

Family Justice Council
Report and Accounts 2006-7



**Family
Justice
Council**



Contents

| | |
|--|----|
| Foreword by the President | 1 |
| Chapter 1 How the Council works | 2 |
| Chapter 2 Overview of Activities and Issues in 2006/7 | 6 |
| Chapter 3 The Children in Families Committee | 10 |
| Chapter 4 The Children in Safeguarding Proceedings Committee | 14 |
| Chapter 5 The Money and Property Committee | 18 |
| Chapter 6 The Diversity Committee | 22 |
| Chapter 7 The Experts Committee | 26 |
| Chapter 8 The Voice of the Child Sub-Group | 30 |
| Chapter 9 The Domestic Violence Working Group | 34 |
| Chapter 10 The Education and Training Committee | 38 |
| Chapter 11 Local Family Justice Councils | 42 |
| Chapter 12 Challenges for 2007/8 | 46 |
| Annex A The Terms of Reference of the Family Justice Council | 50 |
| Annex B Membership of the Family Justice Council | 51 |
| Annex C Expenditure 2006/7 and Budget for 2007/8 | 67 |
| Annex D Business Plan 2007/8 | 69 |

Foreword by the President

The publication of the second Annual Report on the work of the Family Justice Council provides an opportunity to reflect on what has been achieved during a busy year. In my view, the Council has now established itself as the champion of an inter-disciplinary approach to the family justice system and as a source of authoritative advice to Government.



This report covers a year when the Council responded to a number of significant Government consultation papers impacting on the family justice system. Three issues particularly stand out: transparency, legal aid reform and the Chief Medical Officer's proposals on expert witnesses. On all these issues, I was struck by the high quality of the Council's responses. The inter-disciplinary nature of the Family Justice Council gives it a broader, but also more "joined-up", perspective than purely sectional interests provide, and this is of great value.

It is a key feature of the Council that it is supported by 40 Local Family Justice Councils across England and Wales. The Local Councils have made a major contribution to the responses to consultation which the Council has submitted during the period covered by this report. As I have visited different parts of the country I have had an opportunity to see some of the excellent training events which the Local Councils organise.

I would like to thank the members of the Council for the time and effort which they have put into the work of the Council. It is a measure of the commitment shown by the members that they have produced advice of such quality without remuneration and out of dedication to the improvement of the system which we all serve. For this, I am very grateful. I am also grateful to all those others who give freely of their time and expertise to serve on the Council's committees and working groups and on the Local Family Justice Councils.

I am also happy to acknowledge the contribution of Government through what are now the Ministry of Justice and the Department for Children, Schools and Families in their positive engagement with the Council across a wide range of issues.

Finally, I would like to express particular thanks to our secretariat for their hard work and support over the last year as well as to the 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 second published Annual Report of the Family Justice Council and covers the work of the Council over 2006-07. 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 responses to 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 social and 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 Legal Services Commission (LSC)
- HM Courts' Service
- the Association of Chief Police Officers (ACPO).

Structure of the Family Justice Council and its Committees

- 1.4 The Family Justice Council has 30 members (including the ex officio representatives).
- 1.5 There is an Executive Committee of 12 members, which makes the more detailed management and planning decisions.
- 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 10 following, contain reports on the work of all of the Council's committees and working groups. 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 interdisciplinary residential conferences at Dartington Hall, Totnes in Devon. This Committee met several times during 2006-07 and has identified diversity as the theme for the next conference.

Meetings of the Council

- 1.9 The full Council meets quarterly. Its March 2007 meeting was linked to a residential conference at Kenilworth for representatives of the Local Family Justice Councils (LFJCs). A report on this conference is included in chapter 11 of this Annual Report which also covers the work and activities of the LFJCs across the country.
- 1.10 Chapter 12 sets out briefly what the Council hopes to achieve in 2007-08.

Chapter 2

Overview of Activities and Issues in 2006-7



- 2.1 This year saw a number of significant new initiatives by central Government affecting the family justice system. The Council responded to several major consultation documents in this reporting period covering such key policy areas as:
- transparency in the family courts;
 - Legal Aid reform;
 - the review of child care proceedings;
 - separate representation of children, and
 - the Chief Medical Officer's report on expert medical evidence in the family courts.
- 2.2 Transparency, the admission of the public to, and reporting restrictions on, family proceedings, and making transcripts of court judgments available to the public, 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 membership of the working group is as follows: Lord Justice Thorpe (Chair), Paul Clark, Stephen Cobb QC, DJ Nicholas Crichton, Katherine Gieve, Dr Danya Glaser, Mary MacLeod, Professor Judith Masson, HHJ Lesley Newton and Khatun Sapnara.
- 2.3 The working group engaged with officials at the Department for Constitutional Affairs, as it then was, responsible for developing the policy on transparency to explore and debate the issues raised. The working group then drafted the Council's detailed response to the Government's 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.
- 2.4 The Council was concerned by the Legal Services Commission's proposals to restructure Legal Aid following the review conducted by Lord Carter. The Council felt that the proposals would accelerate the flight of high quality solicitors from publicly funded family work and would impact disproportionately on BME firms. It also expressed doubts as to the reliability and robustness of the data and management information the Commission sought to base its proposals upon and would like to see more research into how the current system operates before proposals are brought forward to reform it. The response can be found on the website at www.family-justice-council.org.uk/docs/061004_Response_to_LSC_Consultation.pdf. The Council was pleased to see that the Government decided to think again on the proposals and to put back their implementation.

- 2.5 The Council welcomed the Government's review of child care proceedings and made a detailed contribution which can be found at www.family-justice-council.org.uk/docs/060922_Response_to_the_Child_Care_Review.pdf. The Children in Safeguarding Proceedings Committee has been kept informed of the progress of the review and has been consulted on a number of issues by the Programme Board responsible for taking the review forward.
- 2.6 The Department for Constitutional Affairs consulted on a proposed revision to rule 9.5 governing the separate representation of children in private law cases. The Council's response can be found at www.family-justice-council.org.uk/docs/Response_to_Separate_Representation_of_Children_Paper.pdf. The Council considered the proposal to be misconceived and to run counter to the general movement in family justice towards enhancing the participation of children and young people, where appropriate, in proceedings which can affect them so profoundly.
- 2.7 The Council welcomed the Chief Medical Officer's report on expert medical evidence in the family courts, 'Bearing Good Witness'. The Council is anxious to see a substantial increase in the number of appropriately qualified medical experts who are prepared to give evidence in the family courts. This is because there are currently too few medical experts who are available for use in family proceedings and this is a significant cause of delay, especially in public law cases. The Council considers that the Chief Medical Officer's proposals constitute a radical break with the past and have the potential to remedy a serious deficiency in the current system. The Council's response can be found at www.family-justice-council.org.uk/docs/FJC_Response_to_the_CMOs_report_March_07.pdf.
- 2.8 The Council devoted significant time and effort in responding to these consultation papers, and to others, but was also pro-active in 2006-07. Two major projects taken forward this year were:
- the revision and publication of 'Working in the Family Justice System – the Official Handbook of the Family Justice Council' (Jordan Publishing Ltd 2006); and,
 - 'Everybody's Business', the report of the Children in Families Committee on contact orders by consent in cases with a history of domestic violence.

- 2.9 The Handbook, by Elizabeth Walsh, is a concise reference guide covering all the key professions and institutions that make up the family justice system. It reflects the Council's commitment to encouraging inter-disciplinary co-operation between the different professional groups involved in family justice and promoting better understanding between them.
- 2.10 In the wake of the report by Lord Justice Wall on the publication of the Women's Aid Federation of England on 29 child homicides, the President of the Family Division asked the Council to make recommendations on the approach to be taken by the courts when faced with applications for contact by consent in cases with a history of domestic violence. The report was drafted by the Children in Families Committee of the Council, and can be found at [www.family-justice-council.org.uk/docs/Reporton contact.pdf](http://www.family-justice-council.org.uk/docs/Reporton%20contact.pdf), and is discussed in more detail in Chapter 3.
- 2.11 In addition to the quarterly meetings of the Council, the FJC sponsors the biennial interdisciplinary conferences for family justice professionals, the next of which is scheduled to take place at Dartington Hall in September 2007, and an annual residential conference for representatives of LFJCs, which this year took place at Kenilworth in March 2007.
- 2.12 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 10 following.

