

Family Justice Council
Report and Accounts
2007-08



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Foreword by the President

The third annual report of the Family Justice Council covers a year which saw proposals for change in the family justice system continue apace. The Council has, therefore, devoted much of its time to providing authoritative advice to Government on these proposals based on its uniquely inter-disciplinary perspective. Two issues are particularly worthy of note: the Public Law Outline and the decision of the Legal Services Commission to withdraw from funding assessments of capacity to parent.



As to the first, I was grateful to the Council for the quality of its contribution to the development of a new approach to case management in public law cases which has now found expression in the Public Law Outline.

As to the second, the Council accepted that Legal Aid was not the most appropriate source for funding assessments. However, it made vigorous representations to Government stressing the value to the courts of assessments and of the need for alternative sources of funding to come on stream before the existing arrangements come to an end. I have been pleased to learn that progress has since been made in developing new funding arrangements for assessments which are vital if parents are to be given a fair chance to demonstrate that they can care adequately for their children. The Family Justice Council is in an unrivalled position to enter into dialogue with Government on issues of this nature because its inter-disciplinary character gives it a wider and more holistic perspective than narrower, sectional interests can provide.

The national Family Justice Council is supported by 39 Local Family Justice Councils covering England and Wales. The Local Councils have made their own important contribution to the responses to consultations which the Council has submitted during the period covered by this report. The Local Councils are a valuable source of information about what is happening on the ground, across the country, and their input lends weight to the Council's views. On my visits to different parts of the country I have been widely impressed by the high standard of the training events which the Local Councils organise.

I wish to express my heartfelt thanks to the members of the Council for the time and energy which they have given to its work. It is a mark of the commitment of the Council's members to improving the family justice system, and especially the experience of the children and parents who use it, that in the midst of their busy professional lives they have produced advice and other work of such high quality, and all without remuneration or other reward. I am also grateful to the wider circle of people who have given freely of their time and expertise to serve on the Council's committees and on the Local Family Justice Councils.

I also wish to acknowledge the important and helpful contribution made by officials from, in particular, the Ministry of Justice, Her Majesty's Courts Service and the Department for Children, Schools and Families in their positive engagement with the Council on a wide range of issues.

Finally, I and Lord Justice Thorpe, and all the Council members, would like to thank our secretariat for their diligence in getting things done, over the last year, as well as all the court staff who support the work of the Local Family Justice Councils across England and Wales.

A handwritten signature in black ink that reads "Mark Potter." The signature is written in a cursive, slightly slanted style.

Sir Mark Potter
President

Chapter 1

How the Council Works



1.1 This is the third published annual report of the Family Justice Council and covers the work of the Council over 2007-08. 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, 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 ten 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 and Family Law Act 1996); and Money and Property (Matrimonial Causes Act 1973). In addition, there are cross cutting committees on Experts, Education and Training, Diversity and the Voice of the Child. There are currently two working groups on Domestic Violence and Transparency. The committees and working groups include co-opted members, who are not members of the full Council, as well as relevant Council members.
- 1.7 Chapters 3 to 11 following contain reports on the work of all of the Council's committees and the Domestic Violence working group. The work of the Transparency working group will be covered in chapter 2.
- 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 met several times during 2007-08 and the conference took place in September 2007 on the theme of diversity. A report on the conference is contained in chapter 7.

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). The meeting held in January 2008 was the first open meeting held by the Family Justice Council where twelve members of the public had the opportunity to observe the work of the Council at first hand.
- 1.10 Chapter 13 sets out briefly what the Council hopes to achieve in 2008-09.

Chapter 2

Overview of Activities and Issues in 2007-08



- 2.1 There were several significant initiatives affecting the family justice system from central Government, and others, during the period covered by this report. The Council responded to a number of consultation documents including those on the following important issues:
- marriage to partners from overseas;
 - court fees for public law proceedings;
 - transparency in the family courts;
 - legal aid reform, and;
 - case management in public law proceedings (the Public Law Outline).
- 2.2 The Council responded to the UK Border Agency's consultation on proposed changes to the rules governing spousal sponsorship. The Council's main interest in these proposals is in improving procedures to deter and detect forced marriage. The Council's response can be found on the FJC website at [www.family-justice-council.org.uk/docs/partnersfromoverseasproforma_with_answers_\(2\).pdf](http://www.family-justice-council.org.uk/docs/partnersfromoverseasproforma_with_answers_(2).pdf)
- 2.3 The Council was disappointed by the proposals from HMCS to increase the court fees for public law cases very substantially. The Council is aware of the long standing policy of full cost recovery that is applied to most public services which levy charges. However, the full rigour of this policy has not, in the past, been applied to the family courts and, in the Council's view, it is inappropriate to do so. Local authorities initiate care proceedings as part of their public duty to protect children at risk from harm. In this way, the family courts have more in common with the criminal courts than the civil courts where parties usually have a choice as to whether they bring or defend actions and do so in their private interests. The criminal courts are not funded through court fees.
- 2.4 The Council expressed concern about the impact of substantial fee increases on already overstretched local authority budgets. The Council understands that local authorities have been compensated for the fee increases but questions whether the amounts provided will be adequate to cover the need and is concerned that the fee increases will increase the risk that local authorities will take longer to issue proceedings, especially in the neglect cases.
- 2.5 It is a matter for some regret that HMCS made such a significant change in an important area of policy with inadequate consultation. Fee increases on this scale were never going to be popular but more could have been done to prepare stakeholders in advance.

- 2.6 The Council's response to the consultation can be found on the FJC website at www.family-justice-council.org.uk/docs/public_law_fees_final_version.pdf
- 2.7 Transparency is one of the most important policy issues to face the family justice system for many years. For this reason, the Council set up a working group to examine the issue. The members of the working group are: Lord Justice Thorpe (Chair), Paul Clark, Stephen Cobb QC, DJ Nicholas Crichton, Katherine Gieve, Dr Danya Glaser, Professor Judith Masson, HHJ Lesley Newton and Khatun Sapnara.
- 2.8 The working group drafted the Council's detailed response to the Government's second consultation paper, 'Confidence and Confidentiality' which is available on the Council's website at www.family-justice-council.org.uk/docs/Further_revised_response_to_transparency.pdf. The Council supports strongly proposals to make anonymised transcripts of court judgments available to the public. It is anxious to see more and better quality information on the workings of the family courts provided to the public. The Council looks forward to the Government response to its second consultation on this subject and trusts that a policy announcement will be made in due course.
- 2.9 The Council was concerned by the Legal Services Commission's proposed family fee scheme and by the specific proposals on funding children's care cases. The Council felt that these revised proposals would continue to accelerate the flight of high quality solicitors from publicly funded family work and would impact disproportionately on BME firms. The Council was particularly concerned by the proposal to remove the fee uplift for panel membership as this would undermine the system of specialist accreditation for family solicitors in child care cases. Membership of the panel is a mark of specialist expertise and experience in care cases. Panel members are able to conduct cases to a higher standard of quality, more efficiently and more quickly. This expertise should be recognised and rewarded as it is important to try to attract and retain high quality practitioners to public law work. The Council continues to doubt the reliability of the data and management information that the Commission has based its proposals upon and considers that a better understanding of how the current legal aid system works is urgently needed to inform proposals for reform.

2.10 The Council also regrets the Commission's decision to take funding for assessments of capacity for parenting out of scope. It can understand why the Commission no longer wished to fund assessments but cannot accept the attempt to dismiss assessments as of little value. There will continue to be a need for assessments in public law cases where, in many cases, they are of vital evidential value of great assistance to the court. This is another financial burden that will now fall on local authorities.

