

# CONTENTS

Foreword by the President

- Chapter 1: How the Council works
  - Chapter 2: Overview of Activities and Issues in 2009-10
  - Chapter 3: The Children in Families Committee
  - Chapter 4: The Children in Safeguarding Proceedings Committee
  - Chapter 5: The Money and Property Committee
  - Chapter 6: The Diversity Committee
  - Chapter 7: The Experts Committee
  - Chapter 8: The Voice of the Child Sub-Group
  - Chapter 9: The Domestic Violence Working Group
  - Chapter 10: The Education and Training Committee
  - Chapter 11: The Alternative Dispute Resolution Committee
  - Chapter 12: The Parents and Relatives Group
  - Chapter 13: Local Family Justice Councils
  - Chapter 14: Dartington Conference 2009
  - Chapter 15: Challenges for 2010-11
- 
- Annex A: The Terms of Reference of the Family Justice Council
  - Annex B: Membership of the Family Justice Council
  - Annex C: Expenditure 2009-10 and Budget for 2010-11
  - Annex D: Report on Business Plan 2009-10
  - Annex E: Business Plan 2010-11

## **Foreword by the President**

This, the fifth annual report of the Family Justice Council, relates to the last year of the chairmanship of my predecessor, Sir Mark Potter. It was a challenging year which saw proposals brought forward by the previous Government to amend the legislation governing media access to, and reporting of, family proceedings. Under Sir Mark's leadership the Family Justice Council played an important role in helping the previous Government to refine and improve their proposals – the scheme which emerged in Part Two of the Children Schools and Families Act 2010 was very different from the initial proposals.

On behalf of all the members of the Family Justice Council, I would like to thank Sir Mark for his stewardship of the Council over a busy four year period which saw many challenges and a great deal of reform and change in the family justice system. We wish him well in his well earned retirement.

Shortly after I became Chair of the Family Justice Council, a new Government was elected. The new Government confirmed its support for the Family Justice Review, under David Norgrove, established in the last days of the previous Government. The Family Justice Review is tasked with bringing forward proposals for fundamental reforms to the family justice system. The Family Justice Council looks forward to contributing to the Review in the interests of identifying practical, affordable, reforms that can deliver better outcomes for the vulnerable children and adults who use the system.

The national Family Justice Council is supported by 39 Local Family Justice Councils covering England and Wales. The Local FJCs are now the principal providers of interdisciplinary training for all those (whether legal, social care or health professionals) working in the family justice system. I know from talking to a range of family justice professionals, on my travels around the country, that the training events provided by the Local FJCs are valued for their quality and I look forward to attending some to see for myself.

I welcome the opportunity to put on record my thanks to the members of the Council for the time, energy and hard work which they have given to its activities during a particularly challenging year. To produce work of the high quality which the members of the Council have delivered throughout the year, on top of their professional commitments, and without remuneration, speaks volumes. I am also grateful to the wider circle of people who have given their time and expertise to serve on the Council's committees and on the Local Family Justice Councils.

I also wish to acknowledge the positive contribution made by officials from, in particular, the Ministry of Justice and the Department for Children, Schools and Families (as it was known during the period covered by this report) in their willingness to work constructively with the Council on a range of issues.

Finally, I, Lord Justice Thorpe, and all the Council members, would like to thank our secretariat for their diligence in taking forward the Council's work over the last year, as well as all the administrators who support the work of the Local Family Justice Councils across England and Wales.

## **Chapter 1: How the Council works**

- 1.1 This is the fifth published Annual Report of the Family Justice Council and covers the work of the Council over the financial year 2009-10. Details of the Council's activities and the key issues it has tackled are set out in Chapter 2. The Council is a non-statutory advisory Non Departmental Public Body, sponsored by the Ministry of Justice (MoJ). It was established on 1 July 2004 as an outcome of the then Lord Chancellor's Department's 2002 consultation paper on 'Promoting Inter-Agency Working in the Family Justice System'. Those responding to this consultation felt that there was a clear need for a representative body that brought together all the key groups working in the family justice system.

### **The Primary Role of the Family Justice Council**

- 1.2 The Council's primary role is to promote an inter-disciplinary approach to family justice, and through consultation and research to monitor how effectively the system, both as a whole and through its component parts, delivers the service the public, and the Government, need and to advise on reforms necessary for continuous improvement. The Council also aims to improve co-operation between the various professions that work in the family justice system (judges, lawyers, health professionals, social workers, guardians, mediators and others) and to promote a greater understanding between the professionals and the users of the family courts – parents and children. The formal terms of reference set by the Secretary of State for Justice and Lord Chancellor are attached at Annex A to this Report.

### **Composition of the Council**

- 1.3 The Family Justice Council consists of a representative cross section of those who work in, use, or have an interest in, the family justice system. A full list of the members is attached at Annex B. The Council is chaired by the President of the Family Division. This post is now held by Sir Nicholas Wall but was held, during the time covered by this report, by Sir Mark Potter. Its deputy chair is Lord Justice Thorpe, the Deputy Head of Family Justice. Its members include:

- a family division high court judge
- a circuit judge
- a district judge (county courts)
- a district judge (magistrates courts)
- a lay magistrate
- a justices clerk
- two family barristers
- two family solicitors
- a family mediator
- a paediatrician
- a child mental health specialist
- a director of local authority children's services

- an academic
- a person appointed for their knowledge of family justice from a parent's point of view.

In addition the Council has ex-officio representatives (who attend meetings where there is business which concerns them) from the following organisations:

- Cafcass
- CAFCASS CYMRU
- the Children's Commissioners for England and Wales
- the Ministry of Justice
- the Department for Children, Schools and Families (DCSF)
- the Department of Health (DH)
- the Foreign and Commonwealth Office (FCO)
- the Home Office (HO)
- the Welsh Assembly Government (WAG)
- the Legal Services Commission (LSC)
- Her Majesty's Courts Service (HMCS)
- the Association of Chief Police Officers (ACPO).

### **Structure of the Family Justice Council and its Committees**

- 1.4 The Family Justice Council has 31 members (including the ex officio representatives).
- 1.5 There is an Executive Committee of nine members, which makes the management and planning decisions. Its members are the Deputy Chair of the Council, the Chairs of the committees dealing with Children in Safeguarding Proceedings, Children in Families, Money and Property, Diversity, Education and Training and the Voice of the Child, a nominee from the Experts' Committee and a representative from the MoJ.
- 1.6 The Council's more detailed work is carried out by a number of subject based committees. There are three main committees dealing with Children in Safeguarding Proceedings (Children Act 1989 and Adoption and Children Act 2002); Children in Families (Children Act 1989, Family Law Act 1996 and Children and Adoption Act 2006); and Money and Property (Matrimonial Causes Act 1973). In addition, there are cross cutting committees and sub-groups on Experts, Education and Training, Diversity and the Voice of the Child. There is currently a working group on Domestic Violence. Two new Committees were formed in 2008-09: the Alternative Dispute Resolution Committee (ADR) and the Parents and Relatives Committee. The committees, working groups and sub-groups include co-opted members, who are not members of the full Council, as well as relevant Council members.
- 1.7 Chapters 3 to 12 following contain reports on the work of all of the Council's committees, working groups and sub-groups.

- 1.8 There is also an ad hoc Dartington Conference Planning Committee, which meets to arrange the biennial inter-disciplinary residential conferences at Dartington Hall, Totnes in Devon. This Committee is chaired by Lord Justice Thorpe. The 2009 Dartington Conference took place in October 2009 and focused on the theme of mental health and family law (see chapter 14).

### **Meetings of the Council**

- 1.9 The full Council meets quarterly. Three of these meetings are in London and one is held outside London and linked to a residential conference for representatives of the Local Family Justice Councils (Local FJCs).

- 1.10 Chapter 15 sets out briefly what the Council hopes to achieve in 2010-11.

## Chapter 2: Overview of Activities and Issues in 2009-10

- 2.1 Throughout the year, the Council was heavily engaged in the development of the Government's policy on media access to, and reporting of, family proceedings. This was the most important issue that faced the Council during the period covered by this report. The Council had a number of concerns about the initial proposals brought before the Family Procedure Rule Committee in July 2009. In the Council's view these proposals put vulnerable children at too high a risk of being identified in their schools and communities, through the media, with serious potential consequences for their welfare.
- 2.2 The Council also had concerns about the implications for the confidentiality of sensitive material contained in the reports of medical experts used in family proceedings. The principal concern expressed by medical, and other, experts was that the perceived risk of disclosure in the media would impair the quality of assessments as those being assessed would be less open and frank in their discussions with the expert. The Council jointly funded research, with the Children's Commissioner for England, into the views of young people on the proposals which found that young people were very concerned by the prospect that sensitive details of their family life could be reported in the media.
- 2.3 The Council doubted the vires of attempting to give effect to the proposals on media access to, and reporting of, family proceedings through rules of court. The Council advised that it would be more appropriate to amend the relevant primary legislation. The Government listened to the Council's concerns and included a raft of provisions in Part 2 of what became the Children, Schools and Families Act 2010. In the Council's view, the provisions of the Act relating to the reporting of family proceedings represent a significant improvement on the earlier proposals. The Council provided substantial input to the development of the policy of the legislation and played a key role in encouraging medical, and other, experts with experience of giving evidence in the family courts to attend the workshops that MoJ officials set up over the summer and autumn of 2009 to canvass the views of stakeholders. As a result, the policy making process was better informed of the difficulties that the original proposals presented to medical, and other, experts who give evidence in the family courts. The Council is grateful to the MoJ officials charged with carriage of the legislation for the constructive working relationship achieved despite challenging circumstances.
- 2.4 The Council continues to support strongly the proposals to make anonymised transcripts of court judgments available to the public. In a judgment, the evidence is carefully reviewed and explicit reasons are given for reaching the decision made. The Council continues to believe that court judgments represent the best, fullest and most balanced means of providing information to the public on the work of the family courts. The Council is pleased that the pilot on anonymised judgments is to proceed and will look forward to the outcome with interest.
- 2.5 The Council held a public debate on the issues raised by transparency in the family courts in December 2009. Chaired by the Rt. Hon. Lord Justice Thorpe, the speakers in favour of greater media access were solicitor Sarah Harman, and the BBC radio journalist Sanchia Berg. Speaking against were Alex Verdan QC and consultant child and adolescent psychiatrist Doctor Mike Shaw. It was followed by a question and answer session with an expert panel. A podcast of the event is available at: <http://www.family-justice-council.org.uk/764.htm> and a summary of the event can be found on the FJC website at: [http://www.family-justice-council.org.uk/docs/FJC\\_Media\\_debate\\_summary\\_FINAL.pdf](http://www.family-justice-council.org.uk/docs/FJC_Media_debate_summary_FINAL.pdf)

- 2.6 Other issues were, of course, addressed during this reporting period. These included submitting responses to Government consultation papers on legal aid reform and on the revised statutory guidance on promoting the health and well-being of looked after children. The Children in Safeguarding Proceedings Committee drafted guidelines for practitioners and the courts on parents who lack capacity to conduct public law proceedings. The ADR Committee produced information for judges on key aspects of family mediation practice and the Voice of the Child Working Group produced a DVD "Inside the family court: Children's experiences of family proceedings". The DVD includes interviews with young people who have been through public and private law proceedings and highlights how they felt about the court process and their involvement in it. The DVD also included an interview with District Judge Nick Crichton, who chairs the Working Group, on his approach to enhancing the participation of young people in family proceedings. Over 2,000 copies of the DVD were requested from the FJC Secretariat over the course of the year.
- 2.7 In addition to the quarterly meetings of the Council, the FJC sponsors biennial interdisciplinary conferences for family justice professionals. The last one, on the subject of mental health and family law, took place at Dartington Hall in October 2009 (please see the report at chapter 14). There is also an annual conference for representatives of Local FJCs, which takes place every April.
- 2.8 Apart from the conferences, the Council's main business is transacted through its committees, which report to the main Council meetings. The key issues tackled by the committees are set out in chapters 3 to 12 following.

## **Chapter 3: The Children in Families Committee**

### **Membership**

Jane Craig (Chair)	Solicitor
Bruce Clark	Director of Policy, Cafcass
Martyn Cook	Family Magistrate
Nicholas Crichton	District Judge, Inner London Family Proceedings Court
Elizabeth Hall	Head of Safeguarding, Cafcass
Nina Hansen	Solicitor
Peter Jackson QC	Barrister
Bridget Lindley	Deputy Chief Executive and Legal Adviser, Family Rights Group
Judith Masson	Professor of Socio-Legal Studies, Bristol University
Marilyn Mornington	District Judge, Barnsley
Sunita Mason	Chair, Law Society Family Law Committee
Lesley Newton	Circuit Judge, Manchester
Khatun Sapnara	Barrister
Beverley Sayers	Family Mediator
Christine Smart	Children's Rights Director, Cafcass
Dr. Claire Sturge	Consultant Child Psychiatrist

### **Ministry of Justice Official in attendance**

Stuart Moore	Family Law and Justice
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### **Department of Children, Families and Schools Official in attendance**

Lizzie Sharples	Family Law and Cafcass, Children and Families Directorate
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## **Terms of Reference**

**Remit:** To ensure better outcomes for parties and children in private law proceedings under the Children Act 1989.

1. Identify and develop projects within the above remit that would improve the current arrangements, for endorsement by the Family Justice Council and inclusion in the Business Plan.
2. Develop projects approved under paragraph 1.
3. Deliver other projects referred to the Committee by the Family Justice Council.
4. Report to the Family Justice Council on issues referred to the Council for advice; and on issues within the above remit that the Committee considers should be brought to the Council's attention.

## **Activities in 2009-10**

- 3.1 The Private Law aspect of the Children Act 1989 concerns children in families, covering issues around the residence of children, contact with non-resident parents and other relatives, and other issues that affect their lives, such as schooling.
- 3.2 This year the Committee has been particularly interested in monitoring the take up of the contact activity directions available pursuant to the Children and Adoption Act 2006, work which began last year, following the implementation of the relevant provisions of the Act in December 2008. Early indications were that there was a very low take up by the courts of the power to make these directions, which include attendance at parenting information programmes specifically designed for parents who have separated, attendance at mediation assessment meetings and programmes for domestic violence perpetrators. The Committee was concerned at the lack of awareness of the availability of these activities and at the limited number of providers for some of the programmes. At the Committee's request, it was provided with detailed information at each of its meetings about the rate at which directions were being made and the availability of programmes. It suggested that hard copy information about regional providers should be made available to courts, since the electronic information on the Cafcass website was not readily accessible during hearings. It also sought to involve Local FJCs in publicising what was available in their areas. Articles were provided by Committee members for insertion in a number of relevant publications including 'Family Law' and Resolution newsletter. The Committee was particularly pleased to note that by March 2010, numbers of referrals, particularly to Parenting Information Programmes, had increased significantly and that the number of providers had also increased.
- 3.3 The Committee has monitored the piloting of the revised Private Law Programme and will continue to take an interest in the implementation of the Programme across England and Wales.
- 3.4 The Committee discussed the possibility of a project on prolonged contact cases, with the ultimate aim of identifying early those cases which are likely to fall into this category. It agreed that a literature review of the existing research into this topic would be helpful, to be followed, if possible, by interviews with practitioners to see if there are specific behaviours which act as indicators for such prolonged and difficult cases. The aim is to improve understanding of the intractable group of cases with a view to

reducing the length of contact disputes and ultimately to make recommendations for changes in practice, identify gaps in research and identify the extent of harm to children. A research proposal was put forward by Liz Trinder (University of Exeter) and Joan Hunt (University of Oxford) which the Committee supports and, subject to the formal approval of the main FJC at its meeting in April 2010, this will commence in summer 2010. This literature review will seek to establish:

- (a) Definitions of key concepts in this field, including mapping and clarifying what is meant by 'chronic litigation' and related terms, including high conflict cases, protracted disputes, entrenched cases, alienation, vexatious litigants etc;
  - (b) The characteristics of cases, or types of cases, that become chronic or protracted;
  - (c) The prevalence of such cases;
  - (d) Factors which might assist in early identification;
  - (e) Interventions which might assist in the better management of such cases
- 3.5 The Committee was invited by Cafcass to comment on a draft document offering guidance on shared parenting and did so, suggesting a focus on co-operative parenting, emphasising the damage done to children by parental conflict.
- 3.6 The Committee responded to a consultation issued by the Ministry of Justice on the Form C100A used in private law proceedings.
- 3.7 The main priority for the coming year will be the research project on intractable contact and contributing to the Family Justice Review in its call for evidence.

