

Settlement conferences

This leaflet provides information about **settlement conferences**.

What is a settlement conference?

A settlement conference is held at court by a family judge to help parents or carers reach agreement on the care arrangements for their children. It encourages cooperation between parents or carers to help them identify solutions that are in the best interests of the children in the case.

When will it be agreed that my case is suitable for a settlement conference?

At the Issues Resolution Hearing (IRH) or Directions Hearing (the hearing at which the court decides which issues need to be worked out in a case) the judge will raise the possibility for a settlement conference and give information to the parents or carers about them. If you agree to a settlement conference, your case will be listed for a settlement conference and a final hearing. This is to make sure that there are no delays in your case if all the issues are not resolved at the settlement conference and your case needs to go on to a final hearing.

Will I have the same judge for the final hearing?

No, the judge at the settlement conference will be different from the judge who will hear the final hearing. The judges will never discuss your case between themselves.

Where will the settlement conference be held?

The settlement conference will take place at the family court.

Who can I attend the settlement conference with?

You will need to attend the settlement conference with your solicitor if you have one. You do not need to worry if you do not have a solicitor, a settlement conference can still go ahead as long as you agree.

Who else will be present at the settlement conference?

The people present may be different for each settlement conference. In a care case a Cafcass guardian is likely to be there. A local authority social worker and their solicitor may also be present. In private cases, the other parents or carers will be present as well as a Cafcass guardian or Cafcass officer if possible.

How do settlement conferences work?

The judge will explain to you why your case has been referred to a settlement conference and will check with all parents or carers that they have agreed to take part (given consent). They will work with you and other parents or carers to see if you can reach agreement on the issues and concerns in your case. This may include the judge asking you questions during the settlement conference. You are encouraged to speak directly with the judge if you want to.

What is said during a settlement conference is confidential and cannot be shared with the judge who hears the final hearing. However, if it is discovered during the settlement conference that a child is at risk of significant harm, the judge will immediately end the settlement conference and take the appropriate steps to protect the child.

Will I be able to speak to my solicitor during the settlement conference?

Yes, you are free to speak to your solicitor at any time. You will never be separated from your solicitor and you will be given the opportunity to seek advice from them at all stages during the settlement conference.

What if I don't agree with the judge?

There is no pressure for you to reach an agreement at the settlement conference. If you or the other parents or carers cannot reach an agreement, your case will proceed to the final hearing.

What happens if I and the other parents or carers reach an agreement?

If you and the other parents or carers reach an agreement on all matters at the settlement conference, the case will end and a family court order will be drafted reflecting this decision. You and the other parents or carers will not have to attend a final hearing.

What happens if I and the other parents or carers cannot reach an agreement?

The judge cannot make any orders without the agreement of the parents or carers. If you cannot agree all the issues, or some things still need to be decided by a judge, you and the other parents or carers will need to come back to court for a final hearing or an adjourned settlement conference.

What happens if I've changed my mind about attending a settlement conference?

You or any of the other parents or carers can change your mind about attending a settlement conference, or stop it at any time. If you change your mind, or decide to stop the settlement conference, your case will go on to a final hearing.

How can a settlement conference help me?

- Settlement conferences provide you and other parents or carers the opportunity to discuss your case and better understand what each of your concerns are.
- You are able to speak directly to the judge and take part in making decisions that are in the best interests of the children in the case.
- The judge at the settlement conference will be different from the judge who hears the final hearing.
- There is no pressure at all for you to agree to anything during the settlement conference.
- You are free to speak to your solicitor at any time.
- All parents or carers must agree to the decisions made in a settlement conference. If there is not agreement your case will go to a final hearing.
- If all the parents or carers agree, you can ask the judge conducting the settlement conference what type of order they might make and why. This is called 'giving an indication'. If there is a need for a final hearing after the settlement conference, the judge who hears the case at the final hearing will not know what the settlement judgment judge said about the case. The judge who hears the final hearing may come to a different conclusion to the judge who heard the settlement conference.