Chapter 3

The Children in Families Committee



Membership

| | |
|--------------------|--|
| Jane Craig (Chair) | Business Head of Family Law Dept., Manches LLP and Private Law Solicitor Member of the FJC |
| Nicholas Crichton | District Judge, Inner London Family Proceedings Court |
| Elizabeth Hall | Regional Director (Developing Practice/Safeguarding/ Domestic Violence Portfolio), Cafcass |
| Mary MacLeod | Chief Executive, National Family & Parenting Institute |
| Judith Masson | Professor of Socio-Legal Studies, Bristol University |
| Marilyn Mornington | District Judge, Barnsley |
| Lesley Newton | Circuit Judge, Manchester |
| Khatun Sapnara | Family Barrister, Coram Chambers |
| Beverley Sayers | Family Mediator Member of the FJC |
| 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 |
|------------|---------------------------------------|

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 2006-7

- 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 The Committee began work in May 2006, meeting nine times over the year. The main focus of its work during this period has been the preparation and publication of the Council's report to the President of the Family Division following Lord Justice Wall's report on the Women's Aid Federation of England (WAFE) document "29 Child Homicides. Lessons still to be learnt on Domestic Violence and Child Protection" about 29 children who were murdered by their fathers during contact. Lord Justice Wall suggested that the Family Justice Council should consider and report on the approach that courts should take towards contact cases where domestic violence is an issue when the court is invited to make an order for contact by consent.
- 3.4 Members of the Committee had seven meetings with representatives of various organisations and bodies: Family Law Bar Association, Families Need Fathers, the Judicial Studies Board, the Law Society, Refuge, Resolution (formerly the Solicitors Family Law Association) and WAFE. Additionally, a survey of solicitors specialising in family law was conducted with the assistance of Resolution to discover how such cases are dealt with in practice around the country.
- 3.5 The final report was submitted to the President at the end of 2006 and made a number of recommendations. These included a move away from "contact is always the appropriate way forward" to "contact that is safe and positive for the child is always the appropriate way forward", and a recommendation for the issue of a practice direction embodying the decision in *Re: L (Contact: Domestic Violence)*; *Re: V (Contact: Domestic Violence)*; *Re: M (Contact: Domestic Violence)*; *Re: H (Contact: Domestic Violence)* [2000] 2FLR 334, suitably updated to reflect current best practice. The Committee recommended that a process of risk assessment should be undertaken by the court in every case in which domestic violence has been alleged, or admitted, before a consent order is made. The Committee proposed multi-disciplinary training on domestic violence issues for lawyers and the judiciary. The full text of the report and a summary are available on the Council's website at www.familyjusticecouncil.org.uk/docs/Reportoncontact.pdf and www.familyjusticecouncil.org.uk/docs/contactsummary.pdf.

- 3.6 The President has indicated that he wishes to act on the recommendation in the report that a practice direction should be issued which will reflect best practice and the Committee, in conjunction with the Domestic Violence Working Group, will continue to take this work forward in the coming year.
- 3.7 The Committee also took the lead, on behalf of the Council, in responding to a questionnaire from the National Audit Office on the use of mediation in family breakdown, endorsing strongly the promotion of access to mediation. This view was reflected in the National Audit Office report published in March 2007 which called on the Legal Services Commission actively to promote mediation. Additionally, the Committee contributed to the Council's response to the consultation documents on 'Separate Representation of Children' and 'Confidence and Confidentiality: Improving transparency and privacy in family courts'.
- 3.8 Priorities for the forthcoming year will be further work on the report on contact, including considering how best to publicise and disseminate information on the report, and its recommendations, and how to influence public perceptions. The Committee will also work in liaison with Local Family Justice Councils to build a picture of good practice in the conduct of contact cases and to influence and stimulate the development of policy on contact activities and to promote family mediation. It also intends to focus on identifying areas where research is required in the area of Private Law to inform policy and decision making.

Chapter 4

The Children in Safeguarding Proceedings Committee



Membership

| | |
|-------------------------|--|
| Katherine Gieve (Chair) | Head of Family Law Dept. Bindman and Partners |
| Bruce Clark | Deputy Director, Partnerships Division, DfES |
| Paul Clark | Director, Children’s Services, LB Harrow |
| Stephen Cobb QC | Family Barrister, One Garden Court |
| 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 | Director, Care Proceedings Programme and Civil and Family Business Systems, HMCS |
| Elizabeth Hall | Regional Director (Developing Practice/Safeguarding/ Domestic Violence Portfolio), Cafcass |
| Judith Masson | Professor of Socio-Legal Studies, Bristol University |
| Lesley Newton | Circuit Judge, Manchester |
| Mark Powell QC | Association of Lawyers for Children |
| Rosalyn Proops | Consultant Community Paediatrician |
| Khatun Sapnara | Family Barrister, Coram Chambers |
| Christine Smart | Children’s Rights Director, Cafcass |

Terms of Reference

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

1. Identify and develop projects within the above remit that would improve the current arrangements, for endorsement by the Family Justice Council and inclusion in the Business Plan.
2. Deliver projects approved under paragraph 1 and ensure that information is disseminated to local 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 2006-07

- 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 year in which a number of important issues concerning these types of proceedings have been prominent and it has, therefore, been a busy period for the Committee. Following the early assistance given to the review team set up by Lord Carter to consider Legal Aid, the Committee responded on behalf of the Council to the Legal Services Commission consultation 'Legal Aid, a sustainable future', robustly setting out the Council's concerns about the proposals and their impact on representation in public law cases.
- 4.2 The Government's review of care proceedings provided the Committee with an excellent opportunity to draw upon their different disciplines to develop the themes of the review to ensure that services work more closely together. The Committee continues to feed in to the work of the steering group taking forward the work of the review. Following the publication of the Chief Medical Officer's report 'Bearing Good Witness' on the use of experts in the family courts, the Committee, jointly with the Experts Committee, held a seminar attended by a wide cross section of professionals in the family justice system, which considered the ramifications of the report. Finally, the Committee provided a response to the Care Matters consultation issued by the DfES, once again drawing on the interdisciplinary nature of its membership.
- 4.3 Having encountered concerns about delay in cases where care proceedings are linked with applications for placement for adoption, the Committee canvassed the Local Family Justice Councils, and issued interdisciplinary advice on best practice for all involved in such cases to facilitate quicker and better resolution of these cases. All the above documents can be found on the Council's website: www.family-justice-council.org.uk.

4.4 In the coming year, the Committee intends to focus on a number of projects including the provision of assessments in public law cases, continuing its involvement in the implementation of proposals in the CMO's report, hosting a seminar on concurrent planning for rehabilitation or adoption and examining the role of Independent Reporting Officers. It will also be responding to consultations on the new Public Law Outline and the Children Act 1989 Guidance and Regulations Volume 1, Court Orders and will wish to continue its involvement in the implementation and practice of both the Outline and applications under the Adoption and Children Act, particularly placement applications.

