

Family Justice Council

Report and Accounts

2008-09



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Foreword by the President

This is the fourth Annual report of the Family Justice Council covering a year which has seen much activity and attention by Government departments and agencies focused on the family justice system. The Council has, therefore, devoted much of its time to providing authoritative advice, from an inter-disciplinary perspective, on the proposals Government has brought forward.



Three issues have stood out: legal aid, the transparency of the family courts and the social work review. Several public consultation papers on public funding of family proceedings were published during the 12 months covered by this report. In responding to these papers, the Council was able to demonstrate the benefits of its inter-disciplinary make up by highlighting the ‘knock on’ effects of the proposals upon other parts of the family justice system, not least the courts. A system-wide approach is vital if reforms are to be effective. It is important to avoid a piecemeal approach to reform with insufficient regard given to how changes in one part of the system will affect the others. The Council has made detailed representations to the Legal Services Commission urging it to consider the likely effects of its proposals on the capacity of the courts to deal with cases in a timely and efficient manner and to the high standards which the users of the courts have a right to expect.

The Council also continued to work closely with officials on proposals to promote the openness and transparency of the family courts. The Council supports proposals designed to increase the amount and quality of information made available to the public about the operation of the family courts. To this end, the Council welcomed the announcement that the Ministry of Justice would pilot the publication of a selection of anonymised judgments in family cases. It is the Council’s view, that the best way to improve public and media awareness of the workings of the family courts is to publish anonymised judgments which give a full explanation of how the court has reached its decision.

The Council welcomed the opportunity to contribute to the Government's review of the recruitment, retention and professional development of social workers and the Council will continue to contribute to this important area of work through its membership of the Key Partners Group of the Social Work Taskforce. I am delighted that the social work profession is now receiving the attention and priority necessary to maintain its standards for the benefit of the vulnerable children and adults who need the skills of good social workers.

The national Family Justice Council is supported by 39 Local Family Justice Councils (Local FJCs) covering England and Wales. The Local FJCs have established themselves as the principal providers of inter-disciplinary training for all those (whether legal, social care or health professionals) working in the family justice system. I know from speaking to family justice professionals on my visits throughout the country, the high value and importance that which they place on the training events organised by the Local FJCs.

I welcome the chance to record my deep gratitude to the members of the Council for the time, effort and commitment which they have given so consistently to its work. To produce work of the quality which the members of the Council achieve routinely, in addition to their 'day job', and without remuneration, is remarkable. I am also grateful to the wider circle of people who have generously given their time and expertise to serve on the Council's committees and on the Local FJCs.

I also wish to acknowledge the constructive contribution made by officials from, in particular, the Ministry of Justice and the Department for Children, Schools and Families in their positive engagement with the Council on a range of issues.

Finally, I, Lord Justice Thorpe, and all the Council members, would like to thank our secretariat for their unstinting efforts over the last year, as well as all the administrators who support the work of the Local FJCs across England and Wales.



Sir Mark Potter
President

Chapter 1

How the Council Works



- 1.1 This is the fourth published Annual Report of the Family Justice Council and covers the work of the Council over the financial year 2008-09. Details of the Council's activities and the key issues it has tackled are set out in chapter 2. The Council is a non-statutory advisory Non-Departmental Public Body, sponsored by the Ministry of Justice (MoJ). It was established on 1 July 2004 as an outcome of the then Lord Chancellor's Department's 2002 consultation paper on 'Promoting Inter-Agency Working in the Family Justice System'. Those responding to this consultation felt that there was a clear need for a representative body that brought together all the key groups working in the family justice system.

The Primary Role of the Family Justice Council

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

Composition of the Council

- 1.3 The Family Justice Council consists of a representative cross section of those who work in, use, or have an interest in, the family justice system. A full list of the members is attached at Annex B. The Council is chaired by the President of the Family Division, Sir Mark Potter. Its deputy chair is Lord Justice Thorpe, the Deputy Head of Family Justice. Its members include:
- a Family Division High Court Judge
 - a Circuit Judge
 - a District Judge (County courts)

- a District Judge (Magistrates' courts)
- a lay magistrate
- a Justices' Clerk
- two family barristers
- two family solicitors
- a family mediator
- a paediatrician
- a child mental health specialist
- a director of local authority children's services
- an academic
- a person appointed for their knowledge of family justice from a parent's point of view.

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

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

Structure of the Family Justice Council and its Committees

- 1.4 The Family Justice Council has 31 members (including the ex officio representatives).
- 1.5 There is an Executive Committee of nine members, which makes the management and planning decisions. Its members are the Deputy Chair of the Council, the Chairs of the committees dealing with Children in Safeguarding Proceedings, Children in Families, Money and Property, Diversity, Education and Training and the Voice of the Child, a nominee from the Experts Committee and a representative from the MoJ.
- 1.6 The Council's more detailed work is carried out by a number of subject based committees. There are three main committees dealing with Children in Safeguarding Proceedings (Children Act 1989 and Adoption and Children Act 2002); Children in Families (Children Act 1989, Family Law Act 1996 and Children and Adoption Act 2006); and Money and Property (Matrimonial Causes Act 1973). In addition, there are cross cutting committees on Experts, Education and Training, Diversity and the Voice of the Child. There is currently a working group on Domestic Violence. Two new Committees were formed in 2008-09: the Alternative Dispute Resolution Committee and the Parents and Relatives Committee. The committees, working groups and sub-groups include co-opted members, who are not members of the full Council, as well as relevant Council members.
- 1.7 Chapters 3 to 12 following contain reports on the work of all of the Council's committees, working groups and sub-groups.
- 1.8 There is also an ad hoc Dartington Conference Planning Committee, which meets to arrange the biennial inter-disciplinary residential conferences at Dartington Hall, Totnes in Devon. This Committee, chaired by Lord Justice Thorpe, met several times during 2008-09. The 2009 Dartington Conference, which will focus on the theme of mental health and family law, will take place in October 2009.

Meetings of the Council

- 1.9 The full Council meets quarterly. Three of these meetings are in London and one is held outside London and linked to a residential conference for representatives of the Local Family Justice Councils (Local FJCs).
- 1.10 Chapter 14 sets out briefly what the Council hopes to achieve in 2009-10.

Chapter 2

Overview of Activities and Issues in 2008-09



- 2.1 The Council responded to 10 public consultation papers issued by Government departments and agencies during the period covered by this report - more than in any previous year. The consultation exercises related to a number of different aspects of the family justice system including the following:
- new rules on allocation and transfer of family proceedings;
 - forced marriage;
 - CPS policy on prosecuting domestic violence cases;
 - new rules on destination of appeals, and ;
 - several consultations on legal aid funding.
- 2.2 The consultations on legal aid have been the subject of thorough study and representation from the Council. The Council is very conscious that the family Bar and family solicitors have professional organisations to speak on their behalf on issues relating to remuneration for publicly funded work. The Council's role is to take a broader and inter-disciplinary view of proposals put out to public consultation. Nonetheless, it has felt it right to emphasise the danger that the recent raft of proposals is likely to lead to a reduction in the number of appropriately experienced and skilled lawyers willing to take on public law cases.
- 2.3 Good family lawyers make for shorter cases, especially when it comes to the final hearings. Those who are less expert make for longer cases as they are less likely to enjoy the confidence of their client, less likely to give the most appropriate advice, and less likely to assist the court in focusing on the key issues. Also, unrepresented parties, should their numbers grow, will make it increasingly difficult to operate the Public Law Outline successfully.
- 2.4 The Council worked closely with MoJ officials on the content of new rules of court governing media access to family proceedings which came into force in April 2009. The announcement to Parliament in December 2008, reversing the previous Lord Chancellor's decision, following a lengthy period of silence on the issue, came as something of a surprise to many. The MoJ has, however, shown itself willing to listen to the concerns of the Council, and others, and has amended the rules in a way which should meet a number of those concerns. The Council greatly values a constructive working relationship with Government Departments and their officials.