The full responses can be found on the FJC website at www.family-justice-council.org.uk/docs/Response_of_the_Council_to_the_Families_Fee_Scheme.pdf and www.family-justice-council.org.uk/docs/LSC_funding_criteria_response.pdf

2.11 The Council supported the introduction of the President's changes to the management of care cases contained in his Public Law Outline and full comments can be found at www.family-justice-council.org.uk/docs/FJC_safeguarding_committee__final_Version.pdf

2.12 The Council welcomed the consultation on volume 1 of the draft revised guidance on the Children Act 1989 issued by the Department for Children, Schools and Families. The guidance is in need of revision and this presents an opportunity to increase its usefulness and relevance to social and health care professionals. The response can be found at www.family-justice-council.org.uk/docs/Response_to_the_guidance_consultation_CSP_committee_FINAL__Version.pdf

2.13 The Home Affairs Select Committee invited members of the Council to give oral evidence as part of its inquiry into domestic violence, forced marriage and honour based violence. The Council also submitted two pieces of written evidence to the Select Committee, one covering domestic violence policy across the board and the other focusing on forced marriage and honour-based violence. These submissions can be found at www.family-justice-council.org.uk/docs/Response__of_the_FJC__to__the_Home_Affairs_Select_Committee__DV_Inquiry.pdf and www.family-justice-council.org.uk/docs/HBVM_submissions.pdf

2.14 The Council devoted much of its capacity to responding to these consultation papers, and to others, but it was also pro-active in 2007-08. Three of the Council's initiatives taken forward this year included:

- Enhancing the Participation of Young People - the Council has published a discussion paper setting out the arguments and possible methods for enhancing the participation of children and young people in family proceedings. For more details please see chapter 9.
- Meeting with Parents' groups - a meeting of organisations that represent the views of, and work with, parents was convened at the House of Commons in October 2007 in order to explore ways to improve the Council's engagement with parents and to identify methods of taking parental views into account in the work of the Council. A full report on the event can be found at http://www.family-justice-council.org.uk/docs/FAMILY_JUSTICE_COUNCIL_EVENT_-_parents_Forum.pdf
- Concurrent planning - the Council held the first in a series of seminars for practitioners on the issue of concurrent planning for permanency in public law proceedings. A report of the event can be found at http://www.family-justice-council.org.uk/docs/The_Family_Justice_Council_Concurrent_Planning_Seminar-website.pdf

2.15 In addition to the quarterly meetings of the Council, the FJC sponsors biennial interdisciplinary conferences for family justice professionals, the most recent took place at Dartington Hall in September 2007 (see chapter 7), and an annual residential conference for representatives of Local FJCs, which this year will take place at Highgate House in April 2008.

2.16 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 11 following.

Chapter 3

The Children in Families Committee



Membership

Jane Craig (Chair)	Solicitor
Martyn Cook	Family Magistrate
Nicholas Crichton	District Judge, Inner London Family Proceedings Court
Elizabeth Hall	Head of Safeguarding, Cafcass
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
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

HMCS Officials in attendance

Jane Dukes	Head of Children's Proceedings Branch
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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. 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.

Activities in 2007-08

- 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 In its second full year, the Committee has concentrated on work arising from the publication of its report to the President, on cases when the court is invited to make an order for contact by consent where domestic violence is an issue.

The report can be found on the Council's website at www.familyjusticecouncil.org.uk/Reportoncontact.pdf and www.familyjusticecouncil.org.uk/docs.contactssummary.pdf.

Follow up activities included a presentation to the judges of the Family Division by the Chair of the Committee and Lord Justice Wall. A summary of the report was placed on the judicial intranet and it was circulated to all the members of the Council of Circuit Judges and the Association of District Judges. A letter from the Chair, together with a copy of her article from Family Law, published in January 2007, was sent to each of the Local FJCs, asking for comments and feedback. A useful picture of practice in the various parts of England and Wales was compiled from these responses which was then circulated to Local FJCs and to the Judicial Studies Board.

- 3.3 Following publication of the report, the President indicated that he would publish a Practice Direction and the Committee assisted in its formulation, examining and commenting on drafts and providing valuable feedback on the text and content.
- 3.4 During the year, the Committee also engaged closely with officials from Her Majesty's Court Service, providing advice and input into work on the drafting of new rules governing family proceedings, particularly with reference to rules being designed to give the greatest possible encouragement to mediation. The Committee was strongly of the view that the court should be able to stay proceedings of its own motion to require parties to attend a compulsory intake meeting with a mediator.

- 3.5 It also met with officials of the DfES (as it then was) to discuss the work being done on the Relationship Breakdown programme. The Committee was particularly interested in the preparatory work being done on the “contact activities” included in the Children and Adoption Act 2006, due for implementation in late 2008.
- 3.6 The Committee was concerned about differing practices between Cafcass in England and CAFCASS CYMRU in the routine making of safeguarding checks in all private law cases. Although these were routine in Wales, on receipt of legal advice, Cafcass in England had discontinued them. The Committee considered this a matter of child protection and necessary to ensure that relevant information is placed before the courts before decisions on residence and contact are taken. The Chair of the FJC wrote to the relevant ministers expressing the Council’s concern and developments are awaited.
- 3.7 Other activities during the year included assistance with the paper produced by the Voice of the Child Group on ‘Enhancing the Participation of Children and Young People in Family Proceedings’, and meeting researchers working on a literature review of parents’ experiences of the courts, to provide suggestions for the direction of research and useful contacts. The Committee led on the response to the Department of Work and Pensions consultation on Joint Birth Registration.

Chapter 4

The Children in Safeguarding Proceedings Committee



Membership

Katherine Gieve (Chair)	Solicitor
Bruce Clark	Deputy Director, Partnerships Division, DfES (DCSF)
Paul Clark	Director, Children’s Services, London Borough of Harrow
Stephen Cobb QC	Barrister
Martyn Cook	Family Magistrate
Nicholas Crichton	District Judge, Inner London Family Proceedings Court
Deborah Cullen	Legal Group Secretary, British Association for Adoption & Fostering
Danya Glaser	Consultant Child and Adolescent Psychiatrist
Sheridan Greenland OBE	Director, Care Proceedings Programme and Civil and Family Business Systems, HMCS
Elizabeth Hall	Head of Safeguarding, Cafcass
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
Lesley Newton	Circuit Judge, Manchester
Rosalyn Proops	Consultant Community Paediatrician
Khatun Sapnara	Barrister
Christine Smart	Children’s Rights Director, Cafcass
Nabila Zulfiqar	Solicitor, Birmingham City Council

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 Family Justice Councils.
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 2007-08

- 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. This has been a busy year for the Committee with a number of important initiatives and consultation documents being issued by several government departments and agencies.
- 4.2 Following its work last year responding to the consultation on legal aid and to the Government's review of child care proceedings, the Committee led the Council's responses on the Legal Services Commission's consultation on the funding criteria for child care proceedings. This raised concerns about the additional burdens placed on lawyers in more complex cases and about the importance of ensuring that parents in public law proceedings receive the best possible representation. The Committee was gravely concerned about the proposed withdrawal of funding for residential assessments which it considered would jeopardise the appropriate funding of proceedings designed to protect some of the most vulnerable children in society. It made a strong argument for the use of residential assessments, particularly in cases involving babies.
- 4.3 The Committee also responded to consultations on the Public Law Outline, a new initiative designed to streamline and simplify the procedure for resolving these difficult and important cases. The Committee welcomed the PLO while, at the same time, considering that the ongoing problems in obtaining representation and the decision to withdraw funding for residential assessments could impact upon it.

- 4.5 The Committee responded to the consultation issued by the DCSF on the new guidance on court orders under the Children Act for local authorities, providing both practical and overarching interdisciplinary suggestions.
- 4.6 The Committee led on the Council's robust response to the Government's consultation on Public Law Family Fees. Strong concern was expressed at the principle of full cost recovery being applied to these cases. The Council remains of the view that such cases should be considered on a similar basis to criminal cases which are not required to operate on the principle of full cost recovery. Local authorities initiate care proceedings in order to fulfil statutory and public duties to protect vulnerable children. These cases share more in common with criminal cases, when the state prosecutes in order to protect the public, than with civil cases where private interests are at stake and where parties usually have a choice whether or not to resort to the courts. Once again, the inter-disciplinary nature of the Council enabled it to comment from a position of authority. The Council remains disappointed with the Government's decision to implement the changes regardless of the considerable concern expressed.
- 4.7 All the responses mentioned above can be found on the Council's website at www.family-justice-council.org.uk
- 4.8 In November 2007, the Committee hosted a seminar at the Inner Temple in London on Concurrent Planning for Permanence. This is a scheme which allows a child to be placed on a fostering basis with carers who are approved for both fostering and adoption. Birth parents are offered a service to establish what changes they would need to make within a few months to be able to meet their child's needs on a more permanent basis and appropriate services are arranged. If the birth parents cannot make sufficient changes and no suitable carers from the extended family can be identified, the child remains with the concurrent carer and is adopted. This avoids damaging moves for the child to different carers. The scheme has strong supporters but others take a more cautious approach. The event was an opportunity for interested individuals to hear more on both sides of the argument and to ask questions and take part in discussion. This was the Council's first event of this kind and, encouraged by the excellent feedback from this, it plans to hold more. A write up of the seminar is available on the Council's website at www.family-justice-council.org.uk/docs/The_Family_Justice_Council_Concurrent_Planning_Seminar-website.pdf.