## Chapter 4: The Children in Safeguarding Proceedings Committee

### Membership:

Lesley Newton (Chair)	Circuit Judge, Manchester
Mark Andrews	Deputy Justices' Clerk
Margaret Campbell	Solicitor, London Borough of Southwark
Stephen Cobb QC	Barrister (until June 2009)
Graham Cole	Solicitor, Bedfordshire County Council
Martyn Cook	Family Magistrate
Nicholas Crichton	District Judge, Inner London Family Proceedings Court
Katherine Gieve	Solicitor
Danya Glaser	Consultant Child and Adolescent Psychiatrist
Nick Goodwin	title to be confirmed (from August 2009)
Sheridan Greenland OBE	Deputy Director, Family Law and Justice, Ministry of Justice (until August 2009)
Elizabeth Hall	Head of Safeguarding, Cafcass
Liz Gillett	Clinical Psychologist
Andreas Kyriacou	Senior Co-ordinator Children Looked After, LB Harrow
Bridget Lindley	Deputy Chief Executive and Legal Adviser, Family Rights Group, Consumer Focus, Parents' Interest Member of the FJC
Caroline Little	Association of Lawyers for Children
Judith Masson	Professor of Socio-Legal Studies, Bristol University
Heather Payne	Consultant Community Paediatrician (from July 2009)
Rosalyn Proops	Consultant Community Paediatrician (until July 2009)
Alison Russell QC	Barrister (from July 2009)
Khatun Sapnara	Barrister
Christine Smart	Children's Rights Director, Cafcass

## **Terms of Reference**

**Remit:** Safeguarding children principally, but not exclusively, under the Children Act 1989

1. Identify and develop projects within the above remit that would improve the current arrangements, for endorsement by the Family Justice Council and inclusion in the Business Plan.
2. Deliver projects approved under paragraph 1 and ensure that information is disseminated to Local FJCs.
3. Deliver other projects referred to the Committee by the Family Justice Council.
4. Report to the Family Justice Council on issues referred to the Council for advice, and on issues within the above remit that the Committee considers should be brought to the Council's attention.

## **Activities in 2009-10**

- 4.1 A key public law aspect of the Children Act 1989 concerns proceedings relating to the safeguarding of children initiated by local authorities, through care and supervision proceedings, and in some cases followed by adoption.
- 4.2 Having opposed the rise in fees for local authorities initiating care proceedings, and expressed concern as to how the impact of the fee increases would be monitored, the Committee was very pleased to welcome Francis Plowden to its June 2009 meeting. Mr. Plowden was appointed by the Ministry of Justice to undertake a review of the impact of court fees and heard the Committee's concerns. Members raised anxieties about the rise in the number of cases involving family and friends carers who had been asked to make applications for residence or special guardianship, the timing of the fee rise together with the introduction of the new Private Law Outline, which had made it difficult to understand influences on local authorities and the accuracy of the statistics on which numbers of cases were based. They welcomed the publication of the report in March 2010, which recommended abolition of fees and the acceptance by the Government of these recommendations.
- 4.3 The Committee drafted a paper, sent to Local FJCs, on Independent Reviewing Officers. This provided suggestions for assisting IROs in their roles, pending consultation on, and publication of, regulations and statutory guidance for local authorities prescribing the manner in which the IRO functions are to be performed. The Committee also responded to the Consultation on the Care Planning, Placement and Case Review Regulations; Statutory Guidance on Care Planning, Placement and Review; Practice Guidance on Short Breaks; Independent Reviewing Officer Handbook; and Statutory Guidance on the Sufficiency Duty issued by the Department for Children, Schools and Families, confining its comments to the specific issue of IROs.
- 4.4 Following a referral from the Family Procedure Rule Committee to the FJC, the Committee drafted a paper on best practice in public law cases where parents lack the capacity to give instructions. In this, it was greatly assisted by Helen Cliff from the office of the Official Solicitor, and by Elaine Laken, formerly a member of the FJC. It was also grateful for the input received from the Local FJCs. This was a major piece of

work for the Committee and was due to be approved by the main Council at its meeting in April 2010.

- 4.5 The Committee responded to the DCSF consultation on revised guidance on promoting the health of looked after children and following the close of the consultation received a presentation from DCSF officials on the revised guidance.
- 4.6 The Committee received regular updates on the working of the Public Law Outline, the President's Interim Guidance and the development of a system wide target for reducing unnecessary delay in care and supervision proceedings.
- 4.7 It provided comment on, and input into, guidance on Best Practice for Local Authorities on kinship care, and the use of overseas experts in family proceedings.
- 4.8 Its meeting in March was held jointly with the Parents and Relatives Group and focused on the draft Ministry of Justice Parents Pack on which comments were sought. Both committees were in favour of a shorter version being made available for parents to use.
- 4.9 Work for the coming year will include input into the work of the Family Justice Review, working on guidance relating to the use of s20 of the Children Act 1989 and engaging with the work of Professor Eileen Munro's review of child protection.

## Chapter 5: The Money & Property Committee

### Membership

Eleanor King	Family Division High Court Judge (Chair until 30 September 2009)
Judith Parker	Family Division High Court Judge (Chair from 1 October 2009)
Rebecca Bailey Harris	Barrister, Emeritus Professor of Law, Bristol University
Anne Barlow	Academic
Simon Bruce	Resolution: Solicitor
Jane Craig	Solicitor
Nicholas Cusworth	Family Law Bar Association (FLBA)
Nigel Dyer QC	FLBA
Godfrey Freeman	Solicitor
Sheren Guirguis	Barrister
Sue Henson	District Judge, Reading
Philip Marshall	FLBA
Clive Million	Circuit Judge
Edwina Millward	District Judge, Maidstone
Nicholas Mostyn QC	FLBA
Jeffrey Nedas	Chartered Accountant, BDO Stoy Hayward LLP
Peter Watson-Lee	Solicitor
Philip Waller	The Senior District Judge
Nicholas Wilson	Lord Justice of Appeal

### Officials in attendance

Lynn Graham	Legal Services Commission
Diana Roy	Family Justice & Legal Division, MoJ
Jane Worsey	Legal Services Commission

## **Terms of Reference**

**Remit:** The law and procedures for the distribution of money and property on the breakdown of a relationship.

1. Identify and develop projects within the above remit, that would improve the current arrangements, for endorsement by the Family Justice Council and inclusion in the business plan.
2. Deliver projects approved under paragraph 1.
3. Deliver other projects referred to the Committee by the Family Justice Council.
4. Report to the Family Justice Council on issues referred to the Council for advice; and on issues within the above remit that the Committee considers should be brought to the Council's attention.
5. Advise and assist the Family Procedure Rule Committee on matters referred to it by that Committee in relation to the making, or amendment, of rules for financial property proceedings or of directions about practice and procedure.

## **Activities in 2009-10**

- 5.1 The Money and Property Committee responded on behalf of the Council to the Law Commission's consultation on Intestacy and Family Provision Claims on death and was part of the Law Commission's preliminary consultation with stakeholders for its work on pre-nuptial agreements. The Law Commission expects to put its proposals on pre-nuptial agreements out to public consultation in the summer of 2010 and the Money & Property Committee will consider and respond to it on behalf of the Council. The Committee contributed to amendments to Form E, particularly on new rubric warning of the consequences of non-disclosure.
- 5.2 The Committee continued work on a best practice guide for financial proceedings, including preparation for, and the conduct of, Financial Dispute Resolution hearings. When the draft guide is ready, the Committee intends to circulate it for consultation with the Local FJCs and to liaise with the Judicial Studies Board in the design of its new course on matrimonial finance. The draft is expected to be ready for circulation early in the new financial year.
- 5.3 The Committee commented on a proposal to promote arbitration in financial disputes arising from divorce and other family proceedings. The Committee felt that the role of arbitration would probably be limited to a small number of high value cases where the parties were of roughly equal bargaining power, had access to high quality legal and other expert advice, and were both content to agree to a private arbitration.

## Chapter 6: The Diversity Committee

### Membership

Khatun Sapnara (Chair)	Barrister
Bode Adesida	Consultant Child and Adolescent Psychiatrist
Maria Dennis	Solicitor
Peggy Ekeledo	Solicitor
Geoffrey Kamil	Circuit Judge
Elpha Lecointe	Barrister
Sherry Malik	Corporate Director, Strategy and Performance, Cafcass
Azmat Nisa	District Judge
Frances Orchover	Barrister
Katy Rensten	Solicitor
Christine Smart	Children's Rights Director, Cafcass
Malek Wan Daud	Barrister

### Terms of Reference

**Remit:** To consider and provide advice to the Family Justice Council on diversity issues arising in the family justice system.

1. Identify and develop projects for endorsement by the Family Justice Council and inclusion in the Business plan, that would improve how the family justice system reflects and takes account of the needs of a diverse society.
2. Deliver projects approved under paragraph 1
3. Deliver other projects referred to the Committee by the Family Justice Council and its Committees.
4. Report to the Family Justice Council on issues referred to the Council for advice; and on issues within the above remit that the Committee considers should be brought to the Council's attention

### Activities in 2009-10

- 6.1 The Committee met four times during the reporting year.
- 6.2 The main strand of work during the early part of the year focused on the Committee's forum on domestic violence and minority communities. The event was held in June 2009 at the House of Lords. Its purpose was to explore the impact that recent changes in domestic violence legislation had on minority communities, to listen to the views of those working to improve the lives of domestic violence victims and to take these into account in the Committee's future work. A panel, chaired by Baroness



Butler-Sloss spoke and responded to questions from members of the audience. The event was attended by representatives from around thirty organisations and discussions covered a range of issues including civil proceedings, the role of the police, openness in the courts, false allegations and religious arbitration tribunals. The forum provided a useful opportunity in which to consider issues of concern to minority groups.

- 6.3 Work continued on the Committee's investigations into the provision and accreditation of interpreters in family cases. Information was collected from various sources including HMCS, the Legal Service Commission and the Local FJCs which revealed a variety of arrangements were in place across England and Wales. The Committee aims to collate the material and report its findings and proposals to the Council.
- 6.4 Owing to its largely London-based membership, the Committee felt it was important to engage more with the Local FJCs. It identified, therefore, eight new members to act as regional representatives. Some representatives have attended meetings which has been beneficial not only to inform the Committee's work, but also to identify local issues which it could usefully explore. One example of this has been the issue of young asylum seekers and age assessment. The Committee is considering concerns around delays faced by local authorities when trying to determine age and assessing their needs and providing housing and care.
- 6.5 The Committee developed its understanding of religious arbitration tribunals and in Shari'a Councils in particular. It continued to monitor a research project carried out by the Ministry of Justice – a scoping exercise to provide a snapshot of current provision. The Committee would await the findings of the project before deciding whether to pursue any work of its own in this area.
- 6.6 The Committee responded to the MoJ consultation on the Relevant Third Party guidance to provide additional advice and support to frontline local authority employees when they are considering making an application as a relevant third party under the Forced Marriage (Civil Protection) Act 2007.
- 6.7 Objectives for the coming year will include identifying options to address the shortage of BME experts; reviewing the quality of interpreter provision; and addressing the need for improved ethnic monitoring of family court statistics.

## Chapter 7: The Experts Committee

### Membership

Mathew Thorpe (Chair)	Deputy Head of Family Justice
Ray Bull	Professor of Psychology, University of Leicester
Michael Clarke	Consultant Ophthalmologist
Stephen Cobb QC	Barrister (until July 2009)
Katherine Gieve	Solicitor
Elizabeth Gillett	Consultant Clinical Psychologist
Danya Glaser	Consultant Child and Adolescent Psychiatrist (until Nov 2009)
Jane Ireland	British Psychological Society
Brian Jacobs	Consultant Child and Adolescent Psychiatrist (from Sept 2009)
John Jenkins	General Medical Council (from January 2010)
Karl Johnson	Consultant Paediatric Radiologist
Heather Payne	Consultant Community Paediatrician (from July 2009)
Mike Pike	Consultant Paediatric Neurologist
John Pinschof	British Psychological Society
Rosalyn Proops	Consultant Community Paediatrician (until July 2009)
Gregory Richardson	Consultant Child and Adolescent Psychiatrist (until Sept 2009)
Alison Russell QC	Barrister
Michael Shaw	Consultant Child and Adolescent Psychiatrist
Neil Stoodley	Consultant Neuroradiologist
Joan Trowell	General Medical Council (until May 2009)
Christopher Verity	Vice-President for Education & Training, Royal College of Paediatrics and Child Health

### Terms of Reference

**Remit:** Issues surrounding recruitment and training of experts and delivery of expert opinion.

1. Identify and develop projects within the above remit that will improve the current arrangements, for endorsement by the Family Justice Council and inclusion in the business plan.
2. Deliver projects under paragraph 1 and ensure that information is disseminated to Local FJCs.
3. Deliver other projects referred to the Committee by the Family Justice Council.
4. Report to the Family Justice Council on issues referred to the Council for advice; and on issues within the above remit that the Committee considers should be brought to the Council's attention.

## Activities in 2009-10

- 7.1 The Committee met three times during the year.
- 7.2 Further discussions with the General Medical Council (GMC) on the issues of disclosing judgments have concluded that the Committee cannot be of further assistance to the GMC at present. The Committee received a presentation about the establishment of the Office of Health Professions Adjudicator, which will take over the adjudication role of the GMC in due course.
- 7.3 The Committee continued to receive regular updates on the progress of the pilot on the alternative commissioning of experts including a presentation from Legal Services Commission officials. By the end of the reporting year, after a slow start, the Committee was pleased to note that an increasing number of cases were being referred to the pilot. It was also pleased to note that meetings of the Programme Board were being timed to fit with meetings of the Committee to allow good communication between the two bodies.
- 7.4 In November 2009 the Committee responded on behalf of the FJC to the consultation issued by the Ministry of Justice on Legal Aid Funding Reforms, which, among other proposals, suggested paying the same rates in both civil and criminal cases to expert witnesses. The Committee disagreed with these recommendations, suggesting that the work undertaken and the client groups were very different. They also drew attention to the amount of work involved, the administration involved and the need to ensure better quality and quantity of expert evidence. They considered that a large percentage of those currently undertaking the work would stop doing it if the proposed rates were introduced. The Committee was pleased that the Ministry, in its response to the consultation, recognised the strength of feeling among respondents and decided to carry out a data gathering exercise and set up a working group including experts to analyse this data. Dr. Mike Shaw will be one of the members of this working group, and the Committee looks forward to assisting in the progress of the work.
- 7.5 The FJC, at its meeting in April 2009, approved funding for Professor Jane Ireland and John Pinschof to undertake research into Evaluating Expert Witness Psychological Reports: Developing Quality Criterion Standards for Family Courts. The results of the research will be available in the coming year.
- 7.6 The Committee drafted best practice guidance on the use of overseas experts, with the assistance of the Children in Safeguarding Proceedings Committee, which the Council will be asked to endorse.
- 7.7 Following a query referred from one of the Local FJCs the Committee agreed that guidance to GPs' surgeries on releasing medical records in family cases would be helpful to eliminate confusion and resulting delay. The Committee will draft a protocol which it will seek to have endorsed by Department of Health colleagues and the GMC and approved by the President.
- 7.8 Dr. Heather Payne has begun a project to improve the quality and supply of paediatricians who are willing to give expert evidence in the family courts.
- 7.9 In the coming year, the Committee intends to finalise the protocol for GP surgeries, progress the project begun by Dr. Payne and endeavour to extend it to other experts and to publicise and circulate the good practice guidance on overseas experts. It will also, with the other committees and working groups of the Council, participate in providing evidence to the Family Justice Review.