- 2.5 The Council supports strongly the proposals to make anonymised transcripts of court judgments available to the public. In a judgment, the evidence is reviewed, the judge indicates the weight given to it and gives reasons for reaching the decision. The Council believes that court judgments represent the best, fullest and most balanced means of providing information to the public on the work of the family courts. It hopes that the MoJ will take forward the pilot project on anonymised judgments as a matter of priority.
- 2.6 Another area where the Council has benefited from a close and constructive working relationship with officials is the review, which the DCSF has been carrying out, of the academic qualifications, initial training and professional development of social workers. The Council was able to contribute its views on what makes a good social worker and how to make the profession more attractive to well qualified and well motivated graduates. The Council also made a detailed submission to Lord Laming, during his inquiry, and looks forward to playing a part in taking forward Lord Laming's recommendations. To this end, the Council has been invited to join the Partnership Network, set up by the National Safeguarding Delivery Unit.
- 2.7 Responding to public consultation, and advising Government on its proposals for change, inevitably takes up much of the Council's time and resources. However, the Council has not been merely reactive this year. In October, it held a debate on the participation of children and young people in family proceedings. The President of the Family Division chaired the debate which was attended by over 150 people. Mr Justice Hedley and Anthony Douglas, the Chief Executive of Cafcass, supported the case for greater participation of children and young people in family proceedings. Anthony Hayden QC and Alison Paddle, former Chair of NAGALRO, argued for a more cautious approach.
- 2.8 Importantly, two young people contributed to the debate, one of whom had experienced public law proceedings, and the other private law. They made a powerful case for the enhanced participation of children and young people where they are of sufficient understanding, and maturity, and this is what they, themselves, want. A written summary, and a podcast, of the event has been placed on the FJC website.

- 2.9 This year has seen the creation of two new committees of the Family Justice Council: the ADR Committee and the Parents and Relatives Committee. The ADR Committee has been formed to take an overview of the development and implementation of Alternative Dispute Resolution in the field of family law. The aim is to co-ordinate, influence, align and integrate innovative thinking and positive initiatives. Through discussion and debate in this Committee, the objective is to promote the development of family mediation and other appropriate forms of ADR in family law.
- 2.10 The Parents and Relatives Committee is an attempt to reach out and see the work of the Family Justice Council and the operation of the family justice system from the perspective of some of those who use the family courts - the parents and other adult family members. The principal objectives of the Committee are to ascertain the views of adult service users of the family justice system, provide advice to the Council on specific issues and to facilitate the engagement of service users in the work of the FJC.
- 2.11 In addition to the quarterly meetings of the Council, the FJC sponsors biennial interdisciplinary conferences for family justice professionals (the next one will take place at Dartington Hall in October 2009), and an annual residential conference for representatives of Local FJCs, which took place at Highgate House in April 2008.
- 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 12 following.

Chapter 3

The Children in Families Committee



Membership

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

Ministry of Justice Officials in attendance

Jane Dukes	Family Law and Justice
Stuart Moore	Family Law and Justice

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 2008-09

- 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 Following the recommendation in the Council's report to the President, www.familyjusticecouncil.org.uk/Reportoncontact.pdf, the Committee welcomed the publication in May 2008 of the President's Practice Direction: Residence and Contact Orders: Domestic Violence and Harm. The Practice Direction set out the principles which the court must consider in dealing with such applications and reflected the conclusions of the report.

www.hmcourts-service.gov.uk/cms/files/Revised_PD_Domestic_Violence140109.pdf

- 3.3 The Committee continued to make representations to Ministers and to Cafcass concerning the differing practices between Cafcass and CAF/CASS CYMRU in the making of safeguarding checks in all private law cases. Having urged Cafcass to follow the Welsh example and make checks in every case, the Committee was pleased to note that in a report to the July 2008 meeting of the Family Justice Council, Cafcass endorsed the recommendations made by the Council that full background checks should be made in all cases.

- 3.4 The Committee met with officials from the Ministry of Justice to scrutinise the proposed new form of application for orders for contact, residence, prohibited steps and specific issue orders under the Children Act 1989. It made a number of recommendations for changes to the draft. In particular, the Committee urged the importance of the provision of previous names of applicants and respondents, and details of their places of birth, in the form to enable safeguarding checks to be carried out. It was pleased that many of its recommendations, including this one, were agreed and incorporated into the final version of the form.
- 3.5 The Committee responded to the consultation issued on the draft revised version of the President's Private Law Programme, which proposed alterations to the existing programme to provide an integrated system for the Court and Cafcass to collaborate in the process of identifying and resolving issues in private law applications. The Committee also contributed to the Council's response to the Family Legal Aid Funding Consultation issued by the Legal Services Commission. Following the implementation of the provisions of the Children and Adoption Act 2006, which introduced contact activity directions and conditions and monitoring and enforcement of contact orders, the Committee has been receiving regular reports from officials on the take-up of these and has been actively involved in publicising their availability.
- 3.6 Priorities for the coming year will include further work on contact activities, the collation and dissemination of practice information and research evidence and, following the Dartington Conference in October 2009, examining the role of mental health issues in intractable contact disputes.

Chapter 4

The Children in Safeguarding Proceedings Committee



Membership

Lesley Newton (Chair)	Circuit Judge, Manchester
Margaret Campbell	Solicitor, London Borough of Southwark (from September 2008)
Paul Clark	Director, Children’s Services, London Borough of Harrow (until October 2008)
Stephen Cobb QC	Barrister
Martyn Cook	Family Magistrate
Nicholas Crichton	District Judge, Inner London Family Proceedings Court
Deborah Cullen	Legal Group Secretary, British Association for Adoption & Fostering
Katherine Gieve	Solicitor
Danya Glaser	Consultant Child and Adolescent Psychiatrist
Sheridan Greenland OBE	Deputy Director, Family Law and Justice, Ministry of Justice
Elizabeth Hall	Head of Safeguarding, Cafcass
Liz Gillett	Clinical Psychologist (from December 2008)
Andreas Kyriacou	Senior Co-ordinator, Children Looked After, LB Harrow
Bridget Lindley	Deputy Chief Executive and Legal Adviser, Family Rights Group, Consumer Focus, Parents’ Interest Member of the FJC
Caroline Little	Association of Lawyers for Children
Judith Masson	Professor of Socio-Legal Studies, Bristol University
Rosalyn Proops	Consultant Community Paediatrician
Khatun Sapnara	Barrister
Christine Smart	Children’s Rights Director, Cafcass
Nabila Zulfiqar	Solicitor, Birmingham City Council (until September 2008)