Chapter 5

The Money and Property Committee



Membership

Florence Baron (Chair)	Family Division High Court Judge (Chair until 31st December 2007)
Rebecca Bailey Harris	Barrister, Emeritus Professor of Law, Bristol University
David Bodey	Family Division High Court Judge (Chair from 1st January 2008)
Simon Bruce	Resolution: Solicitor
Jane Craig	Solicitor
Nicholas Cusworth	Family Law Bar Association (FLBA)
Nigel Dyer QC	FLBA
Lynn Graham	Legal Services Commission
Philip Marshall	FLBA
Edwina Millward	District Judge, Maidstone
Nicholas Mostyn QC	FLBA
Jeffrey Nedas	Chartered Accountant, BDO Stoy Hayward LLP
Maggie Rae	Solicitor
Mathew Thorpe	Lord Justice of Appeal and Deputy Head of Family Justice
Peter Watson-Lee	Solicitor
Philip Waller	The Senior District Judge
Nicholas Wilson	Lord Justice of Appeal
HMCS official in attendance	
Cheryl Morris	Head of Family Relationships Branch 1

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 2007-08

- 5.1 Following its involvement with the consultation process on the future of Child Support during last year, the Committee responded to the White Paper 'A New System of Child Maintenance', in April 2007. While it welcomed some of the proposed changes to simplify the administrative structure and to encourage parents to agree their own arrangements, it had concerns that the proposals would not, by themselves, bring about the change of culture required. It proposed that in cases where the court was already dealing with other aspects of financial affairs it would be appropriate for the court also to be able to deal with child maintenance. It also reiterated its opposition to the retention of the 12 month rule, whereby 12 months after an agreement, parties are free to apply to the Child Maintenance and Enforcement Commission, arguing that this would discourage parties from entering into agreements, knowing that that either one could go behind the agreement after 12 months.

- 5.2 The Committee took an active interest in the progress of the Child Maintenance Bill through the Parliamentary process, including the provisions for disclosure of information obtained during family proceedings about which it expressed concern.
- 5.3 The Committee was disappointed that the Government decided not to proceed with the recommendations of the Law Commission on improving the legal rights of cohabitants. The Committee has, through the Council, expressed its views to ministers and stands ready to assist when the position is reviewed in the light of the experience gained from the operation of new legislation in Scotland.
- 5.4 It has continued to press for reform of the principles governing ancillary relief under Part II of the Matrimonial Causes Act 1973 and will work with the Law Commission when it considers marital property agreements as part of its 2009 programme of law reform. It has also pressed for reconsideration of previous legislation, which was not brought into law, to authorise interim lump sum payments.
- 5.5 The Committee responded on behalf of the Council to the Government consultation on Civil Court fees in June 2007. Following requests from HMCS it provided assistance on proposed amendments to court forms.
- 5.6 It consulted both the Family Law Bar Association and the Legal Complaints Service, to attempt to obtain data on complaints about the conduct of financial cases by lawyers, in order to inform its project on dissemination of good practice in financial proceedings.

Chapter 6

The Diversity Committee



Membership

Khatun Sapnara (Chair)	Barrister
Bode Adesida	Consultant Child and Adolescent Psychiatrist
Florence Baron	High Court Judge
Julia Brophy	Senior Research Fellow, University of Oxford
Jane Craig	Solicitor
Maria Dennis	Solicitor
Peggy Ekeledo	Solicitor
Sally Field	Head of Family Justice Division, HMCS
Teertha Gupta	Barrister
Elpha Lecointe	Barrister
Sherry Malik	Corporate Director, Strategy and Performance, Cafcass
Judith Masson	Professor of Socio-Legal Studies, Bristol
Simone McGrath	Solicitor
Sam Momtaz	Barrister
Azmat Nisa	District Judge
Frances Orchover	Barrister
Yasmin Rehman	Director of Senior Partnerships & Diversity, Metropolitan Police
Katy Rensten	Solicitor
Neela Shabde	Consultant Paediatrician
Christine Smart	Children's Rights Director, Cafcass
Stuart Stevenson	Children's Guardian
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 2007-08

- 6.1 The Committee met six times during the reporting year and many of its activities centred around its continuing provision of advice to the Council, its committees and others on a range of diversity issues.
- 6.2 As part of this, the Committee provided input to the Council's responses to several consultations. The subjects covered included: Legal aid; transparency; the Inquiry into Domestic Abuse, focusing on forced marriage and honour-based violence, conducted by the Home Affairs Select Committee; proposed changes to the rules governing marriage to partners from overseas, and; the Forced Marriages Act 2007 - the consultation on relevant third party issues, provision for children and which courts should have jurisdiction. The Committee also began working on the diversity aspects of the Parenting Assessment Manual - Skills Index and Cultural Knowledge to be incorporated in a new manual with the aim of raising awareness and assisting social care professionals in terms of cultural diversity.

- 6.3 A large part of the Committee's early work during the period focused on the diversity impact of the development of the Unified Family Court. In particular, the Committee provided feedback on Diversity Impact Assessments and a questionnaire to be completed by court users as part of a pilot. It highlighted the need to take into account that some users may not have English as their first language and to consider disability issues.
- 6.4 The Committee continued its work on compiling a 'Glossary of Common Terms Used in Family Proceedings'. This was widely distributed through the Local FJCs and other organisations and published on the FJC website at www.family-justice-council.org.uk/docs/FJC_Glossary_of_terms_in_family_proceedings.pdf. It was designed to assist interpreters working within the family justice system.
- 6.5 The Committee was pleased to highlight a series of publications 'The Court and Your Child', on the Council's website towards the end of 2007. These can be found at www.family-justice-council.org.uk/publications.htm. Written by legal professionals, they provide accessible explanations for parents with learning disabilities involved in both public and private law proceedings. The FJC agreed to finance the costs of translation of booklets into a number of languages, which would also be made available on the Council's website.
- 6.6 As the 2007 Dartington Interdisciplinary Conference adopted 'Integrating Diversity' as its theme, the Committee was very much involved in its planning and organisation. The contributors were mainly drawn from professionals working within the family justice system. The collected papers were published by Jordans in February 2008 and the resolutions arising from the discussions feature on the Council's website: www.family-justice-council.org.uk/docs/Dartington_Resolutions.pdf. Further information about the conference can be found at Chapter 7.

Chapter 7

The Dartington Hall Conference



- 7.1 The biennial Dartington Hall Conferences began in 1995, and the seventh conference took place between the 28th and 30th September 2007. 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.familyjusticecouncil.org.uk/docs/fjc_ra.pdf).
- 7.2 The 2007 conference: 'Integrating Diversity' was the second to be organised by the Family Justice Council. An interdisciplinary planning group, together with the Diversity Committee of the Family Justice Council, identified the speakers and themes and put together a programme. The Conference was addressed by a number of distinguished speakers who came from appropriately diverse backgrounds including medicine, the law and academia. The collected papers were published by Jordans in February 2008.
- 7.3 The Conference had seven plenary sessions over three days:
- What is Diversity and how does it impact on the family justice system?
 - Human Trafficking and Asylum Seekers
 - Changing Face of Families
 - Parental Disabilities and their impact on children
 - Child Protection and Culture
 - Family Placement and Culture
 - Conference Action Points
- 7.4 For the first time at a Dartington conference, a small drafting committee met each day to review suggestions for resolutions and the final plenary session saw the presentation of 14 resolutions under the title "Neither Blind to nor Blinded by Culture". The first of these resolutions states:
- "There are no homogeneous cultures. We must understand culture in context as it is not monolithic or static but variable and dynamic. The conference recommends that in dealing with individual cases all professionals involved in family justice do receive appropriate training to enable them to elicit culturally related information that is relevant".
- 7.5 The resolutions are listed in full on the Council's website at www.family-justice-council.org.uk/docs/Dartington_Resolutions.pdf
- 7.6 The Conference papers have been circulated to the Local FJCs to provide material for training events on diversity.
- 7.8 The eighth Dartington Conference will be held in the autumn of 2009.

Chapter 8

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
Jane Craig	Head of Family Law Dept, Manches LLP
Colin Ferrie	Consultant Paediatric Neurologist
Katherine Gieve	Solicitor
Danya Glaser	Consultant Child and Adolescent Psychiatrist
Jane Ireland	British Psychological Society
Karl Johnson	Consultant Paediatric Radiologist
John Pinschof	British Psychological Society
Rosalyn Proops	Consultant Community Paediatrician
Gregory Richardson	Consultant Child and Adolescent Psychiatrist
Michael Shaw	Consultant Child and Adolescent Psychiatrist
Neil Stoodley	Consultant Neuroradiologist
Joan Trowell	General Medical Council
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 Family Justice Councils.