## Chapter 8: Voice of the Child Sub Group

### Membership

Nicholas Crichton (Chair)	District Judge, Inner London Family Proceedings Court
Sue Berelowitz	Deputy Children's Commissioner for England
Jon Bettinson	CAFCASS CYMRU
Rhian Davies	CAFCASS CYMRU
Carolyn Hamilton	Professor of Law, University of Essex & Office of the Children's Commissioner for England
Sarah Kovach-Clark	Legal Services Commission
Caroline Little	Solicitor
Judith Masson	Professor of Socio-Legal Studies, Bristol University
Pat Monro	Solicitor and Immigration Judge
Lesley Newton	Circuit Judge, Manchester
Beverley Sayers	Family Mediator
Christine Smart	Children's Rights Director, Cafcass
Keith Towler	Children's Commissioner for Wales

### MoJ Official in Attendance

John Bowman	Civil, Family and Legal Aid Policy Directorate
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### Terms of Reference

**Remit:** to ascertain the views of children and young people, and provide advice to the Council on the participation and involvement of children, and young people, in the Family Justice System.

1. To identify and deliver projects for endorsement by the Family Justice Council, and inclusion in the Business Plan, on how the family justice system can listen more effectively to the Voice of the Child.
2. To deliver other projects referred to the Sub-Group by the Family Justice Council.
3. To facilitate the engagement of children and young people in the work of the Family Justice Council through discussion groups and other activities

4. To report to the Family Justice Council on issues referred to the Council for advice; and to report on issues within the above remit that the Sub-Group considers should be brought to the Council's, or its Committees' attention.

### **Activities in 2009-10**

- 8.1 Work began on identifying issues and exploring ways in which the family justice and immigration systems can work together to deal with cases involving children asylum seekers and child victims of trafficking, which straddle both jurisdictions. It aims to identify mutually beneficial areas of work and measures to promote the best interests of this particular group of children. Members of the Sub-Group met the Asylum and Immigration Tribunal and agreed the principal issues for consideration including guardianship, legal representation, age assessments, information-sharing between the key agencies and the need to encourage awareness of the each others' roles. The Sub-Group also heard first-hand from young people who had personal experience of the asylum and immigration system.
- 8.2 The Sub-Group developed its *Guidelines for Judges Meeting Children who are subject to Family Proceedings*. The purpose of the guidance is to encourage judges to enable children to feel more involved and connected with proceedings in which important decisions are made affecting their lives. It also provided them an opportunity to satisfy themselves that the judge has understood their wishes and feelings and to understand the nature of the judge's task. The guidance will be issued to all family judiciary and magistrates as well as other interested parties and will be incorporated into judicial training.
- 8.3 Three meetings were held with the Rights and Participation Project (RAPP), the new young people's reference group. The meetings focused on the issues faced by children and young people who have experienced public and private law proceedings and their thoughts on the processes. Particular topics for discussion included the Guidelines for Judges and transparency issues.
- 8.4 The Sub-Group initiated the production of a DVD featuring interviews with young people who have been through the court process. The film highlights how young people and children feel about the process and their involvement in it. It is hoped that it will be used as a training tool by the judiciary and others working in the family justice system.
- 8.5 The Sub-Group's concerns about children's representation led to a meeting with the Law Society and discussions about the future of the Children Panel. Members stressed their apprehension about the removal of uplifts for children's specialists and the need for more and younger family practitioners to become members of the Panel. The Sub-Group was reassured that funding was in place for an overhaul of the Panel's management and direction and continues to monitor the situation.
- 8.6 Objectives for the coming year will include examining whether the needs of children in care with Special Educational Needs are being addressed adequately, issues around children giving evidence in family proceedings. Work will continue on immigration and asylum issues and there will be further discussions with the Judicial Studies Board on how to take forward the issue of judges talking to children.

## Chapter 9: The Domestic Violence Working Group

### Membership

Azmat Nisa (Chair)	District Judge, Kingston-upon-Thames
Adrienne Barnett	Barrister
Mererid Edwards	Barrister
Brett Gable	Family Law and Justice Division, Ministry of Justice
Elizabeth Hall	Head of Safeguarding, Cafcass
Teresa Hallett	CAFCASS Cymru
Rosemary Hunter	Professor of Law, University of Kent
Jagbir Jhutti-Johal	University of Oxford
Heather Payne	Paediatrician
Karen Morgan-Read	Crown Prosecution Service
Lesley Newton	Circuit Judge, Manchester
Alison Russell QC	Barrister
Khatun Sapnara	Barrister
Carolyn Schofield	Legal Services Commission
Neil Smith	Hertfordshire Police
Hilary Williams	Legal Service Commission

### Terms of Reference

**Remit:** To consider and provide advice to the Family Justice Council on domestic violence issues arising in the family justice system.

1. Identify and develop projects within the above remit that would improve the current arrangements, for endorsement by the Family Justice Council and inclusion in the business plan.
2. Deliver projects approved under paragraph 1 and ensure that information is disseminated to Local FJCs.
3. Deliver other projects referred to the Working Group by the Family Justice Council.

4. Report to the Family Justice Council on issues referred to the Council for advice; and on issues within the above remit that the Working Group considers should be brought to the Council's attention.

### **Activities in 2009-10**

- 9.1 The Working Group met three times during the reporting year.
- 9.2 One of the main issues addressed was the availability of possible funding for civil remedies for domestic violence. It was clear that concerns existed amongst solicitors and voluntary sector organisations about the availability of legal aid for civil remedies. The Working Group engaged with Legal Services Commission (LSC) officials on this issue which led to new guidance for LSC staff on the availability of public funding for the civil injunction route and also revised guidance to solicitors. Work began on a draft article for the Law Society Gazette which would also address the question of means testing.
- 9.3 The Working Group considered the problems arising in the issue of proof of service when prosecuting for alleged breaches of, or applying for, domestic violence injunctions. It produced a protocol to raise awareness amongst family judiciary and practitioners of the importance of securing proof of service of domestic violence injunctions. The document will be disseminated to appropriate stake holders early in the new financial year.
- 9.4 The Working Group responded to two consultations during the early part of the reporting year - the Home Office consultation "*Together we can end violence against women and girls*" in May to which members gave advice on the likely impact of the proposals and the MoJ consultation in July on the revised Form C1A.
- 9.5 The domestic violence information on the FJC website was updated to take into account revised legislation and procedures.
- 9.6 Work for the forthcoming year will look at the impact of finding of fact hearings pursuant to the Practice Direction in *Re: L*. Work on this will be in conjunction with the Children in Families Committee.

## Chapter 10: The Education & Training Committee

### Membership

Judith Masson (Chair)	Professor of Socio-Legal Studies, Bristol University
Sheena Adam	Cafcass
Martyn Cook	Family Magistrate
Martha Cover	Family Law Bar Association
Jonathan Dickens	Senior Lecturer in Social Work, University of East Anglia
Jenny Driscoll	Director of Child Studies Programme, Kings College, London
George Eddon	Principal Lawyer for Children, North Yorkshire County Council
Carol Edwards	NAGALRO
Mike Hinchliffe	Cafcass
Grant Howell	Resolution
Ros Proops	Consultant Paediatrician

### Terms of Reference

**Remit:** To advise the Family Justice Council on the continuing need for inter-disciplinary education and training within, and across, the family justice system. In particular to:

1. identify opportunities to develop and deliver such education and training;
2. identify ways in which relevant organisations, professional bodies and government departments might best be involved to support the remit of the Committee;
3. report to the Family Justice Council, and its committees, on issues referred to the Council for advice and on issues, within its remit, which the Committee considers should be brought to the Council's attention, and;
4. consider and, where appropriate, take forward education and training issues raised by other committees of the Family Justice Council.

### Activities in 2009-10

- 10.1 The Committee updated the guide to the family justice system on the Council's website and agreed to review it annually to keep it current. The guide is designed to give a lay-person an overview of how the system works and information on how to access legal and other relevant specialist advice. The guide also explains the roles of



the key organisations (e.g. Cafcass) and professions (e.g. solicitors and mediators) that operate in the family justice system.

- 10.2 The Committee has produced a proposal, jointly with the Social Care Institute for Excellence (SCIE), to design and deliver appropriate training materials to assist social workers with the pre-trial preparation of public law cases. The Committee and the SCIE both felt that there was a gap in training provision for social workers in preparing for public law cases especially since the new requirements of the Public Law Outline came into force. The Department for Children, Schools and Families, as it then was, was approached for funding and the Committee awaits a decision.
- 10.3 Over the coming year, the Committee will focus on putting together a directory for inter-disciplinary training available to those working in the family justice system to be made available on the Council's website. The purpose of the directory will be to enable ready and convenient access to interdisciplinary training materials and courses on the roles of the different professions in the family justice system. The Directory will be a valuable resource for the Local FJCs in devising their training events.

## Chapter 11: The Alternative Dispute Resolution Committee

### Membership

Beverley Sayers (Chair)	Family Mediator
Robin Ap Cynan	Solicitor and Mediator
Eleanor Druker	Legal Services Commission
Sheila Gooderham	Solicitor and Mediator
Sheridan Greenland OBE	Director, Care Proceedings Programme and Civil and Family Business Systems, HMCS
Angela Lake Carroll	Family Mediator
Bridget Lindley	Deputy Chief Executive and Principal Legal Adviser, Family Rights Group
Andrew McNeill	Ministry of Justice
Lisa Parkinson	Mediator
James Pirrie	Lawyer/Collaborative Lawyer
Duane Plant	Lawyer/Collaborative Lawyer
Dominic Raeside	Mediator
Neil Robinson	Solicitor and Mediator
Ruth Smallacombe	Mediator
Christine Smart	Children's Rights Director, Cafcass

### Terms of Reference

**Remit:** To take an overview of the development and implementation of alternative dispute resolution in the field of family law and to create an integrated and authoritative forward movement.

5. To identify and develop projects within the above remit that would improve the current arrangements, for endorsement by the Family Justice Council and inclusion in the business plan.
6. Deliver projects approved under paragraph 1 and ensure that information is disseminated to Local FJCs.
7. Deliver other projects referred to the Committee by the Family Justice Council.

8. Report to the Family Justice Council on issues referred to the Council for advice; and on issues within the above remit that the Committee considers should be brought to the Council's attention.

### **Activities in 2009-10**

- 11.1 The ADR committee held three meetings during this period and continued its work on raising awareness of the role of mediation. It continued to encourage Local FJCs to set up ADR sub-committees to promote partnership between local agencies. The Committee gave a presentation at the Annual Local FJC Conference in April and issued guidance to the Local FJCs.
- 11.2 The Committee monitored the Legal Services Commission's court pilot scheme, in which the effectiveness of mediators in court was examined, and raised concerns about how in-court mediation at first hearings would be funded. It awaits the final report.
- 11.3 Concerns were also raised over the wording of the Practice Direction on in-court mediation, relating to the possible waiver of privilege and its impact on mediators' practices. The Committee was content with the final wording provided that it was read in conjunction with the EU Directive on confidentiality of mediation.
- 11.4 The Committee responded to a question within the Green Paper *Support for All*, focusing on the need for compulsory mediation assessment. It also commented on the DCSF's Explanatory Memorandum on contact activity, raising concerns that mediation was funded less generously than other contact activities and was the only one that was still means-tested.
- 11.5 The Committee worked with Resolution to develop guidelines on independent mediation for judges and lawyers to help address a lack of awareness in the courts. The Judges' guidance was endorsed by the Family Justice Council. The Committee also provided comments on the "Guidelines for Judges Meeting Children who are subject to Family Proceedings" compiled by the Council's Voice of the Child Sub-Group.
- 11.6 The Committee continued to make representations to Cafcass to expand the information on mediation accessible through its contact activities web page and pressed for a full list of national, publicly-funded mediators to be made available.
- 11.7 Over the coming year, the Committee aims to prepare and disseminate a comprehensive package of documents to support family judges and practitioners in identifying appropriate cases for referral to mediation. It will also continue to make the case for a policy of compulsory pre-court assessment.

## Chapter 12: The Parents and Relatives Group

### Membership:

Bridget Lindley (Chair)	Deputy Chief Executive and Legal Adviser, Family Rights Group and Family Mediator, Cambridge Family Mediation Service
Shirley Andrews	Service User and kinship carer
Cathy Ashley	Chief Executive, Family Rights Group
Hilary Chamberlain/ Susan Nicolau	Parent Line Plus
Angela Clark	Service User
Nicholas Crichton	District Judge, Inner London Family Proceedings Court
Colin Dearmer	Solicitor
Helen Dent/ Rhian Beynon	Family Action
Beverley Sayers	Family Mediator Representative on the Family justice Council
Christine Smart	Children's Rights Director, Cafcass
Ann Tucker	Service user and kinship carer

### Terms of Reference:

**Remit:** To ascertain the views of adult service users of the family justice system, and provide advice to the Council on specific issues.

1. To facilitate the engagement of service users in the work of the Family Justice Council.
2. To identify and deliver projects for endorsement by the Family Justice Council and inclusion in the business plan, which reflect the views of, or involve, service users.
3. To deliver other projects referred to the group by the Family Justice Council.
4. To report to the Family Justice Council on issues referred to the Council for advice; and to report on issues within the above remit that the group considers should be brought to the Council's or its Committees' attention.

### Activities in 2009-10

- 12.1 The Group has made a substantial contribution to the drafting of the MoJ's Parent Information Pack for parents involved in public law proceedings. The Group was able to use its knowledge of parental experiences of public law proceedings to make the materials more helpful and accessible to the parents that they were intended to assist.