Terms of Reference

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

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

Activities in 2008-09

- 4.1 A key public law aspect of the Children Act 1989 concerns proceedings relating to the safeguarding of children initiated by local authorities, through care and supervision proceedings, and in some cases followed by adoption.
- 4.2 Following the introduction of new fees for local authorities initiating care proceedings, the Committee, which had opposed the rises, expressed concern about how the impact of the fee rises would be monitored, particularly given the introduction at the same time of the new Public Law Outline. The Committee was particularly concerned to ascertain whether there would be a rise in the numbers of children accommodated under section 20 of the Children Act 1989, which would not incur the payment of fees.
- 4.3 Following the introduction of the PLO, reported cases in the Court of Appeal and the passage of time, the Committee decided that the guidance issued in January 2007 on linked care and placement proceedings should be revised and a new draft was drawn up.

www.family-justice-council.org.uk/docs/080707_Linked_Care_and_Placement_Order_Proceedings.pdf.
- 4.4 In September 2008, the Committee received a presentation from DCSF officials on the work being undertaken by the Department, together with the Department of Health, on the training and retention of social workers. The Committee was asked by officials to provide its views on the skills required by social workers and the issues and concerns that arose. Its view was that the skills required by a good social worker included empathy, good interpersonal skills, analytic capacity, assessment and organisational skills and an understanding of the legal framework in which they were working. The Committee expressed concerns around training and lack of support and supervision for newly qualified social workers.

- 4.5 In November 2008, following the news of the tragic case of Baby P and the appointment of Lord Laming to report into the protection of children in England, the Committee submitted evidence to Lord Laming (www.family-justice-council.org.uk/Baby_P.pdf) for his inquiry. On behalf of the FJC, the Committee nominated a representative to attend the Key Partners Group of the Social Work taskforce, set up by the Government to lead a 'nuts and bolts' review of frontline social work practice in both the children's and adults' sector.
- 4.6 In March 2009 the Committee received a presentation from DCSF officials on the work the Department is undertaking to formulate new guidance for Independent Reviewing Officers. The Committee fed in views and will participate in stakeholder meetings and respond to a formal consultation in the coming year.
- 4.7 The Committee established a group comprising representatives of the DCSF, Cafcass, the legal profession, local authority representatives and the judiciary to consider how documents created using the Integrated Children System (ICS) within local authorities might be better linked with documentation filed within family court proceedings. Its aim was to reduce the time that local authority workers and social workers spent cutting and pasting ICS material into another format for the court and re-entering documents approved by the court onto the ICS, thereby sometimes losing the critical details and nuances. It also aimed to ensure that Independent Reviewing Officers, working entirely from the electronic ICS records, had access to all documents including those filed at courts. Standard reports of three documents: the chronology, the core assessment and the care plan were produced as templates for local authorities.

- 4.8 During the course of the year the Committee responded to five consultations published by the LSC and to the consultation on the new Allocation of Proceedings Order. It commenced a project on representation of parents who lack capacity to give instructions which will be a major strand of its work in the coming year.
- 4.9 Priorities for the coming year will include continuing to monitor the progress of the PLO, work on the use of s20 of the Children Act 1989, promoting good practice in the use of Family Group Conferences, continuing engagement with DCSF and others to promote recruitment and retention of good social workers, and monitoring of the new provisions for openness in the family courts.

Chapter 5

The Money and Property Committee



Membership

David Bodey (Chair)	Family Division High Court Judge (Chair until 30th September 2008)
Eleanor King	Family Division High Court Judge (Chair from 1st October 2008)
Rebecca Bailey Harris	Barrister, Emeritus Professor of Law, Bristol University
Simon Bruce	Resolution: Solicitor
Jane Craig	Solicitor
Nicholas Cusworth	Family Law Bar Association (FLBA)
Nigel Dyer QC	FLBA
Lynn Graham	Legal Services Commission
Philip Marshall	FLBA
Edwina Millward	District Judge, Maidstone
Nicholas Mostyn QC	FLBA
Jeffrey Nedas	Chartered Accountant, BDO Stoy Hayward LLP
Maggie Rae	Solicitor
Mathew Thorpe	Lord Justice of Appeal and Deputy Head of Family Justice
Peter Watson-Lee	Solicitor
Philip Waller	The Senior District Judge
Nicholas Wilson	Lord Justice of Appeal
HMCS official in attendance	
Cheryl Morris	Head of Family Relationships Branch 1

Terms of Reference

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

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

Activities in 2008-09

- 5.1 The Money and Property Committee made representations in favour of a review of the law on pre-nuptial agreements to be included in the Law Commission's 2009 programme of law reform. The Committee was, therefore, delighted when it was announced that a review of the law on pre-nuptial agreements would be included in the Law Commission's forthcoming programme of work. The Committee looks forward to contributing to the review.
- 5.2 The Committee decided to focus on producing a best practice guide for financial proceedings, including preparation for, and the conduct of, Financial Dispute Resolution hearings. When the draft guide is ready, the Committee intends to circulate it for consultation with the Local FJCs.
- 5.3 The Committee made a substantial contribution to the Council's response to the MoJ public consultation on routes of appeal in family proceedings. It also contributed to the Council's response to public consultation on the new procedural rules governing family cases and to the consultation on new civil court fees.

Chapter 6

The Diversity Committee



Membership

Khatun Sapnara (Chair)	Barrister
Bode Adesida	Consultant Child and Adolescent Psychiatrist
Maria Dennis	Solicitor
Peggy Ekeledo	Solicitor
Elpha Lecointe	Barrister
Sherry Malik	Corporate Director, Strategy and Performance, Cafcass
Azmat Nisa	District Judge
Frances Orchover	Barrister
Katy Rensten	Solicitor
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 2008-09

- 6.1 The Committee met nine times during the reporting year, including two out-of-London meetings.
- 6.2 A large part of the Committee's early work during this period was its contribution to the revised publication of the Parenting Assessment Manual for social workers. It provided advice on new guidance for identifying and addressing diversity issues and ensuring that cultural sensitivities are taken into account when social workers conduct assessments. This helped to ensure that cultural considerations would not be overlooked.
- 6.3 Members of the Committee undertook training to help familiarise themselves with the methodology required for conducting Diversity Impact Assessments (DIA). The training also provided useful information on the legal and policy context. This enabled the Committee to be better equipped to scrutinise Government policy initiatives for DIA compliance.