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 2007-08

- 8.1 The Committee met four times during the year. Having responded to the proposals made in the Chief Medical Officer's report on the provision of expert evidence in family cases, Lord Justice Thorpe, the Committee's Chair, joined the Programme Board considering the programme for implementation. Comments and concerns expressed to the Committee were fed back to the Programme Board and the Committee remained in touch with progress on the plans for implementation.
- 8.2 The Committee was concerned with the continuing problems in persuading experts to give evidence in proceedings, which is often considered to be caused by a fear of being the subject of a complaint to the General Medical Council. Although there are few of these complaints, the perception that it is more common has been fuelled by a number of high profile cases in the recent past. It was essential to address this fear and the Committee was keen to work with the General Medical Council to achieve this. A meeting was held in July 2007 with representatives from the GMC, the Committee and the Department of Health to discuss the matter. It was agreed that enabling the GMC to obtain transcripts of relevant judgments quickly would assist in dealing with complaints and work on a possible Practice Direction to facilitate this was discussed. Although this would be useful it will not address the problem with perception and further work on this is planned.

- 8.3 One method of demystifying the court system for potential expert witnesses is to allow them to shadow a judge and, if possible, observe an expert giving evidence. Such ‘mini pupillage’ schemes are run in a number of areas of the country and the London one is administered by the Family Justice Council Secretariat. The Committee discussed how best to organise the system in London and how to alleviate the practical problems of ensuring that a doctor is able to attend court on a day when relevant expert evidence is being given. The Committee agreed that a system for experts, who have been called to give evidence, to provide details of the projected dates for their court appearances to a central point would assist in this. A scheme is being formulated and work on its development and publication will be continued in the coming year.
- 8.4 The new Public Law Outline, which superseded the Protocol for Judicial Case Management, required a new President’s Practice Direction on the use of experts in family cases relating to children, and the Committee provided assistance to the Family Procedure Rule Committee on its drafting. Suggested questions that experts should be asked in letters of instruction from solicitors, which had been previously formulated by the Family Justice Council, were to be annexed to the Practice Direction, and the Committee took the opportunity to further discuss and revise these questions.

Chapter 9

The Voice of the Child Sub Group



Membership

Nicholas Crichton (Chair)	District Judge, Inner London Family Proceedings Court
Paul Clark	Director, Children’s Services, LB Harrow
Carolyn Hamilton	Professor of Law, University of Essex & Office of the Children’s Commissioner for England
Judith Masson	Professor of Socio-Legal Studies, Bristol University
Lesley Newton	Circuit Judge, Manchester
Beverley Sayers	Family Mediator
Christine Smart	Children’s Rights Director, Cafcass

HMCS Official in Attendance

Vilopa Patel	Family Law and Justice Division
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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 2007-08

- 9.1 The Sub Group's work has centred on the participation of children and young people in family proceedings. It believes that an enhanced level of participation by children is desirable and that as part of the shift towards greater involvement of children in proceedings, and the emphasis on respecting the child's views, the practice of judges seeing and talking to children during the course of proceedings should be encouraged. The Sub Group's aim is to assist the President in arriving at a policy position, with a view to issuing a Practice Direction setting out guidance for the judiciary. In pursuit of these objectives, the Sub Group presented a paper to stimulate debate on how the voices of children could best be heard during family proceedings. It explored ways in which to increase participation of children and young people and considered the legal, human rights, child welfare, training and resources issues that arose. The paper was published in Family Law and circulated widely, inviting interested parties to comment. It will form part of the programme at the Local Family Justice Council conference in April 2008
- 9.2 The Sub Group has also worked with a Young People's Reference Group, managed by the National Youth Advocacy Service, to help promote the views of children who have experience of the family justice system and to improve the efficiency and effectiveness of the services to children and young people. The Council agreed to fund this for two financial years and this period came to an end in March 2008. It was very satisfied with the quality of the input that it has received from the Group and the views of the children and young people were of great value in taking forward the Council's work on transparency and a range of other issues. They also gave a thought-provoking presentation to the FJC meeting in March 2007 which illustrated their work; their concerns about family courts; and their views on current issues such as transparency and judges speaking to children.

- 9.3 The Council feels that the time is now right to look for collaboration with children and young people's groups from other geographical areas, with different demographics, and is currently exploring ways of expanding its capacity to engage with similar groups.
- 9.4 The Sub Group was involved in a number of consultations during the year, such as inputting to the FJC's response to the UK Border Agency's consultation on the Code of Practice for keeping children safe from harm.

Chapter 10

The Domestic Violence Working Group



Membership

Marilyn Mornington (Chair)	District Judge, Barnsley
Jillian Alldridge	Cafcass
Barrie Cole	District Judge, Croydon
Mererid Edwards	Barrister
Irene Evers	Legal Services Commission
Elena Fowler	National Youth Advocacy Service
Edwina Greenwell	Cafcass
Elizabeth Hall	Head of Safeguarding, Cafcass
Teresa Hallett	CAFCASS CYMRU
Darren Howe	Barrister
Marianne Huison	West Yorkshire Police
Kate Iwi	RESPECT
Jagbir Jhutti-Johal	University of Oxford
Robin Mackenzie	Director of Medical Law and Ethics, University of Kent
HH Judge Lesley Newton	Circuit Judge, Manchester
Azmat Nisa	District Judge, Kingston-upon-Thames
Jasvinder Sanghera	University of Derby
Carolyn Schofield	Legal Services Commission
Neil Smith	Hertfordshire Police
Katie Walker	Roberts Centre
Jill Welch	Solicitor
Anthony Wills	Standing Together

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 Family Justice Councils.
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 2007-08

- 10.1 The Working Group has built on the successful launch of the 'You don't have to live in fear' DVD, part funded by the Council, by promoting its wider distribution among relevant professionals and services working with victims of domestic violence. The DVD is a guide for victims of domestic violence on the family court process and explains the legal remedies available to victims.
- 10.2 The Chair of the Working Group gave oral evidence to the Home Affairs Select Committee's Inquiry into domestic violence, forced marriage and honour based violence. Members of the Group provided substantial input to the written evidence submitted by the Council to the Inquiry. The Group also made important contributions to the Family Justice Council's responses to public consultations on Marriage to Partners from Overseas and on Relevant Third Parties in the context of the Forced Marriage (Civil Protection) Act 2007.

- 10.3 The Group worked together with the Legal Services Commission in drafting a questionnaire for circulation to the Local Family Justice Councils on the impact of the Legal Aid reforms on the supply of firms willing to undertake publicly funded work. This will provide the Commission with valuable feedback from across England and Wales.
- 10.4 The Group has been monitoring the implementation of the Domestic Violence, Crime and Victims Act 2004 and has fed back to the Ministry of Justice a number of concerns it has as a result of anecdotal evidence received from courts across the country. These concerns include issues about the level of preparedness of some police forces and some CPS areas for their new responsibilities under the legislation. The Group looks forward to working with the MoJ to address these concerns.
- 10.5 The Group wishes to promote more effective co-ordination between the family and criminal justice systems in tackling domestic violence. As a first step in this direction, the Group will be examining the scope of the network of Multi-Agency Risk Assessment Conferences, currently available in many areas in the criminal system, to be made available to the family courts.
- 10.6 The Working Group reconstituted itself with a largely new membership in January 2008 and is the only one of the Council's bodies to hold most of its meetings outside London.

Chapter 11

The Education and Training Committee



Membership

Judith Masson, Chair	Professor of Socio-Legal Studies, Bristol University
Sheena Adam	Cafcass
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
Jean Price	Paediatrician, Child and Family Services, Southampton
Neela Shabde	Paediatrician
Judith Trowell	Tavistock Clinic

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 2007-08

- 11.1 During this reporting period, the Committee completed a mapping exercise of the inter-disciplinary education and training currently available to new entrants to the key professional disciplines working in the family justice system. During the work on this exercise the Committee found that there was a widespread lack of awareness among all the key professions in the family justice system about the inter-disciplinary training options and materials available. After considering the information gained through the mapping exercise, the Committee decided to focus on inter-disciplinary training for local authority social workers.
- 11.2 The Committee has now begun to engage with the bodies responsible for providing training to social workers and is in the process of identifying suitable partners for joint working in this area. The Committee feels that there is currently an unmet need for training social workers in courtroom skills and in the preparation of cases for hearing in court. The Committee has also decided to focus on report-writing standards for social workers. It aims to work with a partner organisation to design and deliver appropriate training materials to meet these needs.