Chapter 5

The Money and Property Committee



Membership

| | |
|------------------------|--|
| Florence Baron (Chair) | Family Division High Court Judge |
| Rebecca Bailey Harris | Barrister, Emeritus Professor of Law, Bristol University |
| David Bodey | Family Division High Court Judge |
| Simon Bruce | Resolution: Solicitor, Farrer & Co |
| Jane Craig | Head of Family Law Dept. Manches LLP |
| Nicholas Cusworth | Family Law Bar Association (FLBA) One Hare Court |
| Nigel Dyer QC | FLBA, One Hare Court |
| Lynn Graham | Legal Services Commission |
| Philip Marshall | FLBA, One King's Bench Walk |
| Edwina Millward | District Judge, Maidstone |
| Nicholas Mostyn QC | FLBA, One Hare Court |
| Jeffrey Nedas | Chartered Accountant, BDO Stoy Hayward LLP |
| Maggie Rae | Solicitor, Clintons |
| Mathew Thorpe | Lord Justice of Appeal and Deputy Head of Family Justice |
| Peter Watson-Lee | Solicitor, Williams Thompson, Christchurch, Dorset |
| Philip Waller | The Senior District Judge |
| Nicholas Wilson | Lord Justice of Appeal |

HMCS official in attendance

| | |
|---------------|--------------------------------------|
| Cheryl Morris | Head of Family Relationship 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 2006-7

- 5.1 The Committee has been much involved with the consultation process on the future of Child Support. It put proposals for change to Sir David Henshaw during the course of his investigation into a replacement system, suggesting that the Courts should be empowered to make orders for Child Support where the Court is already being asked to make other financial orders. This is on the basis that it made sense for all the financial circumstances of a family to be addressed at the same time. The Committee continued to be actively involved in the process of the reform, including the provision of written evidence to the House of Commons Work and Pensions Committee inquiry and responding to the White Paper 'A New System of Child Maintenance'. This will continue to be a focus for the Committee's attention in the coming year, as the new Child Maintenance Bill progresses through Parliament.
- 5.2 Another main area of the Committee's work during the year has been the proposals put forward by the Law Commission in the document published in May 2006 'Cohabitation: Financial Consequences of Relationship Breakdown'. Following a presentation to the Committee from the Law Commission, the Committee provided a full response to the proposals, broadly supporting the suggestions for the provision of legislative protection of cohabiting couples. There was a Minority Report by the Chair and Rebecca Bailey Harris which dealt with broader issues.
- 5.3 The Committee made representations to HM Treasury expressing concern at the Government's proposals in the Budget and the Finance Bill for the future taxation treatment of trusts.

- 5.4 It has proposed to the Law Commission that it should consider, as a future project, the long overdue reform of the principles governing ancillary relief under Part II of the Matrimonial Causes Act 1973. A case was presented to the Law Commissioner with special interest in this field, Stuart Bridge, and the detailed written proposal has been forwarded to the Law Commission. If this is taken forward, it will form a major part of the Committee's work over the next year.
- 5.5 The Committee has also begun work on considering the wider role of the court and training for judges in court led dispute resolution in financial matters and will continue to take this forward in the coming year.
- 5.6 Additionally, the Committee has continued its close relationship with the Family Procedure Rule Committee, responding to specific queries on practice and procedure and proposing amendments to court forms to take into account the introduction of the Fraud Act 2006.
- 5.7 A number of the projects the Committee has been considering this year are long term projects and will continue to be pursued by the Committee during the coming twelve months.

Chapter 6

The Diversity Committee



Membership

| | |
|------------------------|---|
| Khatun Sapnara (Chair) | Barrister |
| Bode Adesida | Consultant Child and Adolescent Psychiatrist |
| Julia Brophy | Senior Research Fellow, University of Oxford |
| Peggy Ekeledo | Solicitor |
| Teertha Gupta | Barrister |
| Elpha Lecointe | Barrister |
| Mary MacLeod | Chief Executive, National Family and Parenting Institute |
| Sherry Malik | Corporate Director, Strategy and Performance, Cafcass |
| Simone McGrath | Solicitor |
| Sam Momtaz | Barrister |
| Azmat Nisa | District Judge |
| 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 2006-07

- 6.1 The Committee held its first meeting in May 2006 and has met five times since then. Specifically, the Committee decided to look into the quality and accreditation of interpreters. The Committee considered that the quality of interpreters involved in family proceedings was generally poor and undertook an initial mapping exercise looking at the accreditation and appraisal mechanisms of interpreters in other areas such as criminal trials and immigration proceedings. The Committee also produced a glossary of common phrases used in family proceedings which should be of assistance to interpreters. Further work on this topic will be carried out in the coming year.
- 6.2 However, the majority of the Committee's work has been in providing advice to the Council and its Committees, and others, on diversity issues. The Committee was involved in the response to the consultation on the Carter legal aid proposals; transparency; and consent contact orders where domestic violence is an issue. In August last year, the Director of Civil and Family Justice, HM Courts Service, asked the Committee to assist with a diversity audit of family justice policies and advice has, so far, been given on the proposed procedural changes in care proceedings and the Unified Family Service programme. The Dartington conference due to be held in September 2007 has diversity as its theme and the Committee was involved in formulating the programme as well as suggesting speakers for the various topics.

6.3 The Chair of the Committee provided advice to Lord Lester of Herne Hill on his private peer's bill on forced marriages. The Chair and other members of the Committee played a role in changing the Government's attitude towards the bill. Initially, the bill was opposed but the Government changed its position and is now supporting this important legislation.

Chapter 7

The Experts Committee



Membership

| | |
|-----------------------|--|
| Mathew Thorpe (Chair) | Deputy Head of Family Justice |
| Ray Bull | Professor of Psychology, University of Leicester |
| Michael Clarke | Consultant Ophthalmologist |
| Stephen Cobb | Family Barrister, One Garden Court |
| Jane Craig | Head of Family Law Dept, Manches LLP |
| Colin Ferrie | Consultant Paediatric Neurologist |
| Katherine Gieve | Head of Family Law Dept. Bindman & Ptnrs |
| 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 2006-07

- 7.1 The Committee met four times during the year and the most important topic considered was the Council's response to the Chief Medical Officer's Report, 'Bearing Good Witness'. In formulating its response, the Committee also took the views of a wide range of professionals involved in the family justice system at an event held in January 2007.
- 7.2 In general, the Committee's response to the report was very positive. It represented a significant and radical re-think on the way that expert medical evidence would be dealt with, proposing that it should be recognised as a public service and part of the National Health Service provision. Inevitably, there will be practical problems which will have to be solved, including how teams would be set up, how they would be paid and how the work would be commissioned. Considerably more work and thought will be required to make this happen. The Council's response to the report can be found on its website: www.family-justice-council.org.uk.
- 7.3 At its meeting in May, Professor Jane Ireland gave a presentation to the Committee on the outcome of a survey, carried out by the Professional Practice Board of the British Psychological Society, of psychologists involved in court work. The survey, entitled 'The Incentives and Disincentives for Being an Expert', revealed some important messages and the results were circulated to Local Family Justice Councils. Although clear incentives were noted for psychologists providing expert witness services to courts, the survey results stressed the disincentives and suggested that these were fundamental in explaining why many psychologists qualified to provide expert witness opinions were either not engaging with such work or were disengaging from it. Such a situation causes difficulties for courts wishing to find, and instruct, a suitably qualified expert who can report within a relatively short period of time. Many of the disincentives noted, however, were felt to be easily addressed e.g. ensuring instructions are as clear as possible, ensuring payment within a reasonable time and building

in some method of providing feedback on case outcome. It was hoped that this brief consultation would provide at least some direction on how more psychologists can be successfully engaged with court work.

- 7.4 Other issues considered by the Committee were the quality of assessments made by psychologists and the two BPS representatives agreed to take this issue to the BPS to ensure that it initiates proposals to improve the situation. The Family Division High Court Judges were also consulted on the frequent issues that arise with expert medical witnesses.
- 7.5 The Committee is collaborating with the Judicial Review Team and with the Family Procedure Rules Committee concerning Protocols and Rules governing the use and role of experts in family proceedings.
- 7.6 The Committee continues to seek increased incentives for doctors to undertake forensic work, to provide experience through the mini pupillage schemes and to minimise disincentives, particularly the threat and consequence of complaints to the General Medical Council.