- 6.4 The reporting year saw the start of a series of out-of-London meetings. The Committee considered it important to engage with colleagues outside London, not only to inform them of the work that the Committee was doing, but also to find out about local issues which might need to be addressed by the Committee in its future work. Local FJCs were invited to the meetings, which took place in Manchester and Birmingham, and were asked to identify diversity issues that were important for them. Topics included the provision of interpreters, forced marriages, the interface between immigration and family cases, the use of informal and unregulated types of mediation and arbitration in some communities and culturally appropriate psychological assessments.
- 6.5 A large project began on investigating the provision of interpreters, both language and sign. Discussions were held with the Legal Services Commission and Her Majesty's Court Service to identify procedures in securing and funding interpreters and the Local FJCs were used to help build up a picture of local authorities' practices (pre-proceedings) across England and Wales. Research confirmed inconsistencies in the provision of interpreters and identified concerns over accreditation. The Committee will complete a mapping exercise before looking for a way to promote greater consistency of approach.
- 6.6 The Committee also provided informative responses to the Ministry of Justice's consultation on Forced Marriage Court Rules and the Border and Immigration Agency's Code of Practice for Keeping Children Safe.
- 6.7 Preparatory work began on organising a forum to explore the impact of recent changes in domestic violence legislation on BME and other minority groups. The forum is intended to provide an opportunity to share information and experiences and to discuss a way forward.

Chapter 7

The Experts Committee



Membership

Mathew Thorpe (Chair)	Deputy Head of Family Justice
Ray Bull	Professor of Psychology, University of Leicester
Michael Clarke	Consultant Ophthalmologist
Stephen Cobb QC	Barrister
Colin Ferrie	Consultant Paediatric Neurologist (until July 2008)
Katherine Gieve	Solicitor
Elizabeth Gillett	Consultant Clinical Psychologist (from December 2008)
Danya Glaser	Consultant Child and Adolescent Psychiatrist
Jane Ireland	British Psychological Society
Karl Johnson	Consultant Paediatric Radiologist
Mike Pike	Consultant Paediatric Neurologist (from October 2008)
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 FJCs.
3. Deliver other projects referred to the Committee by the Family Justice Council.
4. Report to the Family Justice Council on issues referred to the Council for advice; and on issues within the above remit that the Committee considers should be brought to the Council's attention.

Activities in 2008-09

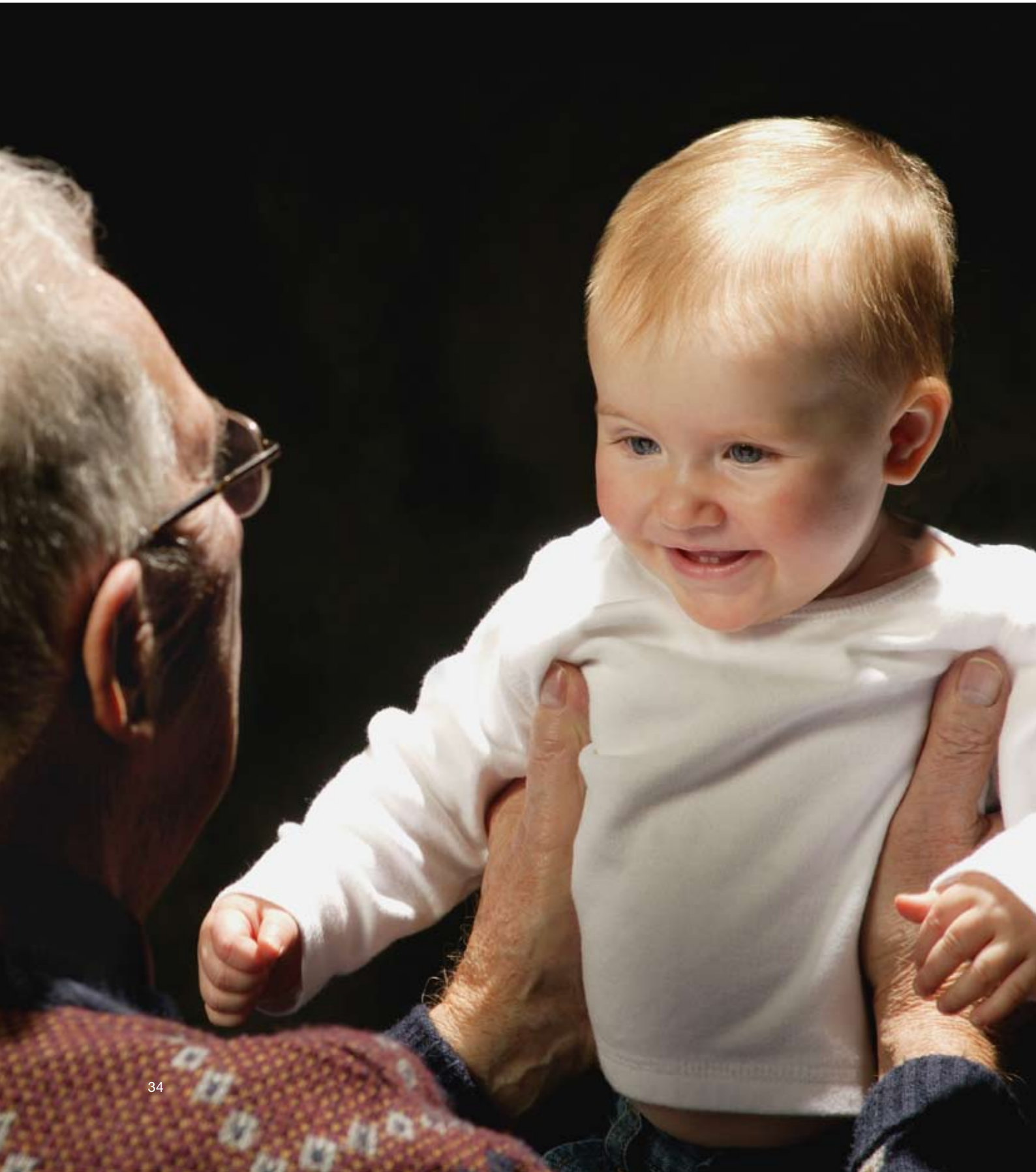
- 7.1 The Committee met three times during the year.
- 7.2 A small additional meeting was held in April 2008 with representatives from the General Medical Council (GMC) and the Ministry of Justice to discuss possible solutions to the continuing problems encountered by the GMC in obtaining court transcripts when dealing with complaints against doctors. The administrative process is often long, and the time lag between the end of cases and complaints may mean that court documents have been archived or, in a worst case scenario, that tapes have been wiped. The key issue is to speed up the time scale for obtaining these necessary documents to enable complaints to be resolved as expeditiously as possible. The Committee will continue to pursue a practical resolution to the problem through discussion with the Court Service and the Ministry of Justice and hopes to produce guidelines which will be of assistance to all parties.
- 7.3 The Committee was disappointed by the slow progress over the year towards the implementation of the recommendations of the Chief Medical Officer in the report "Bearing Good Witness", which proposed changes to the way in which expert evidence should be given in family cases. It welcomed the proposals to pilot arrangements to test the effectiveness of multi disciplinary teams of health experts in providing expert witness services, to be commissioned by the Legal Services Commission from NHS Trusts and other organisations. The Committee

looks forward to the beginning of those pilot schemes in the latter part of 2009. It was also pleased to note that the channels of communication between the Department of Health and the FJC have significantly improved. Once the pilot schemes are under way, provision of advice and assistance in the implementation of the proposals will be a major part of the Committee's priorities for 2009-10.