11.3 The Committee has responded to requests from some Local FJCs to provide a steer on subjects for training events. It has identified diversity, the role and uses of kinship in public law cases, mental health and immigration as possible topics.

11.4 The Committee has also begun to engage with the UK Borders Agency on improving awareness among the professionals who operate in the family justice system of the impact of immigration status and rules on cases that come before the family courts.

Chapter 12

Local Family Justice Councils



12.1 The Local Family Justice Councils (Local FJCs) were set up in 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 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.

12.2 There are 39 Local FJCs in England and Wales, nearly all of which are 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 and voluntary agencies. The Local FJCs are supported by a part-time administrator drawn mostly from local HM Courts Service staff. Towards the end of 2007, the FJC Secretariat established a central database of all Local FJC members across England and Wales. This has proved a useful resource for communicating with particular groups.

12.3 The frequency of Local FJC meetings varied between two to four during the course of the year. On the whole, the Local FJCs decide their own priorities for work but are given periodic steers from the national Council. Whilst providing feedback on national issues such as legal aid, public law fees, consent orders and domestic violence, the Local FJCs have also been proactive in tackling issues in their own area. Patterns have emerged showing that many areas looked at issues such as delay, family group conferencing and information-sharing protocols with the police. In particular, the Suffolk FJC has taken an active role in monitoring delay in public law cases and the area consistently achieved excellent performance against the Public Law targets. Greater Manchester produced some guidelines for dealing with linked care and placement orders so as to minimise the delays that can occur in such cases. This guidance was circulated to all Local FJCs as an example of good practice. In addition to their main meetings, many Local FJCs have sub-committees to which specific issues can be referred for more detailed consideration. These include adoption, the use of experts in court proceedings and family court users.

- 12.4 Some Local FJCs have shown further initiative on the administrative and communications side of their work. For example, Humberside produces a regular newsletter summarising the latest family law developments, West Mercia has collated an experts directory for the area, Dorset has launched its own local website and Devon has compiled an email tree to cascade information more efficiently.
- 12.5 A steady exchange of information between the national and Local FJCs continued throughout the year. In particular, the views of the Local FJCs on consultation exercises proved to be helpful in formulating the national Council's responses.
- 12.6 One of the most important functions of the inter-disciplinary Local FJCs is to host training events for local practitioners. The national Council was pleased by the range and quality of events staged this year. The subject matter for the events was left to the discretion of the Local FJCs and, as would be expected, many focused on the introduction of the Public Law Outline. However, there have also been seminars on topics such as post-natal depression, drugs, forced marriage and immigration issues in family justice. Merseyside and South Yorkshire have been particularly strong in this area, both hosting several events. In some areas, money raised by these events has been donated to local charities as has been the case in Cambridgeshire and Warwickshire.

- 12.7 During the course of the year, a growing number of Local FJCs have set up a mini-pupillage scheme. These schemes assist medical practitioners, and other experts, to gain experience of court proceedings in family cases by sitting with a judge at hearings in which relevant expert evidence is expected to be given. They enable experts to become familiar with the court environment, prepare them for presenting evidence in court and provide a clearer understanding of the legal context. Originally administered from the Royal Courts of Justice in London, the schemes have now been extended across England and Wales through the work of the Local FJCs.
- 12.8 A conference was held in London for Local FJC administrators in 2007. The aim of the event was to give the administrators an opportunity to meet each other, to discuss areas of concern and to share good practice. It also gave the FJC secretariat an opportunity to explore options for better communication with the Local FJCs and to draft a job description for administrators. The feedback from the conference was positive and delegates suggested that it become an annual event. Consequently, plans are in progress to stage another conference, to be held in Manchester in November 2008. Work is also underway to compile a handbook for Local FJC administrators which will be launched at the event.

Chapter 13

Challenges for 2008-09



13.1 The Council has set itself eight strategic objectives to guide its work in 2008-09. The Council's Business Plan for 2008-09 is attached at Annex D. The Secretary of State for Justice has noted these objectives. They are:

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

13.2 The Local FJCs were set up in 2005 and many of them have established themselves as champions of effective inter-disciplinary working in their areas. Others are currently less effective and communication remains a problem in some areas. To improve communication and networking between the national and Local FJCs, the Secretariat intends to visit all 39 Local FJCs over the coming year. The Secretariat has organised a conference for the administrators of the Local FJCs to take place in Manchester in November 2008. The purpose of the conference is to bring the Local FJC administrators together to share experience and to identify common solutions to common problems.

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.

13.3 The Diversity Committee is aware that most of its attention, for the first two years of its existence has been focused on London. In an effort to address this, the Committee will be holding an event for Local FJCs outside London in October 2008. This will provide an opportunity for representatives from Local FJCs to talk to members of the Committee about its work. The event will also enable the Committee to find out what is happening in the local Councils and what can be learnt from the experience of different areas. The Committee also feels that it needs to be more outward facing and, over the coming year, it intends to consult with groups representing the interests of BME communities to identify the most important issues for the Committee to address.

13.4 The Diversity Committee has been asked by the Ministry of Justice to participate in a diversity audit of its family justice policies and will continue to work with MoJ officials on this over the coming year. This work involves commenting on, and contributing to, Diversity Impact Assessments on the MoJ's policies.

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

13.5 The Experts Committee will review methods to monitor the impact of the Public Law Outline on the use of experts with the aim of providing early warning of any problems. The Committee also intends to take forward related projects in 2008/9:

1. examining the feasibility of introducing a system to provide feedback to experts on the quality, and usefulness to the court, of their evidence, and;
2. examining the options for researching the quality of experts' written reports.
3. through training (including mini-pupillages) continue to encourage medical professionals to better understand and work in the courts.

The Committee believes that health experts would find feedback from the courts helpful in improving the quality of their evidence and that there is a need for research into the quality of report-writing by experts as a first step towards formulating some meaningful report-writing standards.

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

13.6 The Children in Safeguarding Proceedings Committee will focus on supporting the implementation of the Public Law Outline through preparation of a good practice handbook and advising on research needs. It will take forward work on the role and effectiveness of local authority panels, Independent Reporting Officers and parenting assessments in public law cases. The Committee will also collaborate with the Education and Training Committee on seeking to influence Government policy on the recruitment and retention of social workers.

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

13.7 The Children in Families Committee will provide expert advice to the Ministry of Justice on forthcoming new draft rules and forms intended for use in applications for contact. The Committee will also monitor the implementation of the contact provisions of the Children and Adoption Act 2006 and will seek to influence the development of policy in this area. The Domestic Violence Working Group intends to work with Local FJCs to support the introduction of the new Practice Direction on consent orders in cases with a history of domestic violence and on a mapping exercise to identify the availability of perpetrator programmes. The Working Group will examine the scope for family courts to refer cases to Multi-Agency Risk Assessment Conferences which currently take the great majority of their cases from the police and criminal courts.

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

13.8 The Money and Property Committee plans to monitor the operation of the recent Scottish legislation on the legal rights of cohabitants in the interests of securing a better informed debate on implementing the Law Commission's recommendations on cohabitation in England and Wales. The Committee will also seek to make the case for reform of the law on pre-nuptial agreements. The Committee will work with Local FJCs in promoting a more uniform approach to Financial Dispute Resolution (FDR) hearings and other aspects of financial proceedings through the identification and dissemination of best practice.

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.

13.9 The Voice of the Child Committee will organise a formal debate on its paper on enhancing the participation of children in the family justice system. The purpose of the debate will be to stimulate discussion on the issue within and between the professional groups that work in the family justice system. The Committee will also play a key role in identifying a new partner organisation to run the Children and Young People's Group in order to provide the Family Justice Council with the input of young people to its work.

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

13.10 The Education and Training Committee will disseminate its mapping of the existing inter-disciplinary training that is available to new entrants to the key professions working in the family justice system. This will be used to increase awareness of the gaps in provision and of those areas that need improved inter-disciplinary training. The Committee intends 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 cases and to give evidence in court. The Committee will also seek to establish partnerships between the Council and bodies responsible for the provision of training in the key professional groups. The Committee plans to work on a toolkit designed to help Local FJCs in organising training events.

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

Membership of the Family Justice Council

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.

Governor: Thomas Coram Foundation.

Trustee: St Saviour's Priory; Muzaffarabad Earthquake Appeal

Mrs Justice Baron

The Hon. Mrs Justice Baron was born in 1952. She was educated at Jersey College for Girls and thereafter at St Hugh's College, Oxford. She is a Bencher of Middle Temple having been called to the Bar in 1976. She became a Silk in 1995. Her practice speciality was "Big Money" cases and she was in a number of leading cases. She advised many celebrities and members of Royal Families including the Prince of Wales. She was Head of Chambers at Queen Elizabeth Building from 2001 until her appointment to the High Court Bench in January 2004. She is on a number of committees. Her interests include Ballet, Opera and travel.