Chapter 8

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 Member |
| Christine Smart | Children's Rights Director, Cafcass |

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 2006-7

8.1 The Voice of the Child Sub-Group first met in October 2006 and has taken forward two major projects this year. The first was working with a young people's reference group facilitated by the National Youth Advocacy Service, in partnership with Cafcass, and based in Birkenhead. The purpose of the group is to seek the

views of children and young people about their experience of the family justice system and to ask them for their views on Government consultation papers. The reference group first met in October 2005, meets six times a year, and the Council has agreed to fund it for two years. The Voice of the Child Sub-Group feeds in the views of the reference group into the wider work of the Council.

8.2 During the period covered by this Annual Report, the reference group worked on the following issues:

- (a) the development of Cafcass principles of good practice - the group gave feedback on the document to be made available to young people in relation to the standards that they can expect from Cafcass practitioners;
- (b) young people's experience of the family justice system and hearing the voice of young people in care planning;
- (c) young peoples' court experiences - this was considered alongside the 'Every Child Matters' consultation document;
- (d) the group prepared responses to two consultation documents: 'Separate Representation of Children' and 'Improving Transparency and Privacy in the Family Courts';
- (e) two sessions were convened for the young people to have an input to the Department for Constitutional Affairs stakeholder event on transparency, and;
- (f) the group is currently considering standards for communicating with young people and is in the process of preparing a contribution to training for the judiciary.

8.3 The group has presented an overview of its work to the Cafcass Board and to the Family Justice Council.

- 8.4 The Sub-Group has started work on a draft policy paper exploring methods for increasing the participation of the children and young people in the family justice system. The paper considers the human rights, child welfare, training and resource issues raised and examines the case for enabling children to see judges during the course of proceedings in appropriate circumstances.
- 8.5 Subject to the endorsement of the Council, the Voice of the Child Sub-Group intends to publish and circulate a discussion paper in order to stimulate a debate on the participation of children in the family justice system.

Chapter 9

The Domestic Violence Working Group



Membership

Marilyn Mornington (Chair) District Judge, Barnsley

Sheridan Greenland Director, Care Proceedings Programme and Civil and Family Business Systems, HMCS

Elizabeth Hall Regional Director (Developing Practice/Safeguarding/Domestic Violence Portfolio), Cafcass

Judith Masson Professor of Socio-Legal Studies, University of Bristol

Brian Moore ACPO: Deputy Chief Constable, Surrey

Jean Price Consultant Community Paediatrician

Khatun Sapnara Family Barrister, Coram Chambers

Beverley Sayers Family Mediator

Christine Smart Director, Children's Rights Cafcass

HMCS officials in attendance

Terry Hunter Head of Domestic Violence Branch, HMCS

Jan Salihi Domestic Violence Branch

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 2006-7

- 9.1 The Working Group has taken forward two major projects during the course of this year. It has developed a blueprint for a multi disciplinary awareness day on domestic violence for LFJCs with the aims of:
- i. raising awareness of the effects of domestic violence on children and their families;
 - ii. addressing the concerns of risk assessment and safety planning in the court process as set out on the HMICA report as they affect the judiciary, court staff and others involved in legal proceedings, and;
 - iii. addressing the needs of particularly vulnerable groups such as the disabled and those from BME communities.
- 9.2 Successful events have been held in the majority of areas. Each Local Family Justice Council received a resource pack, put together through the Working Group, which provided all the necessary material to hold such an event, including a draft programme, suggested speakers, questionnaires and case studies. The Chair spoke at a number of these events. Feedback from these events has been universally positive.
- 9.3 The local Family Justice Council conference in March 2007, saw the launch of the DVD 'You don't have to live in fear', a guide for victims of domestic violence on the family court process; to explain the help and remedies available to victims of domestic violence, in England and Wales. The DVD was produced by the Ministry for Justice with financial assistance, and support, from the Family Justice Council, and is aimed at current and potential applicants, advisors of victims, such as lawyers and support groups e.g. Women's Aid and Refuge workers, and others such as the police, housing, social and health services. It is free of charge and is being distributed widely and has been very well received.
- 9.4 The Group provided input to the preparation of the report to the President on contact in cases where domestic violence is an issue and will continue to lead on this for the Family Justice Council in the coming year.

- 9.5 The Group responded on behalf of the Council to the Home Office consultation on 'Guidance for Domestic Homicide Reviews' and has had an input, together with the Diversity Group, into the Forced Marriage Bill currently proceeding through Parliament.
- 9.6 The Chair of the Group has participated in delegations to Pakistan and Saudi Arabia and continues to act as an adviser and trustee for a 5 year project investigating the effects of domestic violence on all aspects of child development; and sits on the Association of Chief Police Officers' Domestic Violence and Honour Based Violence National Steering Groups.

Chapter 10

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, solicitor at Charles Russell |
| 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 interdisciplinary 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 2006-07

- 10.1 This is the most recently established of the Family Justice Council's Committees and held its first meeting in November 2006. The main purpose of the Committee is to promote inter-disciplinary education and training among the professional groups that work in the family justice system.
- 10.2 The Committee has decided to concentrate on the interdisciplinary education and training of new entrants to relevant professional disciplines. Members have begun to map out the existing interdisciplinary education and training carried out by the key professional bodies with the aim of identifying which groups require the most urgent attention.
- 10.3 The intention is to complete the mapping exercise in 2007-08 and the Committee will seek to engage with those professional bodies that would benefit from a more inter-disciplinary approach.

10.4 Feedback received by the Committee suggests that many professionals working in the family justice system have limited understanding and information on how the system as a whole works and where they fit in. The FJC has already sought to improve knowledge of the working of the family justice system through the guide on its website at www.family-justice-council.org.uk/system.htm. During 2007-08 the Committee will identify appropriate materials giving an overview of the family justice system as a means of furthering an understanding of the system. Once these materials have been identified, the Committee intends to encourage their use in professional induction training and to disseminate them as widely as possible e.g. through the FJC website.

Chapter 11

Local Family Justice Councils



11.1 Local Family Justice Councils (LFJCs) were established in the latter part of 2005 to underpin the work of the national Council at local level. There are 40 LFJCs in England and Wales

11.2 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 national Family Justice Council, highlighting any local problems and flagging up any local initiatives designed to address those difficulties, and;
- To create a reciprocal exchange of information and ideas between Local Councils and the FJC.

11.3 All the LFJCs are chaired by a specialist family judge and, as with the FJC, members are drawn from a wide range of disciplines working within the family justice system. They are supported by a part-time administrator drawn from the local HMCS staff.

11.4 During the course of the year, communications between the National and Local Councils improved significantly and a number of LFJCs responded to the various consultation exercises including, Concurrent Care and Placement Orders, transparency, the Carter proposals for legal aid and consent orders in contact applications where domestic violence was an issue. In turn, the concerns expressed by many Local Councils at the new legal aid contracts for solicitors and their effect on the family justice system led to the Council issuing a press release on this matter in March 2007.

11.5 In February 2007, Local Councils were asked to complete a short questionnaire setting out their activities to date and what they had achieved. These revealed that all Councils had organised conferences and training events covering a variety of subjects including a medico-legal conference on child protection; adult and child disabilities in care proceedings; the Voice of the Child; transparency in family proceedings; and in particular, domestic violence. A number of Councils also hold a regular short training forum on various topics. The extent of the training undertaken by LFJCs is impressive, with events often attended by over 100 representatives from the local family justice system together with very positive feedback on the value of such events.

11.6 In March 2007, a day conference was held in Kenilworth for representatives of the LFJCs. After opening remarks by the President of the Family Division and Lord Justice Thorpe, the first half of the conference was given over to presentations by members of the FJC on transparency in the family courts, consent contact orders and the issue of domestic violence. Delegates were also shown a new DVD, 'You don't have to live in fear', designed for the victims of domestic violence and providing a guide to what remedies were available and the procedures involved. The DVD has been partly funded by the FJC. The second half of the conference consisted of a presentation by His Honour Judge Elly, the joint Chair of the Thames Valley LFJC, on how, two years on, he thought that LFJCs had progressed. Finally, Norman Hartnell, a solicitor member of the Peninsula (Devon & Cornwall) LFJC highlighted the importance of communication, in particular, considering how communication could better be achieved between the National and Local Councils; and from Local Councils to the local professional membership and court users; the establishment of a web based national database of local resources based on the FJC website with a link to each LFJC; what LFJCs need to fulfil their roles; and to suggest some priorities for the coming year. Feedback received from the delegates indicated that the conference had been a great success although some felt that more time should have been allowed for general group discussion.