- 7.4 Work begun last year on improving the London mini pupillage scheme, whereby health professionals can sit with a judge to observe expert evidence being given, was continued. The Committee approved a letter which was sent out to representative bodies for the legal and health professions to introduce the scheme and to seek assistance with the identification of suitable courts and cases. The letter also asked experts who are booked to give evidence to consider providing details to the Secretariat of the FJC which administers the scheme. A survey of Local FJCs was carried out to discover which areas were already running their own schemes to enable local placements where possible. The Committee has been pleased to note that following this work, and liaison with the Clerk of the Rules in the Royal Courts of Justice, arrangements are being made for more health professionals to gain the necessary experience to assist them in becoming expert witnesses themselves.
- 7.5 The Committee has been considering the feasibility of introducing a system for giving feedback to experts on the quality of their evidence and how the quality of written reports might be assessed. A research project from Professor Jane Ireland and John Pinschof, to examine the quality of psychologists' reports in family cases, has been approved by the Committee, and the main Council, and it is hoped that the project will commence shortly. An initial paper on how feedback might be given has been discussed and is to be further considered in the coming year.
- 7.6 Following a referral to the Family Justice Council, the Committee considered the use of overseas experts in family cases and produced a paper setting out the issues that arise in such cases, discussing the advantages and disadvantages of such instructions and setting out suggestions for possible guidance. The paper was sent to a number of Family Division judges for their comments and will now be further considered by the Children in Safeguarding Proceedings Committee. It will form part of the work of both committees in the coming year.
- 7.7 Additional priorities for the next year will include consideration of the impact of LSC guidance on CRB checks for experts, particularly in relation to self employed experts.

Chapter 8

The Voice of the Child Sub Group



Membership

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

HMCS Official in Attendance

Vilopa Patel	Family Law and Justice Division
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Terms of Reference

Remit: To ascertain the views of children and young people, and provide advice to the Council on the participation and involvement of children, and young people, in the family justice system.

1. To identify and deliver projects for endorsement by the Family Justice Council, and inclusion in the business plan, on how the family justice system can listen more effectively to the Voice of the Child.
2. To deliver other projects referred to the Sub-Group by the Family Justice Council.
3. To facilitate the engagement of children and young people in the work of the Family Justice Council through discussion groups and other activities.
4. To report to the Family Justice Council on issues referred to the Council for advice; and to report on issues within the above remit that the Sub-Group considers should be brought to the Council's, or its Committees' attention.

Activities in 2008-09

- 8.1 The Sub-Group met on five occasions during the reporting year and continued its focus on the participation of children and young people in family proceedings.
- 8.2 In May, the Sub-Group published a paper, *Enhancing the Participation of Children and Young People in Family Proceedings: Starting the Debate, in Family Law*. The paper was designed to stimulate debate on how the voices of children could best be heard. A number of responses were received and were summarised in an article for *Family Law*. Some of the common issues raised covered the benefits and challenges of talking to children, the division of professional opinion, different approaches and forms of participation, concerns over the welfare and best interests of the child, adequate representation and the need for professional training. These and other issues were explored further in a debate hosted by the Sub-Group which took place in October at the Inner Temple. Experts from all sides of the issue were involved in the discussion which included evidence from young people themselves. There was also a question and answer session with an expert panel. The event brought the debate to a wider audience and raised a number of matters for future consideration.

- 8.3 As part of the next steps, the Sub-Group began work on producing guidance for judges in relation to discussing issues with the child. It was agreed that the ultimate aim of the guidance would be to benefit children and enable them to feel more involved in proceedings in which important decisions are made in their lives.
- 8.4 The Sub-Group ensured that it also heard the views of children themselves by inviting two young people to speak at its March 2009 meeting. They described their personal experiences of participating in court proceedings (both public and private) and offered suggestions to make the process easier for young people. Both felt that speaking to judges was a positive and life-changing experience. The meeting provided great insight and encouraged the Sub-Group to look at producing a DVD for professionals, featuring young people and their experiences. The two young people have since become full members of the Sub-Group.
- 8.5 The Sub-Group identified the Rights and Participation Project (RAPP) as the new young people's reference group for the FJC. RAPP is an active advocacy group based in Hull which works with children with relevant experience of the family courts.

Chapter 9

The Domestic Violence Working Group



Membership

Marilyn Mornington (Chair)	District Judge, Wigan
Jillian Alldridge	Cafcass
Adrienne Barnett	Barrister
Barrie Cole	District Judge, Croydon
Andy Cross	Wiltshire Police
Mererid Edwards	Barrister
Irene Evers	Legal Services Commission
Edwina Greenwell	Cafcass
Elizabeth Hall	Head of Safeguarding, Cafcass
Teresa Hallett	CAFCASS CYMRU
Jagbir Jhutti-Johal	University of Oxford
Professor Robin Mackenzie	University of Kent
Karen Morgan-Read	Crown Prosecution Service
Azmat Nisa	District Judge, Kingston-upon-Thames
Alison Russell QC	Barrister
Khatun Sapnara	Barrister
Carolyn Schofield	Legal Services Commission
Neil Smith	Hertfordshire Police
Dave Thomason	Cheshire Police
Ministry of Justice official in attendance	
Brett Gable	Family Law and Justice Division, Ministry of Justice

Terms of Reference

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

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

Activities in 2008-09

- 9.1 The Group met three times during the reporting year, two of which were held outside London.
- 9.2 One of the Group's main concerns was the impact that amendments to the Domestic Violence Crime and Victims Act 2004 might have on the number of applications for occupation orders and on enforcement of orders. The Group consulted the Local FJCs to collect anecdotal evidence across England and Wales and voiced its concerns at meetings with MoJ Minister Bridget Prentice and the Solicitor General. It welcomed both the Staffordshire and Greater Manchester protocols for information-sharing and publicised these to the Local FJCs as examples of best practice in improving the response of the police, CPS and magistrates courts to breaches of non-molestation orders.

- 9.3 The Group worked with the Children in Families committee to produce a Practice Direction on the approach that courts should take towards proposed consent orders in resident and contact cases where domestic violence is an issue. The Practice Direction was published in May 2008.
- 9.4 The Group helped the Legal Services Commission (LSC) draft a questionnaire for circulation to the Local FJCs. This centred on the impact of legal aid reforms on the supply of firms willing to undertake publicly funded work and the availability of legal aid for clients seeking or opposing injunctions. The responses provided helpful information for the LSC to follow up.
- 9.5 To help promote more effective co-ordination between the family and criminal justice systems, the Group examined the scope of Multi-Agency Risk Assessment Conferences (MARACs). It worked with Co-ordinated Action against Domestic Abuse (CAADA) to help promote the use of MARACs within the family justice system. The Group concluded that guidance on referrals would be helpful and forwarded the matter to the Family Criminal Interface Committee for further consideration.
- 9.6 The Group underlined the value of training for all judges and magistrates on domestic violence, "honour" crime and forced marriage and referred the matter to the Family Criminal Interface Committee for its consideration.
- 9.7 The Group responded to two consultations during the reporting period. It issued its response to the forced marriage statutory guidance consultation paper in July and led the FJC response to the Crown Prosecution Service consultation on prosecuting domestic violence cases in October.
- 9.8 District Judge Mornington stepped down as Chair towards the end of the reporting year. District Judge Nisa took up chairmanship in March.