- 12.2 The Group also made a significant contribution to the drafting of the Council's guidance on parents who lack capacity to conduct public law proceedings, see [http://www.family-justice-council.org.uk/docs/Parents\\_who\\_Lack\\_Capacity\\_with\\_appendices.pdf](http://www.family-justice-council.org.uk/docs/Parents_who_Lack_Capacity_with_appendices.pdf)
- 12.3 One of the service users in the Group also contributed to the Dartington Conference on Mental Health and Family law (Oct 2009) by speaking of her experiences of becoming a kinship carer when her daughter became unwell and the challenges she faced in navigating the system and getting the support she needed.
- 12.4 The Group supported a successful application for funding by Family Rights Group to explore the impact of the Public Law Outline on Family Group Conferences (FGC). The findings of this study were presented to a gathering of members of the Family Justice Council and The Family Group Conference Network (October 2009). This was followed by discussion about how this model of empowering families to make safe plans for the children can be most usefully and effectively used. The event involved service users who had experience of attending an FGC speaking about their experiences. Overall it was well received by those who attended. A summary of the findings of that study are on the FJC website at: [http://www.family-justice-council.org.uk/docs/Summary\\_report\\_Nov\\_09\\_final.pdf](http://www.family-justice-council.org.uk/docs/Summary_report_Nov_09_final.pdf)
- 12.5 The Group also commented on Family Rights Groups' Good Practice Guide for Family and Friends Carers (England) and successfully argued for it to be endorsed by the Council (Jan 2010). A copy of this document can be found on the FJC website at: [http://www.family-justice-council.org.uk/docs/family\\_and\\_friends\\_response.pdf](http://www.family-justice-council.org.uk/docs/family_and_friends_response.pdf)
- 12.6 Over the coming year, the Group intends to involve service users directly in the Local FJCs Conference, to focus on taking forward key issues from Joan Hunt's report on parental perspectives on the family courts, looking at the guidance sent to parents by the courts and to work on a directory for advice materials for parents using the family courts.

## Chapter 13 – The Local Family Justice Councils

13.1 The Local Family Justice Councils (Local FJCs) were set up 2005 to underpin the work of the national Council at local level. Their principal aims are:

- to highlight and address local issues on improving the delivery of family justice, including organising training events;
- to respond to the issues raised by the Family Justice Council, highlighting any local initiatives designed to address these difficulties, and;
- to create a reciprocal exchange of information and ideas between Local FJCs and the national Council.

13.2 There are 39 Local FJCs in England and Wales, each chaired by a Designated Family Judge. Members are drawn from a wide range of disciplines working in the family justice system and typically include a district judge, magistrate, paediatrician, academic, child mental health specialist as well as representatives from the local authority, police, Cafcass (CAFCASS CYMRU in Wales) and voluntary agencies. The Local FJCs are supported by a part-time administrator usually drawn from local HM Courts Service staff.

13.3 The Local FJCs each met between two to four times during the course of the reporting year. Many also held separate sub-committee meetings allowing them to consider more specific issues. For example, following a steer from the national Council, a growing number of Local FJCs set up Alternative Dispute Resolution sub-committees. Merseyside has a Representative Organisation Sub-Group enabling local agencies and service users to put forward their views on the family justice system and Northamptonshire set up a Learning Disabled Parents sub-committee to establish a comprehensive and cohesive structure for adults with learning disabilities.

13.4 The work of the Local FJCs underpins that of the national Council but has the flexibility to determine local priorities. Local FJCs dedication to improving family justice in their areas led to a number of significant initiatives. For example, Lancashire produced guidance identifying local resources to assist applicants under the Forced Marriage Act; Suffolk worked on proposals for post care proceedings meetings to help bring about change in families and reduce the need for further applications; Wiltshire developed ideas contributed at its training event to design a decision-making tool and local protocol for using experts; a Dictionary of Words was produced by Cumbria to provide clear explanations about family court proceedings for those with learning disabilities; Avon, Somerset and Gloucestershire helped compile a 'menu' providing guidance on what action the court can take to progress Children Act applications; and West Mercia produced an Experts Directory. Several Local FJCs issued protocols to encourage information-sharing between local agencies.

13.5 All the Local FJCs held successful inter-disciplinary training events covering a wide range of topics. For example, Warwickshire and Coventry FJC supported the work of the national Council by hosting a debate around enhancing the participation of children and young people in family proceedings and another event looking at the role of the Official Solicitor as a litigation friend. Peninsula co-hosted a conference with HMCS to explore communication between the family and criminal justice systems. South East Wales tackled the topical issue of media access to family courts and the consequences for child protection. Greater Manchester looked at the changing face of

domestic violence proceedings in the 21<sup>st</sup> century. Sussex and Lancashire each hosted events which heard from a range of different professionals talking about their everyday work in the family justice system. West Midlands and Humberside both used performances by local drama groups to help get messages across. A number of Local FJCs held events looking at child protection after Baby Peter and many hosted court skills training days and mini-pupilages for experts.

- 13.6 In addition to their local initiatives, Local FJCs were asked for feedback on national issues such as the provision of interpreters, parents lacking capacity and media attendance at family courts. They were also instrumental in helping the national Council develop new financial management systems and improve communication through sharing best practice.
- 13.7 Two conferences were held for the Local FJCs during the reporting year. The first was attended by Council members representing various disciplines and looked at issues around contact orders, child maintenance reforms, social work training and Families Need Fathers. Delegates were also given the opportunity to discuss ways to improve the workings of their respective Local FJCs. A similar event took place later in the year in Birmingham for the administrators of the Local FJCs, focusing on their unique role and associated administrative issues. Both conferences provided excellent opportunities to bring together the 39 Local FJCs, enabling them to air concerns and highlight best practice.
- 13.8 In the coming year, the national Family Justice Council will focus on putting into place new financial procedures, establishing Local FJC websites and continuing publication of the Local FJC newsletter.

## Chapter 14: The Dartington Hall Conference

- 14.1 The biennial Dartington Hall Conferences began in 1995, and the eighth conference took place between the 2<sup>nd</sup> and 4<sup>th</sup> October 2009. Details of the previous conferences, which led to the formation of the President's Inter-disciplinary Committee and, ultimately, to the formation of the Family Justice Council itself can be found in the Council's Annual Report for 2005-6 ([www.family-justice-council.org.uk/docs/fjc\\_ra.pdf](http://www.family-justice-council.org.uk/docs/fjc_ra.pdf)). The report of the 2007 Conference is to be found in the Council's Annual Report for 2007-08 ([www.family-justice-council.org.uk/docs/fjc-annual-report-07-08\\_web\\_version\(1\).pdf](http://www.family-justice-council.org.uk/docs/fjc-annual-report-07-08_web_version(1).pdf))
- 14.2 The 2009 conference: 'Mental Health and Family Law' was the third to be organised by the Council. The programme was put together by an interdisciplinary group, chaired by Lord Justice Thorpe. The group, which comprised members of the Council together with other professionals, eminent in their fields, discussed and refined the programme over a number of months.
- 14.3 The Conference had seven plenary sessions over three days:
- Parental mental health and its impact on children
  - Assessing and representing parents with mental health issues
  - Specific issues relevant to mental health
  - Children's mental health problems – nature, nature and nurture, and nurture
  - Intervention options
  - Responsibilities in relation to services to children and parents
  - Conference action points
- 14.4 Each plenary session was followed by discussions in small breakout groups which identified a number of suggested resolutions. A small drafting committee met each day to discuss and formulate final resolutions which were agreed at the final plenary session.
- 14.5 The resolutions can be found on the FJC website at:  
[www.family-justice-council.org.uk/docs/Dartington\\_09.pdf](http://www.family-justice-council.org.uk/docs/Dartington_09.pdf)
- 14.6 The Conference papers, as in previous years, have been published by Family Law, and copies of the publication circulated to all the 39 Local FJCs.
- 14.7 The ninth Dartington Conference will be held in the autumn of 2011.



## Chapter 15: Challenges for 2010- 11

15.1 The Council has set itself ten strategic objectives to guide its work in 2010-11. The principal focus for much of the Council's work over the coming 12 months will be contributing to the Family Justice Review, under David Norgrove, which is to undertake a fundamental review of the family justice system. A report on the progress made against the Business Plan for 2009-10 is attached at Annex D. The Council's Business Plan for 2010-11 is attached at Annex E. The Secretary of State for Justice has approved these objectives. They are:

**1) To establish effective links with, and support to, the Local FJCs.**

15.2 The Secretariat to the Family Justice Council now hold the budget for the Local FJCs training events and will introduce a new finance and accounting system to deal with expenditure incurred by the Local FJCs in organising their training events. The system has been designed to centralise the processing of payments within the Secretariat and should reduce the burden on the Local FJC administrators. The Secretariat will also commence work on the project to roll out websites for Local FJC so that they can put locally relevant information on them regarding advice for those using the family courts.

**2) To understand better the impact of diversity on the family justice system and to identify any action required to better meet the needs of children and parents from BME communities coming into contact with the Family justice system.**

15.3 The Diversity Committee will conclude its investigation into the quality and funding of interpreter provision for family proceedings and will devise proposals for improvement. The Committee will also identify options to address the shortage of BME experts giving evidence in the family courts.

**3) To examine the use and role of experts in the family justice system.**

15.4 The Experts Committee will draft a protocol on disclosure of medical records by GP's surgeries for use in family proceedings aimed at reducing delay in the disclosure of medical records by some GP practices. The protocol will give clear guidance to GPs on when it is appropriate to release medical records and deal with all the confidentiality issues. The Committee will also seek to encourage the establishment of a network of professional support for prospective paediatric, psychiatrist & psychologist expert witnesses. Pilots will be established in three Local FJC areas with seminars and training materials for experts and a best practice resource for new expert witnesses. The Committee will continue to monitor the progress of the Bearing Good Witness programme.

**4) To identify and address major issues of concern in proceedings safeguarding children.**

15.5 The Children in Safeguarding Proceedings Committee will work with the DfE on production of Children Act guidance relating to the use of s20 of the Children Act

1989, care planning, concurrent adoption and care proceedings. The Committee will make recommendations for improved practice and procedures in 'hybrid' cases where there is an overlap between the public and private spheres and will expand existing guidance on kinship care directed to local authorities to include other participants in the family justice system. The Committee will also provide advice to the President of the Family Division on proposed arrangements to assist Cafcass deal with public law cases pending implementation of the family justice review. The Committee will provide input to the Family Justice Review on public law cases.

**5) To promote better outcomes for parties and children in private law proceedings.**

15.6 The Children in Families Committee will continue to provide expert input to the drafting of new court forms intended for use in private law proceedings. The Committee will also focus on the role of mental health issues in intractable contact disputes and intends to sponsor a research project on the characteristics of high conflict contact cases during the coming year. The Committee will provide input to the Family Justice Review on private law cases. The Domestic Violence Working Group intends to promote awareness of the continued availability of civil remedies for domestic violence and for the public funding which is available for them. The Working Group will also promote awareness amongst the family judiciary and practitioners of the importance of securing the requisite proof of service of domestic violence injunctions.

**6) To identify and address major issues which affect families in relation to financial and property matters.**

15.7 The Money and Property Committee looks forward to contributing to the Law Commission's review of the law on pre-nuptial agreements. The Committee aims to promote a more uniform approach to Financial Dispute Resolution (FDR) hearings and other aspects of financial proceedings through the identification and dissemination of best practice. The Committee will circulate a draft best practice guide on FDR hearings for comment by the Local Family Justice Councils.

**7) To identify changes in policy, practice and procedure that will enable the family justice system to listen more effectively to the Voice of the Child.**

15.8 The Voice of the Child Committee will work on drafting up a set of best practice guidelines on enhancing the participation of children in the family justice system for use by family judges and lawyers, social workers and Cafcass professionals. The objective is to secure endorsement for the guidelines from, initially, the Family Justice Council, Cafcass and the Association of Lawyers for Children. Ultimately, the Committee would like to seek endorsement for the guidelines from other key players in the family system like the Law Society, Resolution and the Family Law Bar Association. The Committee also intends to start a strand of work looking at the experience of children in the immigration and asylum system, especially those involved in hybrid cases where there is an overlap with family proceedings, and how their experiences might be improved.

- 8) To identify changes in policy, practice and procedure and the provision of information to meet the legitimate needs of adult service users (parents, step parents and members of the wider family e.g. grandparents) of the family justice system.**

15.9 The Parents and Relatives Committee will propose amendments to the Midland Region document 'What the court expects from you' and will draft an accompanying document 'What you can expect from the court' with a view to securing approval from the President for these to be disseminated across England and Wales. The Committee will compile a directory of services and resources for parents using the family courts. It will be a web based resource to be hosted on the FJC website and linked to other websites likely to be accessed by parents looking for advice to help them navigate through the family courts. The Committee will also take forward conclusions from Joan Hunt's research into the experience of parents using the family courts. The aim will be to identify practical options for improving the experience of parent users of the family courts with a view to making proposals to HMCS.

- 9) To promote high quality, properly funded ADR, within a context of promoting the take up of ADR as a means of providing families with a proportionate and appropriate means of resolving their disputes without adjudication by a court.**

15.10 The ADR Committee plans to disseminate information material to the judiciary on family mediation once it has been approved by the President. This will provide judges with information on confidentiality and other issues of professional mediation practice that have been raised by Local FJCs. The material will provide the judiciary with key facts about the conduct of family mediation which will enhance their understanding of how mediation works and how it fits in with court processes. The Committee will also produce a pack of materials to assist practitioners in identifying when cases may be suitable for referral to mediation so that they can make best use of mediation in appropriate cases.

- 10) To identify opportunities to develop and deliver inter-disciplinary education and training to key professional groups working in the family justice system.**

15.11 The Education and Training Committee will update the guide to the family justice system on the Family Justice Councils website which is now very out of date. The Committee will continue to focus on the inter-disciplinary education and training available to social workers and has identified a need for materials to help social workers prepare for public law cases, especially since the introduction of the Public Law Outline which has put an increased emphasis on pre-issue preparation by local authorities. The Committee will also continue to establish links and partnerships between the Council and bodies responsible for the provision of information and training to the key professional groups.

## **ANNEX A**

### **Terms of Reference**

The Family Justice Council aims to facilitate the delivery of better and quicker outcomes for families and children who use the family justice system. The Council's primary role is to promote an inter-disciplinary approach to family justice, and through consultation and research, to monitor how effectively the system both as a whole and through its component parts delivers the service the Government and the public need and to advise on reforms necessary for continuous improvement. In particular it will:

- Promote improved interdisciplinary working across the family justice system through inclusive discussion, communication and co-ordination between all agencies, including by way of seminars and conferences as appropriate;
- Identify and disseminate best practice throughout the family justice system by facilitating a mutual exchange of information between local family justice councils and the national Council, including information on local initiatives, and by identifying priorities for, and encouraging the conduct of, research;
- Provide guidance and direction to achieve consistency of practice throughout the family justice system and submit proposals for new practice directions where appropriate;
- Provide advice and make recommendations to Government on changes to legislation, practice and procedure, which will improve the workings of the family justice system.

## **ANNEX B**

### **Chair: ex officio**

#### **The Rt. Hon. Sir Mark Potter, President of the Family Division and Head of Family Justice**

Sir Mark Potter was born 27 August 1937, educated at Perse School, Cambridge; Gonville and Caius College, Cambridge. Married Lady (Undine) Potter in 1962 and has two sons and two grandchildren.

President of the Family Division since April 2005. The Family Division has 19 judges. Judge of the High Court, Queens Bench Division 1988-1996; Presiding Judge of the Northern Circuit 1991-94; Judge in charge Commercial Court 1994-95; a Lord Justice of Appeal 1996-2005.

Called to the Bar 1961, by Gray's Inn; in practice at the Bar 1962 – 88; QC 1980; Bencher 1987. The Treasurer of Gray's Inn in 2004.

From 1980-84 member of the Supreme Court Rule Committee; Lord Chancellor's Civil Justice Review Committee, 1985-88; Chairman Bar Public Affairs Committee, 1987; Vice-Chairman Council of Legal Education, 1989-91; Chairman of the Lord Chancellor's Advisory Committee on Legal Education and Conduct, 1998-99; Chairman of the Legal Services Consultancy Panel, 2000-05; Chairman Family Procedure Rules Committee 2005-; Chairman Family Justice Council 2005-; President of the Court of Protection since October 2007.

