardian and this will ensure that the child's wishes and feelings are expressed to the Court. At the end of the Settlement Conference either there is a resolution of all or some of the issues or there is no resolution. A Consent Order will then be drawn up to reflect the parties' positions.

The tandem model with children having their own solicitor and their interests being represented by a Court appointed Children's Guardian is an intrinsic part of the public law system and should, in the Family Justice Council's view, be a part of any Settlement Conference. The child's solicitor and/or the Guardian has a crucial role in ensuring that the independent voice of any subject child is heard during a Settlement Conference in public law cases including those involving adoption.

The pilots are supported by the collection of quantitative data and qualitative research which is overseen by specialist social researchers from MoJ Analytical Services. The findings will be shared with an advisory group following a similar approach to the revised PLO research. This will enable lessons to be learned, challenges identified and areas of good practice to be shared with all stakeholders so that the model is improved and potential benefits maximised. This process will provide a safeguard for the paramountcy principle and ensure that fairness to children and young people is protected. This feedback will give early warning of any risk to hearing the voice of the child. The President of the Family Division is a member of the Advisory Group.