Chapter 10

The Education and Training Committee



Membership

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

Terms of Reference

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

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

Activities in 2008-09

- 11.1 Drawing on the findings made during the mapping exercise of the inter-disciplinary education and training available to new entrants to the key professional disciplines (available for viewing on the FJC website), the Committee concluded that new entrants were generally given very little information about the role of other professional groups working in the family justice system and that the level of inter-disciplinary knowledge and awareness was low. In the Committee's view this gives new entrants a poor preparation for the demands of practice. The Committee decided to focus on inter-disciplinary training for local authority social workers.

- 11.2 The feedback that the Committee has had from its mapping exercise suggests that there continues to be an unmet need for training social workers in courtroom skills and in the preparation of cases for hearing in court. Indeed, this unmet need is probably more acute since the introduction of the PLO in April 2008 which has rendered out of date most of the relatively few training materials that were available. Also, as the PLO puts emphasis on greater pre-issue preparation by local authorities, the need for appropriate training materials is all the greater.
- 11.3 The Committee is currently in discussions with a body responsible for disseminating best practice among social care professionals with a view to embarking on a joint project to design and deliver appropriate training materials to assist social workers with the pre-trial preparation of public law cases.
- 11.4 During the course of the year, the Committee has sought to engage with the UK Border Agency on improving awareness among the family justice professionals of the impact of immigration status and rules on family cases. The interest in this area reflects the increasing number of cases that come before the family courts with live immigration issues. The Committee looks forward to working with the UK Border Agency in addressing these issues. Over the coming year, the Committee will focus on updating the guide to the family justice system on the Family Justice Council's website and will encourage more Local FJCs to set up mini-pupilage schemes. Mini-pupilage schemes offer the opportunity for medical and other experts to sit with judges hearing cases where expert evidence is given. This enables experts who have not given evidence in the family courts before to see how the legal process works and how expert evidence is handled.

Chapter 11

The Alternative Dispute Resolution Committee



Membership

Mathew Thorpe (Chair)	Deputy Head of Family Justice
Beverley Sayers	Family Mediator
Eleanor Druker	Legal Services Commission
Sheila Gooderham	Solicitor and Mediator
Sheridan Greenland OBE	Deputy Director, Family law and Justice Ministry of Justice
Bridget Lindley	Deputy Chief Executive and Principal Legal Adviser, Family Rights Group
Lisa Parkinson	Family Mediator
James Pirrie	Solicitor
Duane Plant	Solicitor
Dominic Raeside	Family Mediator
Neil Robinson	Solicitor
Christine Smart	Children's Rights Director, Cafcass

Terms of Reference

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

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

Activities in 2008-09

- 11.1 The ADR committee was formed during this reporting year. Its aim is to co-ordinate, influence, align and integrate innovative thinking and positive initiatives in the field of alternative dispute resolution. It held two meetings during this period.
- 11.2 Much of the Committee's early work focused on raising awareness of the role of mediation. A key feature of this was working in partnership with Cafcass and CAF/CASS CYMRU to compile guidance for their local offices. The aim of the guidance was to encourage and extend the use of mediation locally and enhance the alternative dispute resolution options available to court users at an early stage during proceedings.

- 11.3 The Committee also began work on raising awareness of the participation of children and young people in the mediation process and published articles to encourage mediators to develop their practice in this area.
- 11.4 The Committee actively encouraged the Local FJCs to set up their own ADR committees by producing guidance and circulating examples of best practice.
- 11.5 The Committee agreed its work strands for the coming months which include continuing raising awareness of mediation, developing guidance for the judiciary and courts as to the use of and referral to mediation and looking at national and international practices, training issues and the possibility of producing a family mediation service manual.

Chapter 12

The Parents and Relatives Group



Membership

Bridget Lindley (Chair)	Deputy Chief Executive and Legal Adviser, Family Rights Group
Shirley Andrews	Service User
Cathy Ashley	Chief Executive, Family Rights Group
Hilary Chamberlain	Parent Line Plus
Angela Clark	Service User
Nicholas Crichton	District Judge, Inner London Family Proceedings Court
Colin Dearmer	Solicitor
Helen Dent	Family Action
Beverley Sayers	Family Mediator
Christine Smart	Children's Rights Director, Cafcass

Terms of Reference

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

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

Activities in 2008-09

- 12.1 The Parents and Relatives group was formed during this reporting year. Its aim is to provide a forum for addressing the views and needs of parents and other family members who come into contact with the family courts. It will encourage the other FJC committees to raise issues for it to consider, ensuring that the Council takes account of service user concerns in developing policies and responding to consultations. It plans to hold joint meetings with other committees as relevant work strands arise.
- 12.2 The membership is drawn from organisations working with families, and currently there are two service users with personal experience of the family justice system. Other service users who have been involved in the family justice system will be recruited for specific projects.
- 12.3 It held two meetings during the year: the first, to decide on the structure and function of the group and the second to consider some of the advice and information provision for service users, providing feedback on documents. Its initial focus is on public law.

Chapter 13

Local Family Justice Councils



- 13.1 The Local Family Justice Councils (Local FJCs) were set up in 2005 to underpin the work of the national Council at local level. Their principal aims are:
- to highlight and address local issues on improving the delivery of family justice, including organising training events;
 - to respond to issues raised by the Family Justice Council, highlighting any local initiatives designed to address these difficulties, and;
 - to create a reciprocal exchange of information and ideas between Local FJCs and the national Council.
- 13.2 There are 39 Local FJCs in England and Wales, nearly all of which are chaired by a Designated Family Judge. Members are drawn from a wide range of disciplines working in the family justice system and typically include a district judge, magistrate, paediatrician, academic, child mental health specialist as well as representatives from the local authority, police, Cafcass (CAFCASS CYMRU in Wales) and voluntary agencies. The Local FJCs are supported by a part-time administrator drawn mostly from local HM Courts Service staff.
- 13.3 The Local FJCs each met between two to four times during the course of the reporting year. In addition to this, many held separate sub-committee meetings allowing them to consider specific issues in more detail. For example, Lancashire developed a Civil and Criminal Interface Group; Staffordshire forged ahead with its Alternative Dispute Resolution sub-committee; whilst Suffolk formed a Youth and Family Justice Committee to address issues in respect of offending by looked-after children. Warwickshire and Coventry set up a Voice of the Child sub-committee and invited a youth representative to join the main council.
- 13.4 The Local FJCs decide their own priorities for work but are given periodic steers from the national Council. Many Local FJCs have been proactive in tackling issues in their own area. Examples of some of the initiatives seen around the Local FJCs include Manchester's protocol for Linked Care and Criminal Proceedings; West Mercia's Expert Directory; Staffordshire's award-winning working group set up to promote the enforcement of non-molestation injunctions and heighten awareness in the police force; and Peninsula's website (www.pfjc.org.uk) - a valuable resource for both professionals and members of the public, providing local information and advice on all issues concerning family law.