Mr Justice David Bodey **Chair of the Money and Property Committee**

Practised in all areas of Family Law from 1970, taking Silk in 1991. Recorder of the Crown Court 1993. Chairman of the Family Law Bar Association 1997 to 1999. A Bencher of the Middle Temple 1998. Appointed to the High Court Bench in January 1999. Family Division Liaison Judge for the North Eastern Circuit 2000 to 2007.



Paul Clark **Director of Children's Services**

Paul Clark began his career training as a lawyer but he changed direction and subsequently qualified as a social worker working in Northamptonshire where he managed local teams, family centres, children's homes and later the county information system.



He moved to the Social Services Inspectorate where he led on child protection. He was seconded to manage Cleveland Social Services children and families after the "crisis" and then later rejoined the SSI.

Paul worked for one year with the Chief Inspector of Prisons when he wrote the Young Prisoner report. He returned to the SSI and became national lead on Quality Protects, Youth Justice and Complex Abuse.

He worked in Hertfordshire County Council as Deputy Director, Children, Schools and Families and moved to Harrow Council in October 2003 as the Director of Children's Services. He is a board member of Child Exploitation and Online Protection Centre (CEOP) and a Fellow of the Royal Society of Arts.

Stephen Cobb QC

Stephen Cobb was called to the Bar in 1985, and was appointed Queen's Counsel in 2003. He has specialised in family law at the bar since 1990. The majority of his work concerns children, in public and private law proceedings, and occasionally by way of judicial review.



He is a member of the FJC's Experts Committee, the Children in Safeguarding Proceedings Committee, and of the Executive Committee. He has participated in the preparation of responses on behalf of the FJC on a range of important topics, including transparency, expert evidence, and public funding. He has worked on the Family Procedure Rules Working party on Experts, and sits on the Ministry of Justice Family Court Information Pilot Advisory Board.

He is a Recorder, sitting in family and in crime; he is the Vice-Chairman of the Family Law Bar Association, and Joint Head of his chambers in London. He is a member of the Professional Advisory Group to the National Youth Advocacy Service, and a Fellow of the International Academy of Matrimonial Lawyers. He is a general editor of Clarke Hall & Morrison on children, a joint author of Halsburys Laws of England on Children and Young Persons, and contributed recently to the 'Handbook for Expert Witnesses in Children Act Cases'. He lectures regularly, including to the Judicial Studies Board, and has appeared in over 30 reported cases in the law reports.

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 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 and the Judicial Working Group of the Electronic Filing and Document Management Programme.

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

Martyn lives in Swindon; is married, with 4 grown-up children, and 5 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

Is a partner and 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 school-age daughter.



Jane trained as a solicitor at a High Street Legal Aid practice in the North East of England. She then spent five years at a High Street Legal Aid practice in South East London, where she gained wide-ranging family law experience, including a high volume of domestic violence cases, private law disputes concerning children and financial disputes on divorce involving limited financial means and often multiple social problems.

Jane joined Manches in 1988 and became a partner in 1992.

Jane specialises in the financial aspects of high value divorce cases, disputes concerning residence or contact arrangements for children, disputes between unmarried cohabitants when their relationship breaks down and financial provision for the children of unmarried parents (Schedule 1 Children Act cases).

Jane was National Chairman of Resolution (formerly the Solicitors Family Law Association) from May 2001 to March 2003. She then chaired Resolution's Cohabitation Committee, working for reform of the law in relation to cohabitants, until March 2006, and remains a member of the Committee.

Jane is a contributing editor of Sweet & Maxwell's textbook, 'Cohabitation: Law and Precedents'. She is also a member of the Law Commission's Cohabitation Project Legal Advisory Group.

Jane's caseload involves many cases with an international element and she is a Fellow of the International Academy of Matrimonial Lawyers.

**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
Chair of the Children in Safeguarding Proceedings Committee



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 Nuffield Foundation committee on Child Protection and Family Justice. 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.

Dr Danya Glaser



Danya Glaser is consultant child and adolescent psychiatrist at Great Ormond Street Children's Hospital, London. Previously a developmental paediatrician, she has worked in CAMHS both in the community and in hospital settings. Until recently, she headed an integrated child protection service comprising three multidisciplinary teams who, respectively, work with the identification and treatment of emotional abuse; carry out assessments and provide multidisciplinary expert reports and evidence in Children Act proceedings; and consult and offer treatment for very troubled children and their (often) new carers post protection. Dr Glaser has taught and written widely on all aspects of child maltreatment including sexual and emotional abuse; effects of adult mental illness on child welfare; the interface between child abuse and the law and the effects of child maltreatment on the developing brain. With her research team,

she is about to complete a follow-up study of children who have been subject to care proceedings and is studying the efficacy of training professionals in the recognition and management of emotional abuse. She has recently co-authored a book on attachment and attachment disorders. Dr Glaser is president of the International Society for the Prevention of Child Abuse and Neglect (ISPCAN).

Elaine Laken

Clerk to the Justices for the local justice areas of Bath & Wansdyke, Mendip and North Avon



Elaine started work in the Magistrates' Courts Service in 1974 and has worked in the West Country since that time. She was called to the Bar in 1978 and is a member of the Inner Temple.

Throughout her career Elaine has taken an interest in family and mental health issues. She was a member of the Home Office team that trained magistrates and staff in the provisions of the Children Act 1989 and she continues to train in relation to new legislation / updating on case law and initiatives.

She was a member of the President's Adoption Committee and the Advisory Committee that produced the Protocol for Judicial Case Management in Public Law Children Act Cases.

She is also a member of the JSB Family and Magisterial Committee and the Avon, Somerset and Gloucestershire Local Family Justice Council.

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
Professor of Socio-Legal Studies, Bristol University
Chair of the Education and 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 has 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, Barnsley
Chair of FJC Domestic Violence Working Group



Marilyn Mornington was a barrister and became a District Judge in 1994.

- Kids Task Force Champion 2007
- Honorary Professor of Law Punjab University, Lahore.
- 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 Award'.
- Member of CPS National Working Party on Honour Crime; ACPO Honour Based Violence and Domestic Violence Steering Groups
- 2002-2005 - Lead on UK wide initiative on domestic violence in the Asian Communities.
- 2000 to date - Founder and Chair of Inter-jurisdictional Governmental Domestic Violence Initiative "Raising the Standards" .
- 2001 to date - member of Lord Chancellor's Domestic Violence Advisory Group.
- 1992-2005 - Chair of Kids In Need and Distress (KIND) .
- 2001 to 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**



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. She 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.

**Dr Rosalyn Proops MBChB, DCH, FRCPCH
Consultant Community Paediatrician**



Rosalyn is a Consultant Community Paediatrician in Norwich and Senior Lecturer at the University of East Anglia, and has over 20 years experience as a Consultant in Norfolk. She trained in Birmingham and has worked in the West Midlands, Edinburgh and the United States.

Rosalyn has a particular interest in the crossover between Paediatrics, Ethics and the Law.

Rosalyn was the first Paediatrician appointed to the National Family Justice Council whose primary role is to promote an interdisciplinary approach to the needs of Family Justice.

In 2007 Rosalyn was appointed to the newly created post of Child Protection Officer for the Royal College of Paediatrics and Child Health.

Khatun Sapnara **FJC lead on Diversity issues**

Khatun Sapnara has practised as a barrister for 18 years. She is a member of Coram Chambers, a specialist family set in London. She was appointed a Recorder of the Crown in 2006.



As a barrister, Khatun undertakes a range of work including private and public law children proceedings and international child abduction. She has particular expertise and interest in cases of forced marriage and domestic violence.

Khatun was appointed to the Family Justice Council when it was formed in 2004. She is Chair of the Diversity Committee and sits on the Executive, Children in Safeguarding and Children in Families Committees.

Khatun is a member of the Committee of the Family Law Bar Association. She is actively involved with a number of charities and voluntary sector organisation assisting economically and socially disadvantaged groups.

Khatun has regularly spoken on family justice issues and undertaken training of the judiciary, lawyers and other professionals and experts working within the family justice system both in the domestic and international arena.

Khatun is married with two children and lives in London.

Beverley Sayers

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.