Member Council, Nottingham University, 1996-99. Trustee, Somerset House Trust, 1997-. Hon. Fellow Gonville & Caius College, Cambridge and King's College, London; Hon. LLD London Metropolitan, 2000. Patron Children Law UK & STEP.

### **Deputy Chair:**

#### **The Rt. Hon. Lord Justice Thorpe**

#### **Deputy Head of Family Justice. Head of International Family Justice for England and Wales.**

Sir Mathew Thorpe was educated at Stowe and Balliol College, Oxford. He was called to the Bar, Inner Temple, 1961, and became a Bencher of the Inner Temple 1986.

A mixed practice until taking Silk in 1980, thereafter specialising in family law. Counsel to the Cleveland Inquiry 1987. Appointed a judge of the High Court, Family Division, in 1988. Liaison Judge for the Western Circuit 1991-1995. Appointed a Lord Justice of Appeal in 1995 and in 2005, Head of International Family Justice.

Chair of the Family Justice Council's Executive and Expert Sub-Committees.

President: Mediation in Divorce.

Trustee: St Saviour's Priory; Muzaffarabad Earthquake Appeal

## **Mark Andrews**

Mark originally joined the Magistrates' Courts Service in Dorset as a legal adviser in 1993, qualifying as a solicitor in 1998. In 1999 he transferred to Cheshire, becoming responsible for two family panels. Since 2005 he has been the Deputy Justices' Clerk for the Merseyside Family Proceedings Court and, from the beginning of 2009, the Family Proceedings Courts in Cheshire. He was a member of the Council of the Justices' Clerks' Society between 2004 and 2009, serving as a Vice-President for 2008-9. He has been involved with work for the Judicial Studies Board for a number of years in relation to the design and delivery of family court training to magistrates and legal advisers. He was a member of the JSB working group responsible for training all members of the family judiciary in relation to the Public Law Outline.

## **Martyn Cook**

Martyn retired from paid employment in 2005. During his career he worked in car manufacturing, publishing, direct mail marketing and financial services. After working in business process planning and organisation he then spent 25 years in information technology with responsibility for the development, implementation and support of systems covering all aspects of business functions.

He has been a Magistrate for over 30 years and sits in the Adult and Family Courts. He is Deputy Chairman of the Swindon Bench, Chairman of the Wiltshire Family Panel, and a member of the Wiltshire Family Justice Council.

Martyn is a member of the JSB Magisterial Committee and Magisterial and Family sub committee. He is also the magistrate member of the Family Procedure Rule Committee.

He is a Lay Member of the Residential Property Tribunal Service.

Martyn lives in Swindon; is married, with 4 grown-up children, and 6 grandchildren. He is a member of the local Baptist Church and also a local Parish Councillor.

## **Jane Craig** **Chair of the 'Children in Families' Committee**

Jane Craig is the business head of the family law department at Manches LLP. She qualified as a solicitor in 1982. She lives in London and is married with a teenage daughter.

Jane trained as a solicitor in the North East of England. She then spent five years at a legal aid practice in South East London, where she acted in private law disputes concerning children and financial disputes on divorce involving limited means, often coupled with multiple social problems including domestic violence.

Jane joined Manches in 1988 and became a partner in 1992. She specialises in the financial aspects of high value divorces, residence and contact arrangements for children and disputes arising from the breakdown of relationships between unmarried people. Many of her cases have an international dimension. She is a past National Chairman of Resolution, the country's leading organisation of family lawyers. She is a Fellow of the International Academy of Matrimonial Lawyers (IAML) and a trained collaborative lawyer.

Jane is named as a leading expert in family law in The Chambers Guide to the Legal Profession, The Legal 500 and Legal Experts.

**District Judge Nicholas Crichton  
Inner London Family Proceedings Court at Wells Street  
Chair of the Voice of the Child Group.**

Nicholas Crichton was a solicitor in private practice North West London with particular interest in care proceedings/child protection, 1971 – 1986.

Appointed Metropolitan Stipendiary Magistrate, since renamed District Judge (Magistrates Court), 1986. Appointed Recorder (public and private family law tickets) 1991.

Appointed in 1995 to sit full time in Family Proceedings and closely involved in setting up and development of Inner London Family Proceedings Court at Wells Street, which opened in April 1997.

Former member of Judicial Studies Board Family Committee and former chair of Inner and North London Guardian ad Litem Panel Committee.

Chair/serving member of a number of committees and groups including Association of Lawyers for Children and Young Persons subcommittee, NSPCC group producing information for children with disabilities who face care proceedings, Coram Family Advisory Groups and National Youth Advocacy Service Professional Advisory Group.

Frequent speaker at International Conferences and regular work in the field of child protection in Russia and Bulgaria.

**Katherine Gieve**

Katherine Gieve is a partner and head of the family department at Bindman & Partners. She qualified as a solicitor in 1978. She lives in London and is married with two children.

After working in a Law Centre and for Family Rights Group she came to Bindmans in 1988 and became a partner in 1991.

Katherine specialises in cases concerning children, both public law care cases and cases following the breakdown of relationships between the parents. She represents parents and children, and other family members. She represents children and parents in cases concerning medical treatment: in the case of the conjoined twins she represented 'Jodie'. She has experience of adoption and declarations of parentage, and represents both children and parents in surrogacy cases. Katherine takes abduction cases for the Central Authority.

Katherine is a member of the Law Society Children Panel. She is a member (and former chair) of Resolution (formerly SFLA) children committee. She is a member of the Association of Lawyers for Children. She has been on the advisory committee for a number of research projects including, most recently, Dr Julia Brophy's research on the significance of ethnicity in care cases. She lectures on children law.

## **Elizabeth Gillett**

Elizabeth is a Consultant Clinical Psychologist and Director of Phoenix Psychological Services, based in Warwickshire, an independent practice offering comprehensive psychological services to individuals, organisations and Court proceedings.

Previously Elizabeth was a senior clinician in services for People with Learning Disabilities and Child and Family NHS Services across the Midlands as well as having worked at a national level with MENCAP in a training capacity. Current clinical work includes specialist input into a regional adolescent NHS service; supervision to clinicians employed within the NHS / independent organisations; consultancy to specialist looked after children units; and therapeutic input with individual children and families.

Elizabeth is a practising Expert Witness within Family Proceedings across England and Wales with a special interest in working with families with complex presentations including those where one or more family members have difficulties such as a disability, mental health problems and / or pervasive developmental disorders.

Elizabeth is a Tutor on the University of Birmingham and University's of Warwick and Coventry Doctoral programmes for Clinical Psychologists in training. Other professional interests include being an Independent Panel Member on a Warwickshire based Specialist Fostering Agency; and an active member of Warwickshire and Coventry Family Justice Council.

Elizabeth spends several months a year doing voluntary work in Botswana, in Southern Africa where she is registered as a Clinical Psychologist, working with vulnerable children and families in areas of social deprivation.

## **Mrs. Justice Eleanor King**

### **Chair of the Money and Property Committee (until December 2009)**

Mrs. Justice King was educated at Queen Margaret's School in York and at Hull University. She joined the Inner Temple in 1978 and was called to the Bar in 1979. She was a tenant at 6 Park Square Leeds and latterly also at Deans Court in Manchester. She started doing family work in the mid 1980s, initially ancillary relief but increasingly children work following the Cleveland case.

She became an Assistant Recorder in 1996 and took Silk in 1999. In Silk most of her care work involved cases where there was a medical element, in particular shaking, suffocation and factitious illness cases. She had a special interest in IVF and surrogacy and represented the 'white' couple in the Leeds case where the white couple had black twins following a mix up of sperm at the IVF clinic. In recent years she did a considerable amount of Court of Appeal work and represented one of the Local Authorities in the House of Lords in Re O and N. In addition to children work she undertook high net worth Ancillary Relief cases involving assets often in excess of £50m.

She became a Deputy High Court Judge in 2000. She was appointed as a High Court Judge in 2008 and became a Bencher of Inner Temple in 2008.

She was elected a Fellow of the International Academy of Matrimonial Lawyers in 2006 and designed and chaired their academic programme in Krakow in 2007. The focus of the programme was on International relocation. She has been a regular lecturer for the Judicial Studies Board.

Mrs. Justice King is married with four daughters.



## **Bridget Lindley**

Bridget Lindley was admitted as a Solicitor in 1986. She is Deputy Chief Executive and Principal Legal Adviser at Family Rights Group where, for the last 20 years, she has provided legal advice to thousands of vulnerable parents and other family members about the care and protection of their children. At Family Rights Group she has also been actively involved in lobbying government and Parliament on legal and policy issues relating to family support, child protection, family and friends care, looked after children, special guardianship and adoption. She has participated in a number of key stakeholder groups which have influenced policy development, for example the Adoption Law Reform lobby group and the Review of Child Care Proceedings.

In addition to her work at Family Rights Group, Bridget is also a family mediator at Cambridge Family Mediation Service where she has practised since 1998, and she was a senior research associate at the Centre for Family Research at the University of Cambridge where she undertook socio-legal research on family involvement in child protection processes (1997-2002).

Bridget was appointed to the Family Justice Council as the parents' representative in December 2007 and is chair of the newly-formed Parents and Relatives Sub-group.

## **Judith Masson M.A (Cantab) (PhD Leicester)**

### **Professor of Socio-Legal Studies, Bristol University, Chair of Education & Training Committee**

Judith Masson is an expert in child law and socio-legal research. She has wide experience teaching law to university students, social workers, doctors, practising lawyers and judges. She is co-author (with Rebecca Bailey-Harris and Rebecca Probert) of a leading family text, *Cretney's Principles of Family Law* (8th ed 2008) and teaches courses on Family Law and International Issues in Child Law. She has undertaken numerous studies on the way the law relating to children is applied in practice. These include a major project on adoption by parents and step-parents – J. Masson et al., *Yours, Mine or Ours* (1983); research on the use of wardship proceedings by local authorities to protect children; on representation of children in child protection proceedings; on civil litigation by children.

Her books include *Protecting Powers* (2007) a socio-legal study of emergency intervention to protect children; *Out of Hearing* (1999) co-authored with Maureen Winn-Oakley, a research-based account of children's experience of being represented by solicitors and children's guardians in care proceedings; and *Lost and Found* (1999) with Christine Harrison and Anne Pavlovic. This book was based on a three-year action research study of the possibilities for and barriers to social work with parents whose children were looked after long-term and not currently in contact with them.

From 2006-2008 she co-directed a study for the Ministry of Justice and Department of Children, Schools and Families profiling care proceedings, and is currently working on a research council-funded project on representing parents in care proceedings.

Apart from her university work Judith Masson has undertaken consultancies for various NGOs including Voice for the Child in Care, Family Rights Group and British Agencies for Adoption and Fostering and the British Council. She was specialist advisor to the House of Commons Select Committee Inquiry into Cafcass, 2002-3 and has been a member of the Judicial Studies Board.

## **District Judge Marilyn Mornington District Judge, Wigan**

- Marilyn Mornington was a barrister and became a District Judge in 1994.
- Kids Task Force Champion 2007 and 2009
- Honorary Professor of Law Punjab University, Lahore.
- March 2009- advisor to Muslim Heritage Advisory Group
- April 2009- Advisor to the Dialogue Society
- April 2008- Patron -Karma Nirvana
- March 2008- contributor to FCO exhibition and book "The Art of Integration"
- February 2008- contributor and witness – Home Affairs Select committee on Domestic Violence / HBV
- April 2007 - guest of President of Pakistan- keynote speaker at Seerat Conference, Islamabad
- 2005-2007 - guest of FCO/British Council to further initiative to combat Honour/Gender Crimes in Pakistan - tripartite training with delegation from Kurdistan
- August 2006- speaker at Pakistan Supreme Court Golden Jubilee Conference Islamabad
- June 2006- Fellowship - World Academy of Art and Science
- June 2006- guest of Saudi Arabian Government and Royal Family - first ever official visit of women to Kingdom of Saudi Arabia
- 2005- Recipient of All Party UK Parliamentary Group 'Friends of Islam Awards'
- 2002-2005- Lead on UK wide initiative on domestic violence in the Asian Communities.
- 2000 to 2009 - Founder and Chair of Inter-jurisdictional Governmental Domestic Violence Initiative "Raising the Standards" .
- 1992-2005- Chair of Kids In Need and Distress (KIND) .
- 2001to date - Patron Community District Nurses Association .
- 2004-2007 - Contributor to and advisor on Cabinet Office/DFES national programme for all secondary schools dealing with gun crime, drugs, forced marriage, domestic violence.
- 2006- Advisor to research project into effects on child development of domestic violence, funded by Medical Research Council.
- Lecturer and writer on Family Law and in particular, domestic violence and elder abuse, nationally and internationally.

## **Her Honour Judge Lesley Newton**

### **Circuit Judge, Manchester**

### **Chair of the Children in Safeguarding Proceedings Committee**

Lesley Newton was called to the Bar in 1977 and joined chambers in her home town of Middlesbrough. Subsequently moved to Manchester where she practised for over 20 years. In the latter years she specialised in family cases particularly those involving children. Became Head of Young St Chambers in 1997.

She was appointed as an Assistant Recorder in 1995, Recorder in 1999 and as a Circuit Judge in 2001. She currently sits in Manchester conducting both family and criminal cases. Manchester is a busy care centre and much of her workload involves public law applications.

She has served on numerous committees and organisations concerned with the development of family law.

### **Mrs Justice Parker**

#### **Chair of the Money and Property Committee (from January 2010)**

Mrs Justice Parker practiced at the Bar in London for 35 years before appointment to the High Court Bench, Family Division in 2008. Initially she practiced in crime and civil as well as family law, but became a specialist family lawyer after taking silk in 1991.

Her practice encompassed child law (private and public law including adoption); divorce and personal status; financial provision following breakdown of marriage; Tolata; Schedule 1 Children Act 1989; with a particular interest in medical treatment and medical evidence; surrogacy, reproductive medicine and the HFEA 1990; and transnational cases. Whilst at the Bar she wrote and lectured on family law and related topics. She sat as a Deputy High Court Judge from 1997 and a Recorder (crime) from 1998.

She was appointed to the FJC in January 2010 and chairs the Money and Property Committee

### **Dr Heather Payne**

Dr Heather Payne MB BS, DCH, FRCPCH, FHEA is a Consultant Paediatrician at the Anurin Bevan Health Board, and Senior Lecturer / Associate Dean in the Wales Postgraduate Deanery, Cardiff University. Heather qualified in 1980 at St Bartholomew's Hospital and has worked in London, Cardiff and Newport, taking up a post as Consultant in Caerphilly in 1996. She specialises clinically in Child Protection, Fostering and Adoption and child mental health, and has published peer reviewed research in all these areas. She is a past Chair of the BAAF Medical Group and adviser to Government and RCPCH on Looked After Children. She is currently serving on the GMC Advisory Group in Child Protection.

Heather has been Course Director for a range of MSc courses in child health and protection at Cardiff University, and has been extensively involved in developing and evaluating inter-professional medical and medico-legal education. She currently holds the portfolio for Equality and Diversity in the Wales Postgraduate Deanery and is developing UK wide monitoring criteria to promote GMC standards in this area. Heather was appointed to the Family Justice Council in July 2009, and is working on a project with Local Family Justice Councils and RCPCH to promote court skills for Paediatricians.

Away from work, Heather has 3 children pursuing training in law, architecture and physiotherapy, sings in a church choir, plays squash, and follows Welsh rugby and opera, the latter currently being more rewarding. She is Hospitaller for the Wales Commandery of the Order of St Lazarus of Jerusalem.