- 13.5 One of the priorities of the Local FJCs is to hold inter-disciplinary training events. These have covered a wide range of topics including court skills, diversity, adoption, learning disabilities, forced marriage and anger management treatment programmes. The events have been of a high standard and well attended. In addition, Humberside hosts regular open fora which provide training and updates for anyone involved in family law. Many Local FJCs also conduct mini-pupilages in which doctors are given the opportunity to observe court proceedings in order to learn more about the processes involved.
- 13.6 The Local FJCs have been keen to respond to requests for information regarding local practices and perspectives. The national FJC conducted several surveys with the Local FJCs on issues such as domestic violence, care orders and the provision of interpreters. The responses proved invaluable in helping to build a picture across England and Wales. The Local FJCs were also instrumental in helping the Legal Services Commission gain insight into legal aid issues and the availability of health expert witnesses across the regions.

- 13.7 The national FJC held two conferences for the Local FJCs during the reporting year. The first took place in April and was attended by Local FJC members from a range of disciplines. Delegates heard presentations on care proceedings applications, forced marriage, ancillary relief and the voice of the child as well as learning more about the latest developments in family policy and law. They were also given the opportunity to discuss concerns and common issues relating to their FJC work. An event took place later in the year in Manchester dedicated solely to the administrators. The event focused on administrative issues and allowed delegates to contribute towards the compilation of a new Administrators' Handbook. Both conferences proved successful in bringing together the Local FJCs, airing concerns and highlighting best practice.
- 13.8 Communication continued to improve between the national and Local FJCs and across the Local Councils themselves. One of the key factors behind this has been the introduction of a Local FJC Newsletter which has proved a useful resource for the exchange of information between the Councils and also between professionals working in the family justice system.

Chapter 14

Challenges for 2009-10



14.1 The Council has set itself nine strategic objectives to guide its work in 2009-10. A report on the progress made against the Business Plan for 2008-09 is attached at Annex D. The Council's Business Plan for 2009-10 is attached at Annex E. The Secretary of State for Justice has approved these objectives. They are:

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

14.2 It was clear from the conference for the administrators of the Local FJCs, held in Manchester in November 2008, that two of the biggest concerns were the funding arrangements for the Local FJCs and a desire for a better system of accreditation of Local FJC training events for CPD points for members of the Bar. The Secretariat has secured agreement for new funding arrangements to be in place by April 2010. Under the new arrangements the Secretariat to the national Family Justice Council will hold the budget for funding Local FJC training events and will allocate funds directly to each of the 39 Local FJCs. Negotiations have commenced with the Bar Standards Board on finding a simpler method for accrediting Local FJC training events.

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.

14.3 The Diversity Committee intends to build on the work done in 2008-09 in forging stronger links with the Local FJCs and in reaching out to those representing BME groups. More out of London meetings will take place in 2009-10 and there will be representation from the Local FJCs on the Committee. The Committee also plans to organise a number of events to canvass the views of BME stakeholder groups on the issues affecting the family justice system that they would like to see tackled.

14.4 The principal project for the Diversity Committee to take forward in 2009-10 will be to review the quality and funding of interpreter provision in family proceedings.

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

14.5 The Experts Committee intends to encourage more Local FJCs to set up mini-pupillage schemes where medical experts, below consultant level, can sit with judges in cases featuring expert medical evidence. This work will be carried out in conjunction with the Education and Training Committee. This enables them to gain experience of the court environment and helps to de-mystify the legal process. The Committee also intends to encourage and support research

projects on the quality of experts' written reports used in family proceedings. The Committee believes this would be an important first step towards formulating some meaningful report-writing standards.

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

14.6 The Children in Safeguarding Proceedings Committee will be contributing to the joint DCSF/DH review of social work where it will focus on the issues surrounding the recruitment, training and retention of social workers. It will also engage with the DCSF on a review of the role of Independent Reviewing Officers. The Committee intends to work with the Official Solicitor and Public Trustee, and others, on drawing up best practice guidelines for the representation of litigants who lack capacity and are involved in family proceedings.

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

14.7 The Children in Families Committee will continue to provide expert input to the drafting of new court forms intended for use in private law proceedings. The Committee will also focus on the role of mental health issues in intractable contact disputes. The Domestic Violence Working Group intends to promote awareness of the continued availability of civil remedies for DV and for the public funding which is available for them. The Working Group will also promote awareness amongst the family judiciary and practitioners of the importance of securing the requisite proof of service of DV injunctions.

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

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

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

14.9 The Voice of the Child Committee will work on drafting up a set of best practice guidelines on enhancing the participation of children in the family justice system for use by family judges and lawyers, social workers and Cafcass professionals.

The objective is to secure endorsement for the guidelines from, initially, the FJC, Cafcass and the Association of Lawyers for Children. Ultimately, the Committee would like to seek endorsement for the guidelines from other key players in the family system like the Law Society, Resolution and the Family Law Bar Association. The Committee also intends to start a strand of work looking at the experience of children in the immigration and asylum system, especially those involved in hybrid cases where there is an overlap with family proceedings, and how their experiences might be improved.

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

14.10 The purpose of the new Parents and Relatives Committee is to seek views and feedback from service users on the work of the FJC e.g. on responses to public consultations. The Committee will conduct a mapping exercise to identify the existing advice and information provision for service users of the family justice system. The Committee will also work with the other committees of the Council in identifying issues of particular interest to service users and will provide advice on these issues as, and when, required.

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

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

Annex A

Terms of Reference

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

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

Annex B

Membership of the Family Justice Council

Chair: ex officio

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



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

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

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

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

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

Deputy Chair:

**The Rt. Hon Lord Justice Thorpe
Deputy Head of Family Justice. Head of International
Family Justice for England and Wales.**



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

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

Chair of the Family Justice Council's Executive, Expert and ADR Committees.

President: Mediation in Divorce.

Trustee: St Saviour's Priory; Muzaffarabad Earthquake Appeal

Mark Andrews

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



Mr Justice David Bodey **Chair of the Money and Property Committee** **(until September 2008)**

Practised in all areas of Family Law from 1970, taking Silk in 1991. Recorder of the Crown Court 1993. Chairman of the Family Law Bar Association 1997 to 1999. A Bencher of the Middle Temple 1998. Appointed to the High Court Bench in January 1999. Family Division Liaison Judge for the North Eastern Circuit 2000 to 2007. Director of Family Education, Judicial Studies Board 2008 to date.



Paul Clark **Director of Children's Services** **(resigned October 2008)**

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



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

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

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

Stephen Cobb QC

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



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

He is a Recorder, sitting in family and in crime, and is a Deputy High Court Judge; he is currently the Vice-Chairman of the Family Law Bar Association, and Joint Head of his chambers in London. He is a member of the Professional Advisory Group to the National Youth Advocacy Service, and a Fellow of the International Academy of Matrimonial Lawyers. He has been a general editor of Clarke Hall & Morrison on children, a joint author of Halsburys Laws of England on Children and Young Persons, and has contributed to the ‘Handbook for Expert Witnesses in Children Act Cases’, and to ‘Re-rooted Sorrows’ a collection of essays on interdisciplinary working in the family justice system.

He lectures regularly, including to the Judicial Studies Board (for whom he co-authors the monthly legal updates), and has appeared in over 40 reported cases in the law reports.

Martyn Cook

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



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

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

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

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

Jane Craig Chair of the Children in Families Committee

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



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

Jane joined Manches in 1988 and became a partner in 1992. She specialises in the financial aspects of high value divorces, residence and contact arrangements for children and disputes arising from the breakdown of relationships between unmarried people. Many of her cases have an international dimension.