11.7 At the conference, the Council launched its sponsorship scheme, whereby members of the Council adopt one or more LFJCs. The purpose of the scheme is to provide a link between the Council and LFJCs. This includes:

- Offering support to Local Councils
- Taking back issues of concern to the FJC
- Providing advice and guidance to resolve local problems
- Providing a conduit for sharing good practice
- Helping to raise the profile of the Councils both nationally and locally.

11.8 In June 2007, an event is planned for the LFJC administrators which will provide them with an opportunity to meet each other; to discuss any areas of concern; share good practice; and for the FJC secretariat to explain more fully what they do and what would help them in forging better links with the Local Councils.

Chapter 12

Challenges for 2007-8



12.1 The Council has set itself eight strategic objectives to guide its work in 2007-08. The Council's Business Plan for 2007-08 is attached at Annex D. The Secretary of State for Justice has endorsed these objectives. They are:

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

12.2 The Local Family Justice Councils were set up in 2005 and many of them have established themselves as champions of effective inter-disciplinary co-operation in their areas. Others are currently less effective and there remain communication problems in some areas. To improve two-way communication and networking between the national and Local Councils, the Secretariat intends to visit all 40 LFJCs over the coming year. The Secretariat has organised a conference for the administrators of LFJCs to take place in June 2007. The purpose of the conference is to bring the LFJC administrators together to share common problems and experience and to identify common solutions.

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.

12.3 Diversity is the theme of the Council's next Dartington Conference due to take place in September 2007. The Dartington Planning Committee has put together an impressive programme of speakers, from a number of different disciplines working in family justice, to examine the impact of diversity on the system. The members of the Committee are: Lord Justice Thorpe (Chair), Julia Brophy, Yvonne Brown, Bruce Clark, Katherine Gieve, Danya Glaser, Angela Nield, Alison Paddle, Khatun Sapnara, Gillian Schofield, Neela Shabde, Samantha Singer, Claire Sturge and Judith Trowell.

12.4 The Diversity Committee has been asked by the Ministry of Justice to participate in a diversity audit of its family justice policies and will work with MoJ officials on this over the coming year. The Diversity Committee will be providing advice and support to Lord Lester of Herne Hill during the parliamentary passage of his private peer's bill on forced marriage.

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

12.5 In the event that the Government accepts the recommendations made in the Chief Medical Officer's report, 'Bearing Good Witness', the Experts Committee and the Children in Safeguarding Committee will take forward work on implementation of the new system for providing expert evidence in family cases. The Council is in a unique position to build support for the proposals across both the medical and legal professions. Lord Justice Thorpe represents the Council on the Programme Board charged with implementing the report. The Experts Committee will also be working on establishing an effective network of training initiatives for specialist registrars in particular.

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

12.6 Against a background of uncertainty as to the appropriate source of funding for residential and viability assessments, the Children in Safeguarding Proceedings Committee considers that there is an urgent need to look at the evidential value of assessments in public law cases and whether they represent value for money. They intend to review the contribution made by assessments to decision-making in public law cases, especially in those cases where such assessments offer a last chance for parents to demonstrate that they are capable of looking after their children. The Committee will take forward work on promoting awareness of, and debate on the merits of, concurrent planning and to examine the role and effectiveness of Independent Reporting Officers in public law cases. The Committee will also contribute to the work on transparency, the Chief Medical Officer's report on experts and the response to the proposals of the Legal Services Commission on reforming the funding of public law cases.

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

12.7 Together with the Domestic Violence Working Group and the Local Family Justice Councils, the Children in Families Committee will seek to secure the support of stakeholders in the family justice system to take forward the recommendations of the Committee's report on contact by consent in cases with a history of domestic violence. The Committee will lead on the response to the Government's revised proposals on separate representation of children and contribute to the Council's input on the Chief Medical Officer's proposals on the provision of medical expert evidence in family cases.

12.8 The Children in Families Committee will seek an interdisciplinary view on the content of the 'contact activities' provided for in the Children and Adoption Act 2005 to stimulate an informed debate on the implementation of the legislation. The Committee will seek to work with LFJCs on the promotion of family mediation in appropriate cases.

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

12.9 The Money and Property Committee will continue to lead the Council's engagement with the Government on the reform of the Child Support Agency and will seek to influence the shape of any legislation establishing the new arrangements for child support. The Committee will also seek to make the case that a fundamental review of section 25 of the Matrimonial Causes Act 1973 is now overdue. The Committee will work with LFJCs in promoting a more uniform approach to Financial Dispute Resolution (FDR) hearings and in exploring the value of block listing FDR hearings in FDR weeks.

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.

12.10 The Voice of the Child Committee will be working on a discussion paper on enhancing the participation of children in the family justice system. The purpose of the paper is to stimulate a debate on the desirability and feasibility of enabling children to see judges in the course of proceedings. The Committee will circulate the paper to the LFJCs and other stakeholders in the family justice system and seek views.

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

12.11 In its first year, the Education and Training Committee will concentrate on mapping and reporting on the existing inter-disciplinary training that is available to new entrants to the key professions working in the family justice system. The Committee will also seek to build links between the Council and the bodies responsible for the training, education and accreditation of the key professional groups.

Annex A

Terms of Reference

The Family Justice Council aims to facilitate the delivery of better and quicker outcomes for families and children who use the family justice system. The Council's primary role is to promote an inter-disciplinary approach to family justice. Through consultation and research, it monitors how effectively the system, both as a whole and through its component parts, delivers the service the Government and the public need and it advises 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 -2005; Chairman Family Procedure Rules Committee 2005-; Chairman Family Justice Council 2005-.

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.
Chair of the Executive and Expert Sub-Committees.**



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.

President: Parentline Plus and Mediation in Divorce.

Governor: Thomas Coram Foundation.

Trustee: St Saviour's Priory.

Mrs Justice Baron **Chair of the Money and Property Committee**

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.



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.

Paul Clark 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, and the Children in Safeguarding Proceedings Committee. As a member of the Family Justice Council, he has also directly participated in consultations on the use of experts in family cases, and on transparency in the family courts.

He is a Recorder of the Crown Court; he is an elected member of the committee of the Family Law Bar Association. He is a member of the NYAS (National Youth Advocacy Service) Professional Advisory Group. He is a general editor of Clarke Hall & Morrison on Children, having previously edited 'Essential Family Practice' (Butterworths). He has appeared in over 30 reported cases in the law reports.

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 co-habitants, 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 in 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 the development of the Inner London Family Proceedings Court at Wells Street, which opened in April 1997.

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

Chair/serving member of a number of committees and groups including the Association of Lawyers for Children young persons subcommittee, the NSPCC group producing information for children with disabilities who face care proceedings, Coram Family Advisory Groups and the 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 the 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.

Mary MacLeod
Chief Executive of the National Family and Parenting Institute



Mary MacLeod joined the Family and Parenting Institute as its first chief executive in October 1999. Formerly of Barnardo's, Lothian Region Social Work Department, ChildLine and the Universities of Edinburgh and North London, she has written widely about child and family welfare. Publications include: 'Why Me? a study of bullying'; 'Children and Racism'; 'Child Protection: Everybody's Business' and 'Unhappy Families, Unhappy Children'. She is an Honorary Research Fellow at the University of Warwick, a member of Government and non-Government research and policy advisory groups on children and family issues, a member of the Family Justice Council and a Board member of NCB. She is interim Chief Executive for the National Academy for Parenting Practitioners, which is being launched in October 2007.