### **Deborah Ramsdale**

Deborah qualified as a Social Worker in 1986 and has worked exclusively in Children's Services, specialising in Child Protection and Looked After work. She has worked in six of the West Midlands authorities; Walsall, Dudley, Stoke, Solihull, Wolverhampton and Staffordshire in various roles including Independent Reviewing Officer and Conference Chair, Head of Child Protection and Head of Social Work Services. Her substantial position is Assistant Director for Responsive Services, Safeguarding and Family Assessment in Staffordshire which is a large County Council with over 700 children in care and 400+ children subject to a child protection plan. Deborah was appointed to the National Safeguarding Delivery Unit in October 2009 for a 12 month secondment, she was the Deputy Director for Practice in the NSDU until it disbanded in June 2010, managing a small team of cross Government secondees into the unit from the Department of Health, Home

Office, Ministry of Justice, National Offender Management Service a retired Police Detective Chief Superintendent and some Civil Servants. Deborah's secondment continues and she is working with the Department of Education Team supporting Professor Munro in her review of Child protection.

**Khatun Sapnara**  
**Chair of FJC Diversity Committee**

Khatun read law at the London School of Economics and has practised as a barrister since 1990. She specialises in family law and is a member of Coram Chambers in London. She was appointed as a Recorder of the Crown in 2006 and hears private and public law cases as well as sitting in criminal cases in the Crown Court.

Khatun has been a member of the Family Law Bar Association Committee since 2003. She regularly undertakes diversity training of judges in family law on behalf of the Judicial Studies Board and lectures widely on family law and the family justice system. She sits on the Board of a number of charities and voluntary sector organisations. She is married with two children and lives in London.

**Beverley Sayers**  
**Chair of ADR Committee**

Beverley is a Family, Civil and Commercial mediator. She is a Director and co-founder of Family Mediation Manchester Ltd, one of the largest family mediation providers in the North-West of England.

Beverley is a trainer for FMA and Resolution, delivering mediation skills training for the Judicial Studies Board, and mediation awareness training to regional judiciary. Having been one of the original team assessing competence of mediators for the Legal Services Commission in 1997, she became a mediator competence assessor for the UK College of Family Mediators, and now The Family Mediation Council. She sits on the Board of the Family Mediators Association (FMA) and is Chair of the FMA Complaints Sub-committee. She acts as a professional practice consultant (PPC) for the FMA and Resolution (formerly the Solicitors Family Law Association).

In January 2007 she became the mediation representative on the Family Justice Council and joined the Children in Families (Private Law) and Voice of the Child committees. She sees an essential part of her FJC role as keeping mediation at the forefront of the family justice system, and she is developing a dialogue with mediators from all lead bodies. She is committed to developing strong working links with other stakeholders in family justice.

**Alison Russell QC**

Alison is a family law practitioner of over twenty years experience, who has practiced mainly in the Public Law. She has specialised in cases involving complex medical issues, mental health and has a particular interest in domestic violence and the rights of children and vulnerable adults. Alison has expertise in the International Private Law, the exercise of the Inherent Jurisdiction (notably publicity and privacy; and in respect of adoption), adoption and Human Rights. She sits as a recorder (2004) in Criminal, Family and Civil Law. She was appointed to the Family Justice Council in 2009.

## ***Ex –Officio members***

### **Sue Berelowitz (Office of the Children’s Commissioner for England)**

Sue has worked across a broad spectrum of local authority children’s services ranging from early years provision to safeguarding for over thirty years as a speech and language therapist, social worker and senior manager. In 2008 Sue was appointed Deputy Children’s Commissioner and Chief Executive of the Office of the Children’s Commissioner. She was previously Director of Business Development for Adults and Children’s Services in West Sussex County Council.

As Deputy Children’s Commissioner, she engages strategically with children and young people across the country and those working with and for them, to promote their view and interests and seek to ensure that every child achieves their rights under the UNCRC. Areas of particular interest for Sue include mental health, youth justice, safeguarding and family court proceedings. She sits on a number of national strategic bodies including the Family Justice Council, the National Advisory Group, London Serious Youth Justice Board, and the Ministerial Board on Deaths in Custody. She regularly contributes to debates about children and young people on radio, television and in the press.

In September 2010 Sue will take over as Chair of Young Minds, a young people’s mental health and wellbeing charity. She will also continue her vital work at the Office of the Children’s Commissioner.

### **Annabel Burns**

#### **Deputy Director, Family Law and Relationship Support, Department for Children Schools and Families**

Annabel Burns is a DCSF Deputy Director responsible to Ministers for policy advice on relationship support, family law and Cafcass. Annabel has been a civil servant since 1994 and has worked in a range of roles on children’s services and education policy.

### **Sheridan Greenland OBE** **Ministry of Justice**

Having qualified as a barrister, Sheridan entered the Magistrates’ Courts Service in 1984 initially as a legal adviser. By 1998 she acted as Clerk to the Justices. She has been seconded to both Her Majesty’s Courts Service Inspectorate and the Lord Chancellor’s Department. In 1999 she was appointed Justices’ Chief Executive in Surrey, in 2005 receiving an OBE for services to the Magistrates’ Courts Service. When Her Majesty’s Courts Service was created she was appointed Area Director for family work in London, subsequently becoming Director of the Care Proceedings Programme including responsibility for the Unified Family Service, then Deputy Director, Family Law and Justice within the Access to Justice Policy Directorate, which is now part of the Ministry of Justice. Sheridan became Head of the Office for Judicial Complaints in September 2009 and due to this change in role is no longer a member of the FJC.

### **Teresa Hallett**

#### **Director of Operations, CAF/CASS CYMRU**

Teresa began her social work career in 1981 and qualified as a Social Worker in December 1984. She has always worked with children and families and developed her career in local authorities in Wales. She was the Principal Officer for Child Protection in Merthyr Tydfil before joining Cafcass as a Service Manager in June 2002.

Following the transfer of Cafcass functions in Wales to the National Assembly for Wales in April 2005, she was appointed as the Director of Operations for the new organisation, CAFCASS CYMRU, with operational responsibility for service delivery across Wales. Following a management re-structure, she is now Executive Director with responsibility for operational services in the South-East of Wales and leads on Operational Support Services for the organisation across Wales.

Teresa also has the lead responsibility for the implementation of the Public Law Outline (PLO) in CAFCASS CYMRU. She is a member of the Family Justice Council for England and Wales and is the sponsor for the three local Family Justice Councils in Wales.

**Keith Ingham**  
**Director of policy, Children's Health and Social Services,**  
**Welsh Assembly Government**

Keith is Director of policy for Children's Health and Social Services in the Welsh Assembly Government. He has worked for the Welsh Assembly since its inception and prior to that worked in the Welsh Office on social services for adults. His responsibilities include policy on children in need, including Looked After Children, child protection, aspects of the work on the PLO and a range of children's health matters.

**Sara Kovach-Clark**  
**Legal Services Commission**

Sara studied law before coming to work at the Legal Services Commission where she has worked for 16 years. During that time she has had experience of all aspects of legal aid administration and gained her introduction to legal aid policy as part of the team that introduced publicly funded mediation in the late 1990's. For the last 4 years she has been Head of Family Policy where she is responsible for the development of the contractual and regulatory framework for family legal aid and a wider more strategic role to ensure that family legal aid is consistent with government objectives across other parts of the family justice system. She represents the LSC on the national FJC.

**Garry Shewan,**  
**Assistant Chief Constable, Greater Manchester Police**

Garry was born in Sunderland, moving to Manchester in 1981 to study Sociology. It was here that he first became interested in the study of policing systems. His degree focused upon the use of discretionary policing methods and their impact upon inner city tension in the early 1980s. Garry then went onto achieve a Masters degree in Criminology exploring the impact of the 1984-85 miner's strike on the political and operational independence of the police. Following a period working as a lecturer, Garry joined Greater Manchester Police in 1987.

Whilst with GMP, Garry obtained a wide experience of policing which included his design of a 'township'-policing model in 1993 – a forerunner of Neighbourhood Policing. In 2000 Garry was appointed as Commander of Manchester City Centre, where balancing the operational needs of a major city with the development of partnerships shaped his policing vision. He was the architect of City Centre Safe, tackling alcohol related violence and was a key commander during the 2002 Commonwealth Games. Between 1997 and 1999 Garry was seconded to HMIC.

Following his attendance on the 2003 Strategic Command Course, Garry was appointed as BCU Commander of the Bury Division, where he designed the Safe Bury initiative, which saw the development of joint police and local authority teams tackling community priorities.

Garry was appointed ACC with Cheshire in July 2005, where he held responsibility for territorial policing and partnerships, and then latterly the portfolio of crime and specialist operations. Garry's work ensured that the new policing model for Cheshire had a significant community focus and that Neighbourhood Policing developed alongside public expectations. Whilst in Cheshire Garry developed strong partnerships to tackle domestic abuse and introduced successfully restorative justice across the county.

Garry returned to Greater Manchester Police in June 2009 and has the Citizen Focus portfolio. Garry is ACPO lead for both Restorative and Community Justice as well as Stalking and Harassment.

**Christine Smart**  
**Children's Rights Director for Cafcass**

Christine has been Children's Rights Director for five years. Christine has operated locally and nationally and has worked with a full spectrum of stakeholders from local pressure groups to strategic national organisations. Christine brought to the role 25 years of working directly with children and families within a social work context and a demonstrable passion and talent for championing the rights of children.

Born and raised in Sri Lanka and lived in Singapore, she qualified with a Masters and CQSW from Warwick University in 1986. Christine joined Cafcass in April 2002 as a Service Manager in Buckinghamshire and became Regional Director for the North West and Yorkshire and Humberside regions of Cafcass before she took up her present role. Christine's work has extended more recently to her birth country, Sri Lanka in developing child centred practice.

"My appointment as the first Children's Rights Director for Cafcass was a reconfirmation of our organisation's commitment to placing children and young people as our number one priority and at the centre of every aspect of our work."

**Keith Towler**  
**Children's Commissioner for Wales**

Keith was born in London and came to Wales as a young child when the family moved to Cardiff. He graduated from Exeter University with a degree in Fine Arts and then became a Social Work Assistant with South Glamorgan County Council. His career path has given him a strong background in youth work, youth justice and children's rights. He joined NACRO (the crime reduction charity) in 1998 as Head of NACRO Cymru and became NACRO Director of Crime Reduction (England and Wales) in 2001.

Prior to taking up the post of Children's Commissioner for Wales in March 2008, he was Programme Director for the Wales Programme of Save the Children for two years and Chair of the United Nations Convention on the Rights of the Child (UNCRC) Monitoring Group for Wales.

Keith lives in Llandeilo with his partner and their son and daughter.

## ANNEX C: Expenditure 2009-10 and Budget for 2010-11

<b>Family Justice Council Expenditure 2009-10</b>	<b>Budget amount £310,576.00</b>
Staffing Costs	£186,293.04
Staff Travel and Subsistence	£3,582.70
Members' Travel and Subsistence	£19,228.01
Research, Publications, Publicity	£27,514.95
Consumables (Stationery, Telecoms, Computer)	£3,328.74
Consultancy	£20,336.75
Events and Conferences	£34,884.86
Catering	£1,250.61
Training Courses	£0.00
<b>Total:</b>	<b>£296,419.66</b>

<b>Family Justice Council Projected Spend for 2009 -10</b>	
Staffing costs	£193,127.00
Staff travel and subsistence	£5,400.00
Members travel and subsistence	£21,550.00
Research, publications and publicity	£49,700.00
Consumables (Stationery, Telecoms, Computer)	£7,223.00
Consultancy	£7,000.00
Events and Conferences	£15,000.00
Catering	£2,000.00
Training Courses	£1,000.00
<b>Total:</b>	<b>£302,000.00</b>



## Annex D

### Report on Business Plan 2009-10

#### STRATEGIC OBJECTIVE 1

To establish effective links with and support to the Local Family Justice Councils

Supporting Activity	Owner	Aim	Target Date	Outcome
1. To secure responsibility for distributing the budget for funding training events and incidental expenditure for Local FJCs	Secretary/ LFJC Liaison Manager	To improve the control over and transparency of the Local FJC budgets	April 2009	Greater certainty of the monies available to LFJCs for funding their activities, greater ease in securing the monies and better quality management information on the activities of the LFJCs available to the FJC.
The budget for Local FJC training events is now held by the national FJC Secretariat. Guidance on the new arrangements, which came into force in April 2010, has been circulated to the Local FJCs. The Guidance set out the allocations for each local FJC. For reasons of administrative efficiency, the budget for incidentals has been left with local HMCS managers.				
2. To negotiate new arrangements with Bar Standards Board on CPD points	Secretary/ LFJC Liaison Manager	To agree a new arrangement with the BSB on CPD accreditation for FJC training events	July 2009	A global scheme for all FJC and Local FJC training events that will reduce the burden on LFJC administrators.
The negotiations reached a successful conclusion and there is now a global scheme in place for Bar CPD points where the national FJC is accredited for all Local FJC training events for the purposes of Bar CPD points. This means that individual Local FJCs do not have to apply to the BSB on their own behalf.				
3. Secretariat to investigate options for providing websites to LFJCs	Secretary/ LFJC Liaison Manager	To increase and improve the website resource that is available for use by LFJCs	October 2009	All LFJCs which request this facility to have access to a website resource
A potential contractor has been identified and negotiations are expected to be concluded early in the new financial year to provide websites for all those Local FJCs who want them.				

#### STRATEGIC OBJECTIVE 2

To understand better the impact of diversity on the Family Justice System and to identify any action required to better meet the needs of children and parents from BME communities coming into contact with the Family Justice System.

Supporting Activity	Owner	Aim	Target Date	Outcome
1. Organise a forum for BME community/NGO groups	Chair of Diversity Committee	To identify the priorities of BME community/NGO groups relating to BME experiences of the family justice system	Jun 2009	Positive engagement with BME groups producing agreed priorities for consideration by the FJC.
This event, chaired by Bns Butler-Sloss, was held at the House of Lords in June 2009. It was successful in forging new links with a range of NGOs representing the interests of BME and other minority groups.				
2. Contribute to Diversity audit of MoJ family policies	Chair of Diversity Committee	To advise MoJ on the impact of its family justice policies on ethnic minority communities	Ongoing	Provide input to MoJ Diversity Impact Assessment which will inform future policy development and may require amendment of existing policies.
MoJ has referred a number of issues to the Diversity Committee for its views on diversity impact.				

3. Establish links with the LFJCs	Chair of Diversity Committee	To improve participation of LFJCs in Cmte's work through meetings with LFJC representatives outside London	Jan 2010	Better identification of diversity issues outside London for action by the Cmte and the national FJC.
Meetings of the Diversity Committee with Local FJC colleagues have been held in Manchester and Birmingham. A meeting in Cardiff is planned. The membership of the Diversity Committee now includes representatives of the Local FJCs.				
4. Review quality of interpreter provision for family proceedings	Chair of Diversity Committee	To assess the quality control of interpreter services available in the family courts through HMCS and the LSC	Nov 2009	To identify any problems with the quality and funding of interpreters and, where necessary, to propose solutions.
Significant progress has been made with this objective. Information has been gathered and key issues identified. A paper containing recommendations for change is expected early in the new financial year.				