Ex-Officio members

Simon Bennett

Head of Clinical Governance in the Department of Health

Simon Bennett leads on policy development and delivery in support of Departmental objectives across all aspects of clinical governance as a key lever for promoting quality and patient safety in the NHS. His portfolio also includes managing implementation of the Bearing Good Witness Programme. Simon joined the Department of Health in 1992 having previously worked in the Cabinet Office and the Department for Trade and Industry. Prior to his current post, Simon was seconded to the NHS to support health communities to design, plan and deliver large scale transformational change programmes.

Bruce Clark

Deputy Director, Partnerships Division, Department for Children, Schools and Families (DCSF)

Bruce Clark is a DCSF Deputy Director, responsible to Ministers for policy advice on a range of public and private family law issues. Bruce has been a civil servant since 1999, following previous work as a social work practitioner and manager within three local authorities and the NSPCC.

Sally Field

Head of Family Justice Division, HMCS (now Deputy Director, Family Law and Justice, Ministry of Justice)

Sally Field is responsible for all aspects of family law proceedings in the family courts, except for the Care Proceedings Programme. Sally is also responsible for all aspects of family law, excluding the Children Act and the law on Adoption. Sally has been a civil

servant since 1976, working in the Department for Social Security and the Ministry of Defence, before joining the (then) Lord Chancellor's Department in 1998. She was Head of Magistrates' Courts Division for nearly 4 years, before taking over Family policy and proceedings for children in 2001, expanding to all family proceedings in 2003.

Sheridan Greenland OBE **Ministry of Justice**

Sheridan Greenland is currently Deputy Director, Family Law and Justice within the Access to Justice Policy Directorate, which is now part of the Ministry of Justice. Sheridan currently also holds responsibility as senior responsible office for the Unified Family Service Programme.

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. When Her Majesty's Courts Service was created in 2005 she was appointed Area Director for family work in London, subsequently becoming Director of the Care Proceedings Programme within the Civil and Family Directorate before her present family policy role.

Teresa Hallett **Director of Operations, CAF/CASS CYMRU**

Teresa Hallett 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, CAF/CASS 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 Policy and Performance for the organisation across Wales.

Teresa also has the lead responsibility for the implementation of the Public Law Outline (PLO) in CAF/CASS 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.

Carolyn Hamilton
Office of the Children's Commissioner for England

Carolyn Hamilton is the Senior Legal Adviser for the Commissioner for Children in England and the Director of the Children's Legal Centre. She is a practising barrister at One, Kings Bench Walk. Carolyn read law at the University of Bristol, moving first to teach at the University of Manchester and then the University of Essex where she holds a Chair in Law.

She has extensive experience of child law issues, and particularly of international human rights issues relating to children. Carolyn is particularly interested in ensuring children's voices are heard and their interests are represented. She works as a consultant for Unicef, mainly in the ex-Soviet Republics, focusing on reform of child protection and child welfare. She has published numerous books and articles on child law including Butterworths Family Law in Europe. She is a Legal Services Commissioner.

She was appointed to the Family Justice Council to represent the Children's Commissioner. In addition to the main Council, she serves on the Voice of the Child Sub Group.

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

Keith Ingham 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.

Ruairi Murphy
Legal Adviser to Consular Directorate, FCO

Ruairi Murphy qualified as a barrister in Northern Ireland in 1997 and practised there for six years. His practice was mixed, but mainly focussed on family and criminal law. Since 2006 he has been Legal Adviser to Consular Directorate in the Foreign and Commonwealth Office. Consular Directorate's main functions include handling individual casework involving British nationals who encounter difficulties whilst living

or travelling overseas. Consular cases involve a wide range of issues, from lost passports and minor thefts, to hostage situations and the death penalty. Dealing with human rights issues concerning British nationals is a very important part of the FCO's consular work - particularly in relation to those in prison overseas who have suffered mistreatment or for whom there are fair trial concerns. The Directorate also offers support to British people in a range of family law related cases such as child abduction, forced marriage and where there are welfare concerns in relation to minors.

Jeremy Oppenheim

Jeremy has worked for the Home Office since 2003. He was initially responsible for devolving the work of the National Asylum Support Service to the regions and was the Director of the National Asylum Service between summer 2004 and summer 2006. He subsequently became Director of Social Policy and from April 2007 he assumed responsibility for the programme to regionalise the work of the then Immigration and Nationality Directorate. His current role is the Regional Director for the North East, Yorkshire and the Humber. Jeremy has been the Children's Champion for the Agency since January 2006.

Prior to joining the Civil Service Jeremy gained extensive experience in both the voluntary and local authority sectors. He was Chief Executive of Anglo-Jewry's largest charity, Jewish Care and has had a long career in local government social services.

Crispin Passmore **Director, Community Legal Service**

Crispin Passmore is Director, Community Legal Service at the Legal Services Commission. Originally appointed to the role in October 2004 to cover non-family civil policy, the role expanded in August 2006 to include family legal aid. His role now covers policy development across the full range of civil legal aid from fee structures to ensuring consistent access to high quality services. He started work at Legal Services Commission as Head of Immigration Services in February 2004, responsible for the implementation of a major package of reforms to asylum legal aid. Previously he had managed Coventry Law Centre, leading it through a period of innovation and expansion that enhanced its national reputation for delivering a range of excellent legal services to its local community covering nine areas of law. Crispin has also worked in a CAB as both a volunteer and paid adviser.

Christine Smart
Children's Rights Director for Cafcass

Christine has been Children's Rights Director for four 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 24 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 in Sri Lanka and raised 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.

"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 are at the centre of every aspect of our work."

Annex C

Expenditure 2007-08 and Budget for 2008-09

Family Justice Council Expenditure 2007-08	Budget amount £351,604.00
Staffing Costs	£260,604.00
Staff Travel and Subsistence	£2,442.52
Members' Travel and Subsistence	£10,863.50
Research, Publications and Publicity	£14,835.73
Consumables (Stationery, Telecoms, Computer)	£773.88
Consultancy	£12,952.32
Events and Conferences	£20,273.51
Catering	£1398.23
Total:	£324,143.69

Family Justice Council Projected Spend for 2008-09	
Staffing Costs	£199,237.93
Staff Travel and Subsistence	£4,050.00
Members' Travel and Subsistence	£16,650.00
Research, Publications and Publicity	£27,900.00
Consumables (Stationery, Telecoms, Computer)	£3,325.00
Consultancy	£26,000.00
Events and Conferences	£15,250.00
Catering	£1,750.00
Training Courses	£1,120.00
Total:	£295,273.93

Business Plan 2008-09

STRATEGIC OBJECTIVE 1

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

Supporting Activity	Owner	Aim	Target Date	Outcome
1 Secretariat to visit all 39 Local Family Justice Councils (LFJCs)	Secretary/Local Family Justice Council Liaison Manager	To establish and improve effective two way communication between the national FJC and all of the LFJCs	March 2009	Establish effective networking between Secretariat and chairs of LFJCs and their administrators
2 Secretariat to hold an annual conference for Secretaries of all LFJCs	Secretary/LFJC Liaison Manager	To improve awareness of the issues facing Secretaries to the LFJCs, to gain a greater understanding of what the national FJC can do to help and to make clear what is expected of LFJC Secretaries	November 2008	Improved two way communication between LFJC administrators and the Secretariat. Exchange of minutes and complete membership lists
3 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	March 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
4 Secretariat to investigate options for increasing the LFJC input to the national FJC website	Secretary/LFJC Liaison Manager	To increase and improve the website resource that is available for use by LFJCs	December 2008	A better quality LFJC contribution to the FJC website

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	October 2008	Positive engagement with BME groups producing agreed priorities for consideration by the FJC
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
3 To support the implementation of the Forced Marriage (Civil Remedies) Act 2007 and to monitor the effectiveness of its operation	Chair of Diversity Committee	Provide expert input on implementation issues (e.g. rules of court). Make case for mechanism to monitor the Act	To meet MoJ time-table	A successful implementation of the Act followed by early identification of any problems with its operation

STRATEGIC OBJECTIVE 3:

To examine the use and role of experts in the family justice system

Supporting Activity	Owner	Aim	Target Date	Outcome
1 Monitor the impact of the Public Law Outline (PLO) on the use of experts	Chair of Experts Committee	To identify any early difficulties with the PLO in so far as it impacts on experts	Ongoing	To provide advice on resolving any difficulties identified in the operation of the PLO
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	December 2008	If feasible, to produce proposals for feedback mechanism for experts for consideration by FJC
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	March 2009	If feasible, to produce a specification for a research project examining the quality of written reports
4 To play full role in taking forward the Government's response to the Chief Medical Officer's report	Chair of Experts Committee/ Chair of Children in Safeguarding Proceedings Committee	To assist NHS and DH 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