Judith Masson
Professor of Socio–Legal Studies, Bristol University
Chair of the Education and Training Committee



Judith Masson is co-author (with Dr Stephen Cretney and Professor Rebecca Bailey-Harris) of a leading text, 'Principles of Family Law' (7th ed 2003) and teaches courses on Child 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 Annie 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. She is currently co-directing a study for the Ministry of Justice and Department of Children, School and Families profiling care proceedings, and advising on research on specialist domestic violence courts.

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. She was specialist advisor to the House of Commons Select Committee Inquiry into Cafcass and is a member of the Family Committee 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
- Trustee - Henna Foundation
- 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. 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
Consultant Community Paediatrician



Dr Rosalyn Proops DCH, MRCP, FRCPCH, is a Consultant Paediatrician in Norwich and Senior Lecturer at the Medical School, University of East Anglia. Rosalyn qualified in 1974 at the University of Birmingham and has worked in the West Midlands, Edinburgh and the United States, moving to East Anglia as a Consultant in 1987. Rosalyn was appointed as the first Royal College of Paediatrics and Child Health's Child Protection Officer in January 2007. Rosalyn has extensive experience of developmental and social paediatrics and of all aspects of child protection work. She has held a number of management roles including Medical Director and Designated Doctor for Child Protection for 12 years. Rosalyn's particular interest is in inter-disciplinary work in child protection and she has considerable experience in policy development, teaching and training across agencies, particularly with social care professionals, the police and the judiciary. Rosalyn has a keen interest in law and ethics and was appointed to the Family Justice Council at its inception in the summer of 2004.

Malcolm Richardson
Magistrate, South Gloucestershire (resigned March 2007)



Malcolm Richardson has been a magistrate in South Gloucestershire since 1989. He joined the Family Panel on its creation. He was chairman of the Panel for six years until he became chairman of the bench at the beginning of 2004. He is a trustee of the Magistrates' Association having been a member of its Council since 1998 and serving on its Family Proceedings Committee for four years, three of them as chairman. His family justice interests are to help further the development of an integrated specialist service making optimal use of the magistracy and campaigning for the infrastructure and

professional resources to enable such use. Most recently he was a member of the Advisory Group to the DCA Child Care Proceedings System Review.

He is also a global business management consultant specialising in the high-technology and chemicals industries, advising on and helping facilitate the implementation of business transformation strategies and most particularly on the creation and exploitation of partnerships and alliances.

Khatun Sapnara **FJC lead on Diversity issues**

Khatun Sapnara has been a practising barrister for 16 years. She read law at the London School of Economics and practises exclusively in family law. She is a member of Coram Chambers in Temple, London, which is a specialist family law set.



Khatun has extensive experience of cases involving private law (residence and contact disputes) and public law (care) proceedings pursuant to the Children Act 1989; child abduction; domestic violence; adoption and Wardship. She variously represents the range of parties – parents and other family members, children, children’s Guardians local authorities and the Official Solicitor.

Khatun serves on the FJC’s executive committee, both the Children in Safeguarding Proceedings and the Children in Families Committees, and is chair of the Diversity Committee. She was elected to the committee of the Family Law Bar Association in 2003. On behalf of the Judicial Studies Board, she regularly undertakes diversity training of Judges sitting in family law cases.

Khatun is on the governing body of a state secondary school in London and a Director of “Project Freshstart,” a registered charity providing education and employment training for socially excluded young people. She is also Chair of “Ashiana”, a refuge and outreach support service for women from South Asian, Turkish and Iranian backgrounds experiencing domestic violence or at risk of forced marriage.

Khatun is of Bangladeshi origin and speaks Bengali and Sylheti. She is married with two children and lives in London.

Beverley Sayers

Beverley is one of the co-founders of Family Mediation Manchester Ltd. She has been mediating with them since 1994.

She acts as a professional practice consultant (PPC) for the Family Mediators Association (FMA) and Resolution (formerly SFLA, the Solicitors Family Law Association). Her PPC work covers mediators across the North West and in London.



Beverley is a member of the FMA training team and runs mediation courses in the North West for Resolution. She was part of the Relate/FMA team that took mediation awareness training to the judiciary throughout the later part of the 1990s. More recently she co-convened and chaired a conference 'Working In Partnership' and co-convened a mediation awareness training for the Manchester judiciary. She recently refined this mediation awareness training and presented it to the Liverpool and Chester judiciary as the basis of a model to be used nationwide.

Beverley was one of the original team assessing competence of mediators for the Legal Services Commission as it launched its publicly funded mediation services in 1997, prior to becoming a mediator competence assessor for the UK College of Family Mediators.

She sits on the Board of the Family Mediators Association and is Chair of the FMA Complaints Sub-committee. She is a member of Resolution.

In January 2007 she became the mediation representative on the Family Justice Council and joined the Children in Families (Private Law) committee and the Domestic Violence Working Group. She is the FJC sponsor for the Chester and Stafford LFJCs. As the FJC Mediation representative, she will shortly be attending the Parents Forum to be held in the House of Commons. She has also recently presented a workshop at the European Parliament, to a group of MEPs who are looking into extending the use of mediation in the European Union. She sees an essential part of her FJC role as keeping mediation at the forefront of the family justice system and has begun to develop a dialogue with mediators from all lead bodies. She is committed to developing strong working links with other stakeholders in family justice, and she is currently in discussions to co-convene a further 'Working In Partnership' conference in 2008.

Ex-Officio members

Bruce Clark

Head of Vulnerable Children Division, DfES (now Deputy Head of Partnerships, Department for Children Schools and Families)

Bruce Clark is a Divisional Manager within the Children, Young People and Families Directorate of the DfES. He is responsible for policy relating to looked after children, adoption, the sponsorship of Cafcass and for public and private law Children Act 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.

Peter Clarke

Children's Commissioner for Wales

Peter Clarke, who sadly died in January 2007, was the first Children's Commissioner for Wales and the first UK Commissioner for Children. The Office of Children's Commissioner for Wales has an overarching aim to 'promote and safeguard rights and welfare of children' in Wales. The joint Cafcass and FJC Young People's group was set up at his suggestion and has been active and successful. It has been able to ensure that the voices of children are heard loud and clear by those making policy and administering the family justice system and stands as a fitting memorial to his work and commitment.

Janet Douglas

Head of Consular Assistance Group, Consular Directorate, FCO

Janet Douglas has been Head of Consular Assistance Group in the Foreign and Commonwealth Office's Consular Directorate since 2004. The Group handles individual case-work involving British nationals who get into difficulties overseas. This can include anything from minor accidents to hostage situations, and from lost passports to murder investigations. The Group also supports British people in a range of family law related cases such as child abductions, matters involving minors and forced marriages. It also has responsibility for monitoring and safeguarding the human rights of Britons overseas - including those in prison, and particularly those who have suffered mistreatment, or have been sentenced to death.

Terry Grange **Chief Constable of Dyfed Powys**

Following police service with the Metropolitan Police and the Avon and Somerset Constabulary, Terry Grange was appointed Chief Constable of the Dyfed-Powys Police in March 2000.

Terry Grange sits on the following national Association of Chief Police Officers' (ACPO) Business Areas: Chief Constable's Council and Crime. He holds the ACPO personal crime portfolio on the ACPO Crime Committee. As such he has an overview of Domestic Violence, harassment, rape, homicide, combatting child abuse on the internet as well as having child protection and the management of sex offenders as his own business areas.

Since holding the portfolio he has given evidence to the Home Affairs Select Committee on their enquiry into the police investigations of historic institutional child abuse and to the Victoria Climbié inquiry.

Sheridan Greenland OBE **HMCS**

Sheridan Greenland is currently HMCS Director for the Care Proceedings Programme and Head of Civil and Family Business Systems within the Civil and Family Directorate, which is now part of the Ministry of Justice. Sheridan currently also holds responsibility as senior responsible officer 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 was seconded to both Her Majesty's Courts Service Inspectorate and the Lord Chancellor's Department, and in 1999 was appointed Justices' Chief Executive in Surrey. When Her Majesty's Courts Service was created she was appointed Area Director for family work in London, subsequently moving to her present policy role within the Civil and Family Directorate.