### STRATEGIC OBJECTIVE 3:

To examine the use and role of experts in the Family Justice System

Supporting Activity	Owner	Aim	Target Date	Outcome
1. Provision of advice and assistance on the piloting and implementation of the recommendations of the report by the Chief Medical Officer (Bearing Good Witness)	Chair of Experts Committee	To assist NHS, DH & LSC colleagues in setting up the new system.	Ongoing	A new system for provision of expert evidence which better meets the needs of the family courts for high quality & timely expert evidence
The joint NHS/LSC project to pilot the recommendations of Bearing Good Witness has taken longer to gather speed than expected but positive developments later in this year suggest that it will be a priority for the Committee to advise and comment on the project in the next reporting year.				
2. To examine feasibility of introducing a system for giving feedback to experts on the quality of their evidence	Chair of Experts Committee	To provide experts with feedback on the usefulness of their evidence to the court in order to improve future performance	Dec 2009	If feasible, to produce proposals for feedback mechanism for experts for consideration by FJC.
The Experts Committee has discussed a high level options paper on this issue. However, this discussion revealed the complexity and financial implications of change in this area and the Committee felt that further progress was unlikely to be possible in the foreseeable future.				
3. To examine options for researching the quality of experts' written reports in partnership with other stakeholders	Chair of Experts Committee	To secure evidence on the standard and quality of the written evidence provided by experts in the course of family proceedings.	Mar 2010	If feasible, to produce a specification for a research project examining the quality of written reports.
The Council endorsed a proposal from Professor Jane Ireland to conduct research on the quality of psychologists' reports in family proceedings and this was approved by HMCS's Data Access Panel. The project is due to start in May 2010.				
4. To consider the use of overseas experts in family cases and to consider what, if any, procedural steps and guidance are required	Chair of Experts Committee/ Chair of Children in Safeguarding Proceedings Committee	To ensure there are clear guidelines on the use of overseas experts to ensure consistency of approach	Oct 2009	Good practice in the use of overseas experts, including guidelines and regulatory clarity.
After consultation with the Children in Safeguarding Proceedings Committee, the Experts Committee has resolved to				

produce best practice guidance on the use of overseas experts and this is currently being drafted. It is expect to go to the Council for endorsement early in the new financial year.

5. To consider the impact of the LSC guidance on CRB checks for experts, particularly in relation to self employed experts	Chair of Experts Committee	To consider the problems raised by the necessity for all expert witnesses in legally aided cases to have valid CRB checks.	Jul 2009	Provision of clear guidance on CRB checks for self employed experts
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The Experts Committee discussed this issue and decided that guidance was not required.

**STRATEGIC OBJECTIVE 4:**

To identify and address major issues of concern in proceedings safeguarding children (Public Law and Adoption)

Supporting Activity	Owner	Aim	Target Date	Outcome
1. To support improvements in the conduct of care and adoption proceedings in the interests of children and families	Chair of Children in Safeguarding Proceedings Committee	To support the PLO by: 1) considering the outcomes of research 2) monitoring processes	In accordance with MoJ timetable	Changes to care proceedings which reflect the views and priorities of the FJC.

The Children in Safeguarding Proceedings Committee has provided detailed feedback on the PLO, and its revisions, and on the President's Interim Guidance to the President's Office. The Committee also responded to proposals to amend s41 of the Children Act 1989

2. To consider other developments to improve the conduct of care and adoption proceedings	Chairs of Children in Safeguarding Proceedings Committee, Experts Committee and ADR Committee	1)Work with the DCSF on production of Children Act guidance relating to the use of s20 of the Children Act 1989 and kinship care 2)Promote good practice in the use of Family Group Conferences 3) To consider cases in which parties lack capacity to give instructions and particularly any proposals which emerge from the Dartington Conference 4) Where issues of neglect arise in care cases, to emphasise the importance of good and timely decision making.	Dec 2009	Changes to care proceedings which reflect the views and priorities of the FJC.
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The work on providing guidance on s.20 accommodation remains ongoing and is expected to be a priority for the year 2010/11. The work on Children Act guidance remains ongoing and is expected to be a priority for the year 2010/11 as DCSF proposals are developed. The Committee contributed to the best practice guidance on the use of family group conferences which has been widely circulated and representatives of the committee have participated in DCSF "road shows" promoting good practice. The committee has produced guidance in relation to parents who lack capacity to conduct care proceedings.

3.To continue to engage with the DCSF and other organisations to promote the recruitment and retention of high quality social workers and to assist in taking forward the	Chair of Children in Safeguarding Proceedings Committee	1)Responding to Lord Laming's report on safeguarding 2)Through membership of the Key Partners group of the Social Work	In accordance with DCSF timetable	Changes in the academic qualifications, training and professional development of social workers which reflect the views, experience and priorities of
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relevant recommendations made by Lord Laming.		Taskforce, to feed into plans for reform. 3) Engage with MoJ/FJB on new targets for public law proceedings. 4) To provide input to Francis Plowden's review of public law fees 5) Engage with the DCSF in their work on the role and practice of IROs and to participate in formulation of training for IROs.		the FJC. New targets for public law proceedings which promote performance of all the agencies involved in the interests of children. To assist the Plowden review in reaching sound conclusions based on robust evidence.
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**The Children in Safeguarding Proceedings Committee has provided substantial input on the implementation of Lord Laming's recommendations to the Social Work Taskforce through membership of the Key Partners Group. The Safeguarding Committee and the full Council has engaged with MoJ officials on the development of the system wide target for public law cases and this work is ongoing. The Safeguarding Committee met with Francis Plowden and fed in its views to his review. The Safeguarding committee has worked closely with DCSF officials upon new Regulations and statutory guidance in relation to Independent Reviewing Officers which, alongside an IRO handbook, provide a robust structure to enhance the role of the IRO and the protection of looked after children, including those accommodated under s20. The committee responded to a DCSF consultation on promoting the health and wellbeing of looked after children"**

4. To consider the difficulties which arise in "hybrid" cases, where there is an overlap between the public and private law spheres	Chair of Children in Safeguarding Proceedings Committee lead / Chair of the Children in Families Committee/P arents and Relatives sub group	To make recommendations for improved practice and procedures	March 2010	Changes in care proceedings which reflect the views and priorities of the FJC
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Hybrid cases were considered as part of the guidance on Family and Friends Carers drafted by the Parents and Relatives Group and endorsed by the Council.

5. To retain oversight of the impact of LSC reforms on public law proceedings.	Chair of Children in Safeguarding Proceedings Committee lead/ Chair of Children in families Cmte/ Chair of ADR Cmte	To press for a legal aid regime which provides for high quality legal advice and representation for children and parents in family proceedings, particularly by analysing and commenting upon reforms proposed by the LSC	ongoing	Ready availability of high quality legal advice & representation for parents and children.
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The Safeguarding Committee made appropriate contributions to the FJC responses to public consultations on legal aid.

6. To monitor the working of the new provisions for openness in the Family Courts	Chairs of all Committees/ Transparency working group	Monitor the progress of the reforms and provide the MoJ with feedback from Local FJCs, and others, on the working of the new system	March 2010	Identification of any problems arising from the operation of the new rules on transparency and provision of advice on solutions.
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The Safeguarding Committee provided input to the Council's representations to MoJ officials and ministers on transparency and reporting of family court proceedings.

**STRATEGIC OBJECTIVE 5:**

To promote better outcomes for parties and children in Private Law Proceedings

Supporting Activity	Owner	Aim	Target Date	Outcome
1. To draft the FJC response to the forthcoming consultation on court fees for private law cases.	Chair of the Children in Families Committee	To provide the MoJ with authoritative advice, supported by evidence and experience, of the likely impact of the proposals	In accordance with MoJ timetable	To influence MoJ policy in this area in the direction of ensuring that access to justice is not impaired by excessive fee increases.
The MoJ did not put these proposals put to public consultation during the year 2009/10.				
2. To examine the role of mental health issues in intractable contact disputes	Chair of the Children in Families Committee	To raise awareness among practitioners of the role of mental health issues in intractable contact disputes	March 2010	To assist practitioners in dealing appropriately with clients who demonstrate mental health issues in the context of child contact cases.
The Children in Safeguarding Committee have invited a research proposal from Joan Hunt and Liz Trinder on chronic contact cases and the factors, including mental health, which may help with the early identification of these cases. The proposal has been received and approved by the Committee. It will be submitted to the full Council for approval at the April 2010 meeting.				
3. By liaison with local Family Justice Councils and member agencies collate and disseminate practice information and research evidence	Chair of Children in Families Committee	To promote the development of good practice models, supported by research evidence, in private law proceedings	March 2010	Greater compliance with best practice models in private law proceedings
This objective was not pursued in 2009/10				
4. To seek an interdisciplinary view on the content and implementation of the 'contact activities' provided for in the Children and Adoption Act 2006	Chair of the Children in Families Committee	To influence and stimulate the development of policy on contact activities	Feb 2010	To put the views of the Committee and Council to DCSF ministers on the appropriate content and development of 'contact activities'
The Children in Families Committee provided detailed input to DCSF and Cafcass officials on the appropriate content, management and development of contact activities. There has been a high level of engagement on these issues and many of the Committee's views have been taken into account and acted upon.				
5. To review the DV section on the FJC website and draft guidance for LiPs on how to deal with breaches of DV injunctions.	Chair of the DV Working Group	To ensure that the DV section on the FJC website contains accurate and current information and to include accessible guidance to LiPs on DV injunctions	July 2009	A revised DV section on the FJC website providing accurate and up to date information and accessible guidance for LiPs.
The DV section on the FJC website has been updated.				
6. To promote awareness of civil remedies for DV and the availability of public funding for these	Chair of the DV Working Group	To improve awareness among judiciary, practitioners and police of the civil injunction route and that public funding	March 2010	A reduction in the proportion of unrepresented victims applying for DV injunctions.

		remains available for this		
The DV Working Group engaged successfully with LSC officials on this issue and the LSC has changed the guidance given to its staff on the availability of public funding for the civil injunction route. Also, the LSC has drafted and circulated revised guidance to solicitors on this issue.				
7. To respond to the Home Office consultation on the Violence Against Women Strategy	Chair of the DV Working Group	To provide the HO with authoritative advice, supported by evidence and experience, of the likely impact of the proposals	July 2009	To influence Home Office policy on the strategy.
The DV Working Group responded to the Home Office consultation on behalf of the FJC.				
8. To address the issue of proof of service when prosecuting for alleged breaches of, or applying for, DV injunctions.	Chair of DV Working Group	To raise awareness amongst family judiciary and practitioners of the importance of securing proof of service of DV injunctions	Nov 2009	A reduction in the number of prosecutions which fail due to a lack of proof of service.
The DV Working has drafted a protocol on service of civil DV injunctions stressing the importance of securing proof of service. The document is ready and will be disseminated to appropriate stake holders early in the new financial year.				

#### STRATEGIC OBJECTIVE 6:

To identify and address major issues which affect families in relation to financial and property matters.

Supporting Activity	Owner	Aim	Target Date	Outcome
1. To monitor the operation of the legislation in Scotland on cohabitants	Chair of the Money and Property Committee	To learn lessons from the operation of the Scottish legislation and to feed them into the debate in England and Wales	March 2010	A better informed debate on the merits of implementing the Law Commission's report on cohabitation in England and Wales
The Money & Property Committee has kept abreast of developments on the operation of the Scottish legislation. The limited number of cases brought under the legislation means that, to date, it is difficult to draw firm lessons from the Scottish experience.				
2. To consider the role of court led dispute resolution in financial proceedings, including the dissemination of best practice from and through LFJCs	Chair of the Money and Property Committee	To advise and assist the LFJCs to promote best practice in financial proceedings	March 2010	Greater consistency of practice in Financial Dispute Resolution hearings and other areas of financial proceedings.
This objective is ongoing. A draft best practice guide is expected for discussion at the first meeting of the Money & Property Committee in 2010/11.				
3. To contribute to the Law Commission's review of the law on pre-nuptial agreements.	Chair of Money and Property Committee	To make the case for the greater recognition and enforcement of pre-nuptial agreements with appropriate safeguards	March 2010	To influence the recommendations made by the Law Commission in its report towards recognition of pre-nuptial agreements.

The Money & Property Committee has met with Law Commission officials and has fed in views to them.

#### STRATEGIC OBJECTIVE 7:

To identify changes in policy, practice and procedure that will enable the family justice system to listen more effectively to the Voice of the Child.

Supporting Activity	Owner	Aim	Target Date	Outcome
1. To follow up the debate held in October 2008 on Enhancing the Participation of Children in Family Proceedings with a programme of media work and further events.	Chair of Voice of the Child Committee	To encourage debate among family judiciary and practitioners on the issues relating to children's participation in proceedings	Oct 2009	Raised awareness of the arguments in favour of enhancing the participation of children in family proceedings among judiciary and practitioners.
The Voice of the Child Committee worked with Amazon PR, the FJC's PR agency, on following up the formal debate in October 2008. A number of articles were placed in legal, social care and medical periodicals to keep up the profile of the issue. The President of the Family Division has endorsed guidelines for judges wishing to see children in the course of proceedings and this will be disseminated early in 2010/2011.				
2. To examine the impact of recent changes in immigration rules and procedures on the status of the children of asylum seekers and unaccompanied children when they come into contact with the family justice system.	Chair of Voice of the Child Committee	To evaluate changes to the status of children in the asylum system against the UNCRC criteria.	March 2010	To provide best practice guidance to family justice system practitioners on dealing with children in the asylum system.
The Voice of the Child Committee has established a joint forum with Immigration judiciary to discuss child welfare and other issues of mutual interest between the two jurisdictions especially proposals for improving the sharing of information.				
3. To tender for a new partner organisation to run the FJC's Children and Young People's Group	Chair of Voice of the Child Committee	To identify an appropriate organisation with expertise in communicating with children to run the Children and Young People's Group	May 2009	The Children and Young People's Group to be reconstituted, and providing the FJC with input on a range of issues, as soon as possible.
RAPP, based in Hull, has been identified as the new partner organisation to run the Council's Children & Young People's Group. Two consultation sessions with the Group were held in 2009/10				

#### STRATEGIC OBJECTIVE 8:

To identify changes in policy, practice, procedure and the provision of information to meet the legitimate needs of adult service users (parents, step parents and members of the wider family e.g. grandparents) of the family justice system

Supporting Activity	Owner	Aim	Target Date	Outcome
1. Recruit and support service users to participate in the work of the Family Justice Council	Chair of Parents and relatives group	To seek views and feedback from service users on the work of the FJC e.g. responses to consultation	July 2009	Improved input from adult service users into the work of the FJC
Two service users with experience of public law proceedings have been recruited and co-opted to contribute to the Parents and Relatives Group.				



2. Review legal and advice information available to service users involved in the family justice system and propose changes as appropriate	Chair of Parents and relatives group	Conduct a mapping exercise of existing advice and information provision for service users	March 2010	Improved information provision to service users
The Parents and Relatives Group has commented, and provided detailed feedback, on HMCS draft information leaflets intended for parents involved in public law proceedings.				
3. Respond to issues of concern to parents and relatives raised by the Council and any of its sub-committees	Chair of Parents and relatives group	Provision of advice to Council and its sub-committees on issues of concern to service users	March 2010	Council takes account of service user concerns in its responses to consultation and in developing its policy papers.
The Parents and Relatives Committee has worked closely with the Children in Safeguarding Proceedings Committee on drafting guidance on Family Group Conferences and other issues relating to public law cases.				