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	<p>To support the PLO by:</p> <ol style="list-style-type: none"> 1) advising on the commissioning of research into the operation of the PLO 2) identifying data gaps & quality issues relating to public law proceedings & looked after children & advising MoJ, DCSF & WAG accordingly 3) providing guidance to practitioners via LFJCs and the JSB as to how placement order applications can best be managed in the PLO context 4) gathering information on good practice issues in order to consider the preparation of a good practice handbook. 5) devising agreed formats for documents prepared by local authorities for use in court supported by the Integrated Children's System (ICS) 	<p>In accordance with departmental timetables except ICS Proformas agreed by June 2008</p> <p>Guidance on placement order applies by August 2008</p>	<p>Changes to care proceedings which reflect the views and priorities of the FJC.</p>

<p>2 To consider other developments to improve the conduct of care and adoption proceedings</p>	<p>Chairs of Children in Safeguarding Proceedings Committee, Experts Committee and ADR Committee</p>	<p>Examining and making recommendations on the following: The impact of local authority panels on delay in decision making; the development and use of Family Group Conferences; the protection and welfare of children accommodated under S.20 and their families; the use of kinship placements</p>	<p>March 2009</p>	<p>Changes to care proceedings which reflect the views and priorities of the FJC</p>
<p>3 To play full role in taking forward the Government's response to the Chief Medical Officer's report</p>	<p>Chair of Experts Committee/ Chair of Children in Safeguarding Proceedings Committee</p>	<p>To assist NHS and DH colleagues in setting up the new system</p>	<p>In accordance with DH timetable</p>	<p>A new system for provision of expert evidence which better meets the needs of the family courts for high quality & timely expert evidence</p>
<p>4 To examine the range of residential & non-residential assessments used in public law proceedings</p>	<p>Chair of Children in Safeguarding Proceedings Committee/ Chair of Experts Committee</p>	<p>To formulate questions about the quality of evidence provided by assessments especially in relation to parental capacity to change</p>	<p>March 2009</p>	<p>To identify those assessments which provide valuable evidence to the courts, assist the judiciary in making appropriate decisions in the child's best interests and, therefore, represent value for money</p>

<p>5 To retain oversight of the impact of LSC reforms on public law proceedings</p>	<p>Chair of Children in Safeguarding Proceedings Committee lead/ Chair of Children in families Cmte/ Chair of ADR Cmte</p>	<p>To press for a legal aid regime which provides for high quality legal advice and representation for children and parents in family proceedings</p>	<p>First stage: March 2009</p>	<p>Ready availability of high quality legal advice & representation for parents and children</p>
<p>6 To engage with Government and professional organisations to promote the recruitment and retention of high quality social workers</p>	<p>Chair of Children in Safeguarding Proceedings Committee/ Chair of the Education & Training Cmte</p>	<p>1) to contribute to DCSF & WAG policy on these issues 2) to encourage LFJCs to develop programmes of inter-disciplinary training for social workers 3) to examine the role & practice of IROs in public law cases, including monitoring the proposed reforms currently before Parliament 4) to engage with ADCS with particular focus on evidence based practice and consistency of approach by social workers</p>	<p>March 2009</p>	<p>To improve the quality of social work evidence in care and adoption proceedings & express support for social work professionals</p>

STRATEGIC OBJECTIVE 5:

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

Supporting Activity	Owner	Aim	Target Date	Outcome
1 To support the introduction of the new Practice Direction on consent orders in cases with a history of domestic violence.	Chair of Domestic Violence Working Group lead	To encourage LFJC awareness and discussion of the implications of the new Practice Direction	Dec 2008	A high level of compliance with the new Practice Direction
2 To respond to the MoJ consultation on the draft Family Procedure Rules on private law cases	Chair of Children in Families Committee	To provide expert input on the rules	To meet MoJ timetable	To help produce workable and effective rules for private law cases
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 2009	Greater compliance with best practice models in private law proceedings
4 To examine the feasibility of enabling the family courts to refer cases to Multi-Agency Risk Assessment Conferences (MARACs)	Chair of the Domestic Violence Working Group	To promote a multi-agency approach to DV risk assessment	December 2008	To work with CAADA to produce costed proposals on extending MARACs to the family courts for consideration by the FJC

<p>5 To seek an interdisciplinary view on the content and implementation of the 'contact activities' provided for in the Children and Adoption Act 2006</p>	<p>Chair of the Children in Families Committee</p>	<p>To influence and stimulate the development of policy on contact activities</p>	<p>March 2009</p>	<p>To put the views of the Committee and Council to DCSF ministers on the appropriate content of 'contact activities'</p>
<p>6 To seek input from the LFJCs on the effective promotion of family mediation generally and, specifically, on the use of the Family Procedure Rules to achieve this</p>	<p>Chair of the Children in Families Committee</p>	<p>To influence the direction of policy on the rules of court so that they give the greatest possible encouragement to family mediation in appropriate cases</p>	<p>March 2009</p>	<p>To feed the views of the Committee and Council to the FPR during the rule drafting process and on consultation</p>
<p>7 To examine the availability, waiting times and value for money of perpetrator programmes</p>	<p>Chair of the Domestic Violence Working Group</p>	<p>To assess the effectiveness of perpetrator programmes</p>	<p>March 2009</p>	<p>A mapping exercise showing the accessibility of perpetrator programmes and an analysis of outcomes</p>
<p>8 To examine the quantity and quality of judicial training on DV, HBV and forced marriage</p>	<p>Chair of the Domestic Violence Working Group</p>	<p>To identify the strengths and weaknesses of current provision</p>	<p>December 2008</p>	<p>To engage with the JSB and to work with them on improving training in this area if weaknesses are identified</p>

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 lesson from the operation of the Scottish legislation and to feed them into the debate in England and Wales	March 2009	A better informed debate on the merits of implementing the Law Commission's report on cohabitation in England and Wales	
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 2009	Greater consistency of practice in Financial Dispute Resolution hearings and other areas of financial proceedings	
3 To make the case for reform of the law on pre-nuptial agreements as part of a wider reform of Section 25 MCA	Chair of Money and Property Committee	To ask the Law Commission to include enforcement of pre-nuptial agreements as part of a wider review of Section 25 MCA in its 10 programme of law reform	December 2008	Inclusion of a wide ranging review of Section 25 MCA in the Law Commission's 10 th programme of Law reform	

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 hold a debate at an appropriate venue on the FJC's Family Law article on Enhancing the Participation of Children in Family Proceedings	Chair of Voice of the Child Committee	To encourage debate among family judiciary and practitioners on the issues raised in the article	September 2008	Raised awareness of the arguments in favour of enhancing the participation of children in family proceedings among judiciary and practitioners
2 To examine the scope for early interventions for children available under the Children and Adoption Act 2006	Chair of Voice of the Child Committee	To identify any new opportunities for early interventions under the new legislation	March 2009	To disseminate information to LFJCs and practitioners on the availability of any new opportunities for early interventions for children involved in private and public law proceedings
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	September 2008	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

STRATEGIC OBJECTIVE 8:

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 map the provision of education and training provided for or available to professionals beginning to work in the family justice system	Chair of the Education and Training Committee	To advise the Council about the likely current levels of knowledge and understanding of those starting to work in the family justice system	May 2008	Report on the current qualifications and training of new professionals working in the family justice system
2 To examine the feasibility of producing a DVD on court skills for social workers	Chair of the Education and Training Committee	To produce costed proposals for FJC consideration to produce and distribute a training DVD	December 2008	To improve the performance of social workers in preparing for, and giving evidence in, public hearings
3 To examine the merits of producing a training events toolkit for LFJCs	Chair of the Education and Training Committee	To provide LFJCs with appropriate advice on organising effective inter-disciplinary training events	March 2009	To improve the quality of LFJC training events
4 To identify the scope for training on mental health issues	Chair of the Education and Training Committee	To promote training on dealing with challenging and Borderline Personality Disorder clients in the family justice system	March 2009	To improve access to inter-disciplinary training for professionals in the family justice system dealing with challenging/BPD clients

How to contact the Family Justice Council

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The Family Justice Council welcomes and indeed encourages general comments from members of the public on the operation of the family justice system. It is, however, entirely an advisory body and has no power to make changes in that system. In addition it cannot comment on any individual court action or dispute, the conduct of any legal practitioner or judge and is unable to provide legal or procedural advice.

Further information about the Council's work is available on the Council's website including:

- Summaries of Council meetings
- The membership of the Council
- Copies of responses to consultation papers and other relevant documents
- Copies of the Council's annual reports