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 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.

Dafydd Ifans **Chief Executive, Cafcass CYMRU**

Dafydd Ifans is the senior civil servant within the Welsh Assembly Government who is the Chief Executive of Cafcass CYMRU. Responsibilities for Cafcass functions in Wales became the responsibility of the National Assembly for Wales on the 1st of April 2005. The organisation is now a separate entity to Cafcass in England and is a Division with the Welsh Assembly Government. A framework document is in place to maintain its professional independence, which holds the Chief Executive directly accountable to the Minister for Social Justice and Regeneration for Cafcass operations in Wales.

Angela Lake Carroll **Head of Children and Family Services** **Legal Services Commission (until September 2006)**

Angela Lake Carroll has worked extensively in private and public law and is also an accredited mediator. She previously acted as an independent external consultant to the Family Advice and Information Service (FAlnS) pilot project, and as writer and presenter of the programme of professional development for family solicitors involved in the pre-pilot phase of the project.

Angela is formerly the Chief Executive of the Family Mediators Association (FMA), and a writer and speaker on family mediation and family law issues. She is a trainer in mediation and alternative dispute resolution techniques including collaborative law, and author of 'Foundation Training in Family Mediation' for FMA. She has also written training on dispute resolution for the Slovenian Family Court on behalf of the ADR Group.

A former lecturer for Oxford University, Faculty of Law (Continuing Education), she was also responsible for writing and piloting the first series of lectures in 'Mediation and Law in Context', which considered the use of mediation in various settings, including international disputes.

A graduate of Law and Psychology, and a former Guardian ad Litem, she has a particular interest in children and family issues. She is a member of the National Youth Advocacy Service Professional Advisory Group, UK Collaborative Law Steering Group and Resolution (formerly SFLA) Accreditation Advisory Group. She is a former member of the Independent Tribunal Service (Child Support Appeals).

Diana Luchford
Head of the Youth Justice and Children Unit (YJCU), Home Office.

The aim of YJCU is to develop youth crime prevention , early intervention and youth justice policy and law, to ensure implementation and delivery including by sponsoring the Youth Justice Board and to ensure that Home Office interests are represented in the development of the children's agenda.

Amy Nicholas
Department of Health

Deputy Head of the Child Health and Maternity Branch in the Department of Health, with specific responsibility for child health policy

Amy Nicholas' portfolio covers implementation of the National Service Framework for Children, including NHS safeguarding of children. She joined the Department of Health in 1992 having worked extensively in NHS management and public health.

Mark Ormerod CB
Director, Civil and Family Justice, DCA/HMCS

Mark Ormerod was appointed Director, Civil and Family Justice MOJ/HMCS in April 2005. He has also worked in the Lord Chancellor's Department, the Home Office and the Cabinet Office. He was Private Secretary to the Lord Chancellor (Lord Mackay of Clashfern) 1993-1996.

Crispin Passmore
Director, Community Legal Service (from September 2006)

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
Cafcass

Christine has been Children's Rights Director for Cafcass for two years. Christine brought to the role 18 years of working directly with children 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, Christine Smart qualified with a Masters and CQSW from Warwick University in 1986. She worked within Children and Family teams in Social Services prior to becoming a full time Children's Guardian in 1999. She 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 in September 2003.

"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 in every aspect of our work."

Annex C

Expenditure 2006-07 and Budget for 2007-08

| Family Justice Council Expenditure 2006-7 | Budget amount £324,554.00 |
|---|---------------------------|
| Staffing Costs | £349,915.00 |
| Staff Travel and Subsistence | £962.21 |
| Members' Travel and Subsistence | £8,172.29 |
| Research projects | £29,613.91 |
| Consumables (Stationery, Telecoms, Computer) | £2,976.36 |
| Recruitment | £150.00 |
| Consultancy | £1,805.00 |
| Publications and Publicity (including Annual Reports) | £8,062.84 |
| Events and Conferences | £33,236.16 |
| Catering | £952.97 |
| Total: | £435,846.74 |

The Council overspent its staff budget for the year, with the agreement of the Ministry of Justice. This was to provide additional interim support following a review of the Council's operation following establishment. The Council was within budget on all non staff areas. Staffing costs for the financial year 2007-08 will be considerably less.

| Family Justice Council Projected Spend for 2007-8 | |
|--|-----------------|
| Staffing Costs | £227,000 |
| Staff Travel and Subsistence | £2,200 |
| Members' Travel and Subsistence | £14,350 |
| Research projects | £15,000 |
| Consumables (Stationery, Telecoms, Computer) | £1,600 |
| Recruitment | £6,000 |
| Consultancy | £2,000 |
| Publications and Publicity (including Annual Reports) | £21,000 |
| Events and Conferences | £27,750 |
| Catering | £1,100 |
| Total: | £318,000 |

Business Plan 2007-08

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 42 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 2008 | Establish effective networking between Secretariat and chairs of LFJCs and their administrators. |
| 2 Secretariat to hold a 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. | April 2008 | Improved two way communication between LFJC administrators and the Secretariat. Exchange of minutes and complete membership lists. |
| 3 Secretariat to provide guidance to LFJCs on form and content of annual reports and to ensure that all 42 LFJCs submit an annual report for the financial year 06/07. | LFJC Liaison Manager | To improve the accountability of LFJCs and improve awareness of the activities of the LFJCs | July 2008 | A better quality LFJC contribution to the annual FJC report for 06/07. |
| 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 | Dec 2008 | A better quality LFJC contribution to the FJC website |

STRATEGIC OBJECTIVE 2

To better understand 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 the 2007 Dartington conference on the theme of diversity | Chair of Dartington Committee | To raise a range of diversity issues amongst the professional groups working in the Family Justice System | Sept 2007 | A successful (high quality speakers and positive engagement by delegates) conference with action taken on the resolutions agreed. |
| 2 Contribute to Diversity audit of DCA family policies | Chair of Diversity Committee | To advise DCA on the impact of its family justice policies on ethnic minority communities | Sept 2007 | Provide input to DCA Diversity Impact Assessment which will inform future policy development and may require amendment of existing policies. |
| 3 Provide advice and background material to Lord Lester on the issue of Forced Marriage | Chair of Diversity Committee | To support the passage of Lord Lester's Forced Marriages Bill through Parliament | To meet Parl. time-table | A Forced Marriages Bill to reach the statute book |

STRATEGIC OBJECTIVE 3:

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

| Supporting Activity | Owner | Aim | Target Date | Outcome |
|--|--|--|--|---|
| 1 Address concerns of supply and quality of experts | Chair of Experts Committee | To work with other organisations to develop appropriate training and educational opportunities | Ongoing RCPCH Course Pilot early 2007 | Increase supply and quality of expert giving evidence in the family courts |
| 2 Establish working relationships with professional groups and colleges who provide expert evidence | Chair of Experts Committee | Agree organisations to be included; establish links with relevant disciplines, including (but not limited to) Royal Colleges of Psychiatry, Paediatrics, Radiology and British Psychological Society | Ongoing | Establishment of effective network of relevant professional bodies responsible for training |
| 3 Address the problems of appropriate instructions to experts | As above | Confirm and promote the use of the draft revised instructions to experts within the revised protocol | Ongoing | More widespread use of model instructions for experts |
| 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 |
| 5 To support GMC request for more timely access to transcripts and other court records in disciplinary cases | Chair of Experts Committee | To speed the access of the GMC to relevant court records to assist it in the early identification of vexatious complaints | October 2007 | A Practice Direction, judicial guidance, note or protocol which gives the GMC more rapid access to relevant court records. |

STRATEGIC OBJECTIVE 4:

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

| Supporting Activity | Owner | Aim | Target Date | Outcome |
|---|--|--|--|--|
| 1 To support improvements in the conduct of care and adoption proceedings in the interests of children and families | Chair of Children in Safeguarding Proceedings Committee | To contribute to changes in the structure of care proceedings being developed in the DCA/DfES Care Review & by the Judicial Review of the Public Law Protocol; to provide guidance & assistance to practitioners through LFJCs in implementing agreed recommendations for change. | In accordance with departmental timetables Guidance & assistance by early 2007. | Changes to care proceedings which reflect the views and priorities of the FJC. |
| 2 To consider initiatives not at present on the agenda to improve the conduct of care proceedings | Chairs of Children in Safeguarding Proceedings Committee and Experts Committee | Examining the following: Early involvement of health professionals in the analysis of key issues; Speed of decision making by police and CPS where there are parallel criminal proceedings; impact of LA panel system on delay in decision making; children of asylum seekers and relationship with Home Office. | early 2007 | Changes to care proceedings which reflect the views and priorities of the FJC. |
| 3 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. | In accordance with DH timetable | A new system for provision of expert evidence which better meets the needs of the family courts for high quality & timely expert evidence. |

| | | | | |
|---|---|---|---|---|
| <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 evaluate the quality of evidence provided by assessments.</p> | <p>March 2008</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 respond to the LSC's revised proposals on family legal aid.</p> | <p>Chair of Children in Safeguarding Proceedings Committee lead/ Chair of Children in families Cmte</p> | <p>To make the case to the LSC and to ministers for a legal aid regime which provides for high quality legal advice and representation for children and parents in family proceedings</p> | <p>According to LSC timetable for responses</p> | <p>Amendments to the scheme which acknowledge the concerns of the FJC on quality and supply.</p> |
| <p>6 To play a full role in taking forward the Government's transparency agenda</p> | <p>Chair of Children in Safeguarding Proceedings Cmte lead/Chair of Children in Families Cmte</p> | <p>To feed views of FJC to DCA officials and ministers during further development of policy & on implementation</p> | <p>According to DCA timetable</p> | <p>To make DCA ministers and officials aware of the likely impact of the transparency policy on public law cases</p> |
| <p>7 To organise a seminar on concurrent planning aimed at legal practitioners, judiciary and social workers.</p> | <p>Chair of Children in Safeguarding Proceedings Committee</p> | <p>To promote awareness of, and debate on, concurrent planning</p> | <p>November 2007</p> | <p>To hold a successful, well attended, seminar on concurrent planning</p> |
| <p>8 To examine the role and practice of IROs in public law cases</p> | <p>Chair of Children in Safeguarding Proceedings Committee</p> | <p>To make the case for changes to the practice of IROs make them more active & interventionist in championing the welfare of children in care.</p> | <p>March 2008</p> | <p>To persuade DfES officials and ministers to amend the guidance to local authorities on IROs</p> |

STRATEGIC OBJECTIVE 5:

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

| Supporting Activity | Owner | Aim | Target Date | Outcome |
|---|---|---|---|--|
| 1a Assistance to Local Family Justice Councils in awareness raising about the issues raised in HMICA thematic report on domestic violence | Chair of Domestic Violence Working Group lead | 1a. Dissemination of key issues and good practice and guidance re domestic violence | March 2008 | 1a. The holding of awareness raising event by LFJCs. |
| 1b To disseminate information on and promote implementation of the Committee's report on DV in consent contact cases. | | 1b. To secure the support of LFJCs in taking forward the implementation of the report | | 1b. A new Practice Direction embodying recommendations in the report |
| 2 Consider relevant research evidence and consult with Local Family Justice Councils | Chair of Voice of the Child Committee lead | Provide input to the Voice of the Child lead report to the President of the Family Division on the desirability of enabling judges to see children in the course of proceedings | Report to the President by July 2007 | To support the President in issuing a Practice Direction encouraging judges to see children in appropriate cases. |
| 3 By liaison with local Family Justice Councils and member agencies collate and disseminate practice information | Chair of Children in Families Committee | To promote the development of good practice models in the implementation of the President's Private Law Programme | Report to the President in January 2008 | To gain a more detailed picture on compliance with the Programme across the country and use this information to propose any necessary remedial action to the President |

| | | | | |
|--|---|---|---|--|
| <p>4 To gather information from research and liaison with user groups and with Local FJCs to raise awareness of users' views and experiences</p> | <p>Chair of Voice of the Child Committee lead/consumer Member/Chair of Diversity Committee lead</p> | <p>To advise and assist those working in the Family Justice system to respond to the views and experiences of users</p> | <p>Research report to be submitted July 2007. Annual meeting with users. Further work on diversity early 2007</p> | <p>To improve knowledge and understanding of user experience of the Family Justice System and to use this information to inform future policy development</p> |
| <p>5 To seek an interdisciplinary view on the content and implementation of the 'contact activities' provided for in the Children and Adoption Act 2005</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 2008</p> | <p>To put the views of the Committee and Council to DCA 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 2008</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 respond to the DCA's revised proposals on Separate Representation</p> | <p>Chair of the Children in Families Committee</p> | <p>To influence the DCA's policy on Separate Representation.</p> | <p>Autumn 2007</p> | <p>To put case to ministers that greater use of Separate Representation is in the best interests of children and is the most cost effective use of resources</p> |
| <p>8 To consider relevant research evidence on and to seek input from LFJC on the impact of greater transparency on private law proceedings</p> | <p>Chair of Children in Safeguarding Proceedings Committee lead</p> | <p>To feed in the views of Committee during policy development and implementation</p> | <p>July 2007</p> | <p>To make DCA ministers and officials aware of the likely impact of the transparency policy on private law cases.</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 seek to influence DWP's response to its public consultation on the reform of the CSA. | Chair of the Money and Property Committee | To encourage an acceptance that the CSA requires wholesale reform and consider if there is a renewed potential for court proceedings | Ongoing | To influence the legislation which established the new arrangements for child support e.g. Scrap the 12 month rule and resist DWP proposals for administrative enforcement. |
| 2 To consider the role of court led dispute resolution in financial matters, 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 a uniform approach to FDRs | March 2008 | President to issue new guidance on FDRs |
| 3 To make 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. | March 2008 | Inclusion of a wide ranging review of Section 25 MCA in the Law Commission's 10 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 Provide advice to the President of the Family Division on the feasibility and desirability of enabling judges to see children in the course of proceedings. | Chair of Voice of the Child Committee | To set out the principles of, and rationale for, enhancing children's participation in family proceedings to assist the President in arriving at a policy position on the issue of judges speaking to children, directly and privately, during the course of public law and private law proceedings. | Report to the President by July 2007 | President accepts the recommendations in the report and issues a Practice Direction setting out guidelines when it is appropriate for judges to see children during the course of public and private proceedings. |
| 2 Provide input to other FJC Committees on voice of the child issues | Chair of Voice of the Child Committee | To advise other FJC Committees on the impact on children of their workstreams e.g. transparency & sep. representation of children | Ongoing | Other FJC Committees take account of the impact on children of any recommendations they make. |

| 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 E and T Committee | To advise the Council about the likely current levels of knowledge and understanding of those starting to work in the family justice system. | December 2007 | Report on the current qualifications and training of new professionals working in the family justice system | |
| 2 To develop links with main bodies responsible for education, training and accreditation of professionals working with in the family justice system | Chair of the E and T Committee | To seek to promote training opportunities and requirements relevant to work in the family justice system | On going | Communication between the Family Justice Council and relevant professional bodies | |
| 3 To communicate topics identified as training needs by the FJC and its committees to the relevant professional bodies | Chair of the E and T Committee in conjunction with their committee chairs | To develop the knowledge and understanding within the various professionals who work in the family justice system | On going | Awareness in relevant professional organisations of issues where the Family Justice Council has given guidance | |

How to contact the Family Justice Council

The Family Justice Council can be contacted at:

Family Justice Council
Room E201, East Block
Royal Courts of Justice
Strand
London
WC2A 2LL

Telephone 020 7947 7333

Fax 020 7947 7875

email fjc@hmcourts-service.gsi.gov.uk

website www.family-justice-council.org.uk

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