**STRATEGIC OBJECTIVE 9:**

To identify opportunities to develop and deliver inter-disciplinary education and training to key professional groups working in the family justice system

Supporting Activity	Owner	Aim	Target Date	Outcome
1. To revise the guide to the family justice system on the FJC website	Chair of Education & Training Committee	To update the guide to the family justice system as several sections are now out of date	July 2009	To ensure that the information provided in the guide is accurate and current.
The guide to the family justice system on the FJC website has been updated.				
2. To examine scope for joint working with SCIE 7 DCSF on training materials for social workers	Chair of Education & Training Committee	To act as a critical reader for draft training materials relevant to the role of social workers in the family justice system.	Dec 2009	To improve the quality and relevance of training materials social workers in preparing for, and giving evidence in, care proceedings.
The Education & Training Committee has drafted and submitted a joint proposal to the DCSF with SCIE for new training materials to help social workers meet the requirements of the PLO. A response is awaited.				
3. To examine the merits of producing a training events toolkit for LFJCs	Chair of Education & Training Committee	To provide LFJCs with appropriate advice on organising effective inter-disciplinary training events	Nov 2009	To improve the quality of LFJC training events
This advice is now contained in the Handbooks for Local FJC Administrators and Members				
4. To identify the scope for training on mental health issues	Chair of Education & Training Committee	To promote training on dealing with challenging and Borderline Personality Disorder clients in the family justice system	March 2010	To improve access to inter-disciplinary training for professionals in the family justice system dealing with challenging/BPD clients
This objective was not pursued in 2009/10				



## Annex E

### Business Plan 2010-11

#### STRATEGIC OBJECTIVE 1

To establish effective links with and support to the Local Family Justice Councils

Supporting Activity	Owner	Aim	Target Date	Outcome
1. To introduce the new finance and accounting arrangements for Local FJC training events as smoothly, and with as little disruption, as possible.	Secretary/ LFJC Liaison Manager	To give effect to the transfer of the funding for Local FJC training events to the FJC Secretariat and the consequent changes in finance and accounting procedures required	Review Sept 2010	A new system for the payment and accounting for Local FJC training events that is fit for purpose and fits in with HMCS procedures.
2. Secretariat to investigate options for providing websites to LFJCs	Secretary/ LFJC Liaison Manager	To increase and improve the website resource that is available for use by LFJCs	October 2010	All LFJCs which request this facility to have access to a website resource

#### STRATEGIC OBJECTIVE 2

To understand better the impact of diversity on the Family Justice System and to identify any action required to better meet the needs of children and parents from BME communities coming into contact with the Family Justice System.

Supporting Activity	Owner	Aim	Target Date	Outcome
1. To identify options to address shortage of BME experts giving evidence in the family courts	Chair of Diversity Committee	To help BME families secure greater access to culturally appropriate experts	October 2010	To encourage more BME experts to give evidence in the family courts.
2. To launch initiative on BME experts at a conference on BME experts and the family courts	Chair of Diversity Committee	To raise awareness of family courts and FJC among BME medical and other experts	Nov 2010	To encourage more BME experts to undertake family court work.
3. Review quality of interpreter provision for family proceedings	Chair of Diversity Committee	To assess the quality control of interpreter services available in the family courts through HMCS and the LSC	June 2010	To identify any problems with the quality and funding of interpreters and, where necessary, to propose solutions.
4. To make case to MoJ for improved ethnic monitoring of family court statistics	Chair of Diversity Committee	To identify scope for improved ethnic monitoring once the upgrade to FamilyMan is rolled out.	March 2011	Improved ethnic monitoring of statistics relating to family proceedings

#### STRATEGIC OBJECTIVE 3:

To examine the use and role of experts in the Family Justice System

Supporting Activity	Owner	Aim	Target Date	Outcome
6. To draw up protocol	Chair of	To reduce delay in	December	A protocol endorsed by the

on disclosure of medical records by GPs' surgeries for use in family proceedings	Experts Committee	disclosure of medical records by some GPs' surgeries	2010	GMC to give clear guidance to GPs as to when it is appropriate to disclose medical records and dealing with all the consent issues.
7. To establish network of professional support for prospective Paediatric, Psychiatrist & Psychologist Expert witnesses	Chair of Experts Committee	To increase the supply of Paediatricians and Psychiatrists willing to give expert evidence in family cases	March 2011	Pilots established in 3 LFJC area with seminars and training materials for experts with a Best Practice resource produced for new expert witnesses.
8. To consider the use of overseas experts in family cases and to consider what, if any, procedural steps and guidance are required	Chair of Experts Committee/ Chair of Children in Safeguarding Proceedings Committee	To ensure there are clear guidelines on the use of overseas experts to ensure consistency of approach	Sept 2010	Good practice in the use of overseas experts, including guidelines and regulatory clarity.

**STRATEGIC OBJECTIVE 4:**

To identify and address major issues of concern in proceedings safeguarding children (Public Law and Adoption)

Supporting Activity	Owner	Aim	Target Date	Outcome
1. To support improvements in the conduct of care and adoption proceedings in the interests of children and families	Chair of Children in Safeguarding Proceedings Committee	To support the PLO by: 1) considering the outcomes of research 2) monitoring processes	In accordance with MoJ timetable	Changes to care proceedings which reflect the views and priorities of the FJC.
2. To consider other developments to improve the conduct of care and adoption proceedings	Chairs of Children in Safeguarding Proceedings Committee, Experts Committee and ADR Committee	1) Work with the DFE on production of Children Act guidance in particular relating to the use of s20 of the Children Act 1989, care planning and concurrent adoption and care proceedings. 2) To consider research in relation to the impact of frequent direct contact with their birth family upon infants placed in foster care and to make recommendations. 3) In the light of the significant increase in volume in care and adoption proceedings advise as to the implications of the expiry of the President's Interim Guidance, especially in relation to a) the developing role of Cafcass and b) the	Dec 2010	Changes to care proceedings which reflect the views and priorities of the FJC.

		provision by HMCS of sufficient judicial resources.		
3. To continue to engage with the DFE and other organisations to promote the recruitment and retention of high quality social workers and to assist in taking forward the relevant recommendations made by Lord Laming.	Chair of Children in Safeguarding Proceedings Committee	1) Through membership of the Key Partners group of the Social Work Taskforce, to feed into plans for reform. 2) Engage with MoJ/FJB on system-wide targets for public law proceedings.	In accordance with DFE timetable	Changes in the academic qualifications, training and professional development of social workers which reflect the views, experience and priorities of the FJC. New targets for public law proceedings which promote performance of all the agencies involved in the interests of children. To assist the Plowden review in reaching sound conclusions based on robust evidence.
4. To consider the difficulties which arise in "hybrid" cases, where there is an overlap between the public and private law spheres	Chair of Children in Safeguarding proceedings Committee lead / Chair of the Children in Families Committee/P arents and Relatives sub group	1) To make recommendations for improved practice and procedures 2) Expand the guidance already produced in relation to kinship care directed to local authorities to include other participants in the family justice system.	March 2011	Changes in care proceedings which reflect the views and priorities of the FJC
5. To retain oversight of the impact of LSC reforms on public law proceedings.	Chair of Children in Safeguarding Proceedings Committee lead/ Chair of Children in families Cmte/ Chair of ADR Cmte	To press for a legal aid regime which provides for high quality legal advice and representation for children and parents in family proceedings, particularly by analysing and commenting upon reforms proposed by the LSC	ongoing	Ready availability of high quality legal advice & representation for parents and children.
6. To monitor the working of the new provisions for openness in the Family Courts	Chairs of all Committees/ Transparency working group	Monitor the progress of the reforms and provide the MoJ with feedback from Local FJCs, and others, on the working of the new system	March 2011	Identification of any problems arising from the operation of the new rules on transparency and provision of advice on solutions.

**STRATEGIC OBJECTIVE 5:**

To promote better outcomes for parties and children in Private Law Proceedings

Supporting Activity	Owner	Aim	Target Date	Outcome
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1. To secure FJC funding for a literature review on chronic litigation in contact cases	Chair of the Children in Families Committee	To identify the characteristics of intractable, high conflict cases	June 2010	A research paper submitted to the FJC by October 2010
2. To take forward the conclusions of the research into chronic litigation in contact disputes	Chair of the Children in Families Committee	To identify options for early intervention in these cases to avoid chronic litigation	March 2011	Recommend procedural changes to MoJ that will reduce number of intractable contact disputes in the courts
3. To review impact of finding of fact hearings pursuant to the Practice Direction in Re:L	Chair of the Children in Families Committee/Chair of the Domestic-Violence Sub-Group	To assess the effects of the increase in finding of fact hearings since introduction of the Practice Direction in Re:L	December 2010	To make submissions to the President on whether the Practice Direction in Re:L is achieving its purpose
4. To feed in views to the Family Justice Review	Chair of the Children in Families Committee/Chair of the Domestic-Violence Sub-Group	To ensure that the FJR is aware of the Council's research into chronic high conflict private law cases and that its proposals address DV issues.	March 2011	To submit the Council's research on chronic contact disputes to the FJR and to meet with the FJR team to highlight the key DV issues facing the family justice system.

**STRATEGIC OBJECTIVE 6:**

To identify and address major issues which affect families in relation to financial and property matters.

Supporting Activity	Owner	Aim	Target Date	Outcome
1. To contribute to the Family Justice Review (to be undertaken as part of the proposals in the Government's Green Paper 'Support for All'), with particular reference to the resolution of financial and property issues	Chair of the Money and Property Committee	To advise and make recommendations on the advice, support and assistance provided to families in relation to financial and property issues on separation	December 2010	To influence the recommendations made by the Review Panel in relation to the resolution of financial and property issues whether by out-of-court processes or through court proceedings
2. To encourage best practice in court-led dispute resolution in financial proceedings, including liaison with LFJCs and the Judicial Studies Board to develop training material	Chair of the Money and Property Committee	To advise and assist the LFJCs to promote best practice in financial proceedings	March 2011	Greater consistency of practice in Financial Dispute Resolution hearings and other areas of financial proceedings.
3. To contribute to the Law Commission's review of the law on pre-nuptial agreements.	Chair of Money and Property Committee	To make the case for the greater recognition and enforcement of pre-nuptial agreements	March 2011	To influence the recommendations made by the Law Commission in its report on the treatment of pre-nuptial agreements.

		with appropriate safeguards		
4. To examine the impact of the draft Family Procedure Rules in relation to financial proceedings and consider any guidance or training which could be disseminated through LFJCs	Chair of Money and Property Committee	To ensure that the changes introduced by the new Rules are publicised and to encourage consistency of practice	March 2011	Awareness at local level of the impact of changes introduced by the new Rules
5. To examine the operation of the current costs rules in financial proceedings, with particular reference to the use and effect of offers of settlement	Chair of Money and Property Committee	To ensure that the procedure helps to encourage parties to resolve their disputes by agreement, where possible	March 2011	A review of the current practice to consider whether any changes may be required to ensure the effective operation of the costs rules

**STRATEGIC OBJECTIVE 7:**

To identify changes in policy, practice and procedure that will enable the family justice system to listen more effectively to the Voice of the Child.

<b>Supporting Activity</b>	<b>Owner</b>	<b>Aim</b>	<b>Target Date</b>	<b>Outcome</b>
1. To support the dissemination of the new President's guidance on judges speaking to children during the course of proceedings e.g. through the distribution of the FJC DVD on children's experiences of family proceedings	Chair of Voice of the Child Committee	To encourage the family judiciary and practitioners to be aware of, and to be willing to use, the guidance	Jan 2011	Raised awareness of the arguments in favour of enhancing the participation of children in family proceedings among judiciary and practitioners.
2. To develop co-operation with AIT on how best the family justice and immigration systems can work together to deal with cases involving children which straddle both jurisdictions.	Chair of Voice of the Child Committee	To identify practical changes that will improve the quality of decision-making in cases involving children e.g. improving the exchange of information between the two jurisdictions.	March 2011	To provide best practice guidance to family justice system practitioners on dealing with children in the asylum system.
3. To examine whether the needs of children in care with Special Educational Needs are being addressed adequately	Chair of the Voice of the Child Committee	To examine claims that local authorities have been reluctant to statement children in care and to examine how these claims are dealt with on appeal to the tribunals	March 2011	To produce recommendations for the MoJ and DFE
4. To examine implications of Supreme Court judgment in Re: W on children giving evidence in family proceedings	Deputy Chair of FJC	Set up a Working Group on children giving evidence to identify needs for guidance	March 2011	To recommend to the President draft guidance for practitioners and judiciary on where it is appropriate for children to give evidence

**STRATEGIC OBJECTIVE 8:**

To identify changes in policy, practice, procedure and the provision of information to meet the legitimate needs of adult service users (parents, step parents and members of the wider family e.g. grandparents) of the family justice system

Supporting Activity	Owner	Aim	Target Date	Outcome
1. To take forward conclusions from Joan Hunt's research into the experience of parents using the family courts	Chair of Parents and relatives group	Identify practical options for improving the experience of parent users of the family courts	March 2011	Make recommendations for change to MoJ
2. To seek amendments to the Midlands Region document 'What the courts expect of you'	Chair of Parents and relatives group	To fill the current gap on the document relating to domestic violence	March 2011	To secure judicial agreement to amend the document with a view to dissemination throughout England and Wales.
3. To compile a directory of services and resources for parents using the family courts	Chair of Parents and relatives group	To improve accessibility of services to support parents	March 2011	Web based resource to be posted on FJC website and linked to other websites likely to be accessed by parents looking for advice to help them navigate through the family courts.

**STRATEGIC OBJECTIVE 9:**

To promote high quality, properly funded ADR, within a context of promoting the take up of ADR as a means of providing families with a proportionate and appropriate means of resolving their disputes without adjudication by a court.

Supporting Activity	Owner	Aim	Target Date	Outcome
1. To disseminate information material to judiciary on family mediation	Chair of ADR Committee	To improve awareness of judiciary of key facts relating to mediation	October 2010	A judiciary better informed about family mediation and less likely to make inappropriate requests/orders relating to mediators especially regarding confidentiality.
2. To prepare and disseminate, through Local FJCs, a comprehensive package of documents to support family judges and practitioners in identifying appropriate cases for referral to mediation.	Chair of ADR Committee	To improve understanding among judiciary and family justice professionals on how to make best use of mediation in appropriate cases.	March 2011	A better understanding on the part of colleagues working in the family justice system of the role of mediation and its potential to resolve disputes.
3. To continue to make the case for a policy of compulsory pre-court assessment	Chair of ADR Committee	To secure Govt commitment to, and funding for, universal, compulsory and free at the point of use mediation assessment in private law cases	March 2011	Ministerial agreement to introduce a regime of compulsory pre-court mediation assessment in all private law cases subject to clearly defined exemptions (e.g. where DV is an issue).

**STRATEGIC OBJECTIVE 10:**

To identify opportunities to develop and deliver inter-disciplinary education and training to key professional groups working in the family justice system

<b>Supporting Activity</b>	<b>Owner</b>	<b>Aim</b>	<b>Target Date</b>	<b>Outcome</b>
1. To compile a directory of inter-disciplinary training available to the professional groups working in the family justice system	Chair of Education & Training Committee	To provide a resource for professionals working in the family justice system to enable them to access key information used by other professions	March 2011	A web based resource posted on the FJC website with appropriate links to improve understanding and co-operation across the different disciplines working in the family justice system.
2. To examine scope for joint working with SCIE 7 DFE on training materials for social workers	Chair of Education & Training Committee	To act as a critical reader for draft training materials relevant to the role of social workers in the family justice system.	Oct 2011	To improve the quality and relevance of training materials social workers in preparing for, and giving evidence in, care proceedings.
3. To identify the scope for training on mental health issues	Chair of Education & Training Committee	To promote training on dealing with challenging and Borderline Personality Disorder clients in the family justice system	March 2011	To improve access to inter-disciplinary training for professionals in the family justice system dealing with challenging/BPD clients