She is a past National Chairman of Resolution, the country's leading organisation of family lawyers. She is a Fellow of the International Academy of Matrimonial Lawyers (IAML) and a trained collaborative lawyer.

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

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



Nicholas Crichton was a solicitor in private practice 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 development of Inner London Family Proceedings Court at Wells Street, which opened in April 1997.

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

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

Frequent speaker at international conferences and regular work in the field of child protection in Russia and Bulgaria.

Katherine Gieve



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

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

Katherine specialises in cases concerning children, both public law care cases and cases following the breakdown of relationships between the parents. She represents

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

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

**Dr Danya Glaser
(until December 2008)**



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 immediate past president of the International Society for the Prevention of Child Abuse and Neglect (ISPCAN).

Elizabeth Gillett
(from December 2008)

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



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

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

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

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

Mrs. Justice Eleanor King
Chair of the Money and Property Committee
(from October 2008)

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



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

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

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

Mrs. Justice King is married with four daughters.

Elaine Laken

Clerk to the Justices for the local justice areas of Bath & Wansdyke, Mendip and North Avon (member until December 2008)



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

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

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

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

Bridget Lindley

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



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

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

Judith Masson M.A (Cantab) (PhD Leicester) Professor of Socio-Legal Studies, Bristol University Chair of the Education and Training Committee

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



Her books include *Protecting Powers (2007)* a socio-legal study of emergency intervention to protect children; *Out of Hearing (1999)* co-authored with Maureen

Winn-Oakley, a research-based account of children's experience of being represented by solicitors and children's guardians in care proceedings; and *Lost and Found (1999)* with Christine Harrison and Anne Pavlovic. This book was based on a three-year action research study of the possibilities for, and barriers to, social work with parents whose children were looked after long-term and not currently in contact with them.

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

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

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



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

- Kids Task Force Champion 2007 and 2009
- Honorary Professor of Law Punjab University, Lahore.
- March 2009- advisor to Muslim Heritage Advisory Group
- April 2009- Advisor to the Dialogue Society
- April 2008- Patron -Karma Nirvana
- March 2008- contributor to FCO exhibition and book "The Art of Integration"
- February 2008- contributor and witness – Home Affairs Select committee on Domestic Violence / HBV
- April 2007 - guest of President of Pakistan- keynote speaker at Seerat Conference, Islamabad
- 2005-2007 - guest of FCO/British Council to further initiative to combat Honour/ Gender Crimes in Pakistan - tripartite training with delegation from Kurdistan
- August 2006- speaker at Pakistan Supreme Court Golden Jubilee Conference Islamabad

- June 2006- Fellowship - World Academy of Art and Science
- June 2006- guest of Saudi Arabian Government and Royal Family - first ever official visit of women to Kingdom of Saudi Arabia
- 2005- Recipient of All Party UK Parliamentary Group ‘Friends of Islam Awards’
- 2002-2005- Lead on UK wide initiative on domestic violence in the Asian Communities.
- 2000 to 2009 - Founder and Chair of Inter-jurisdictional Governmental Domestic Violence Initiative “Raising the Standards” .
- 1992-2005- Chair of Kids In Need and Distress (KIND) .
- 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
Chair of the Children in Safeguarding Proceedings Committee



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

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

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

Dr Rosalyn Proops MB ChB, DCH, FRCPCH
Consultant Community Paediatrician



Dr Rosalyn Proops MB ChB, DCH, MRCP, FRCPCH, is a Consultant Paediatrician in Norwich and Senior Lecturer 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 Child Protection Officer at the Royal College of Paediatrics and Child Health 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.

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, with health, 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.

Khatun Sapnara
FJC lead on Diversity issues



Khatun Sapnara read law at the London School of Economics and has practised as a barrister since 1990. She specialises in family law and is a member of Coram Chambers in London.

She was appointed as a Recorder of the Crown in 2006 and hears private and public law cases as well as sitting in criminal cases in the Crown Court.

Khatun has been a member of the Family Law Bar Association Committee since 2003. She regularly undertakes diversity training of judges in family law on behalf of the Judicial Studies Board and lectures widely on family law and the family justice system.

Khatun sits on the Board of a number of charities and voluntary sector organisations. She is married with two children and lives in London.

Beverley Sayers

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



Beverley is a trainer for FMA and Resolution, delivering mediation skills training for the Judicial Studies Board, and mediation awareness training to regional judiciary. Having been one of the original team assessing competence of mediators for the Legal Services Commission in 1997, she became a mediator competence assessor for the UK College of Family Mediators, and now The Family Mediation Council.

She sits on the Board of the Family Mediators Association (FMA) and is Chair of the FMA Complaints Sub-committee. She acts as a professional practice consultant (PPC) for the FMA and Resolution (formerly the Solicitors Family Law Association).

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

Ex-Officio members

Simon Bennett

Head of Clinical Governance in the Department of Health

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

Annabel Burns

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

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

Sally Field

Deputy Director, Family Law & Justice, Ministry of Justice (member until October 2008)

Sally Field is responsible for all aspects of family law proceedings in the family courts, except for the Care Proceedings Programme. Sally is also responsible for all aspects of family law, excluding the Children Act and the law on Adoption. Sally has been a civil servant since 1976, working in the Department for Social Security and the Ministry of Defence, before joining the (then) Lord Chancellor's Department in 1998. She was Head of Magistrates' Courts Division for nearly 4 years, before taking over family policy and proceedings for children in 2001, expanding to all family proceedings in 2003.

Sheridan Greenland OBE
Ministry of Justice

Having qualified as a barrister, Sheridan entered the Magistrates' Courts Service in 1984 initially as a legal adviser. By 1998 she acted as Clerk to the Justices. She has been seconded to both Her Majesty's Courts Service Inspectorate and the Lord Chancellor's Department. In 1999 she was appointed Justices' Chief Executive in Surrey, in 2005 receiving an OBE for services to the Magistrates' Courts Service. When Her Majesty's Courts Service was created she was appointed Area Director for family work in London, subsequently becoming Director of the Care Proceedings Programme including responsibility for the Unified Family Service, then Deputy Director, Family Law and Justice within the Access to Justice Policy Directorate, which is now part of the Ministry of Justice.

Teresa Hallett
Director of Operations, CAFCASS CYMRU

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

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

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

Carolyn Hamilton
(Office of the Children's Commissioner for England)

Carolyn Hamilton is the Non- Executive Legal Director for the Commissioner for Children in England and the Director of the Children's Legal Centre. She is also the Children's and Families Commissioner for the Legal Services Commission and 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 Butterworth's 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.

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

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

Sara Kovach Clark
Legal Services Commission

Sara Kovach Clark studied law before coming to work at the Legal Services Commission where she has worked for 16 years. During that time she has had experience of all aspects of legal aid administration and gained her introduction to legal aid policy as part of the team that introduced publicly funded mediation in the late 1990s. For the last 3 years she has been Head of Family Policy where she is responsible for the development of the contractual and regulatory framework for family legal aid and a wider more strategic role to ensure that family legal aid is consistent with government objectives across other parts of the family justice system. She represents the LSC on the national FJC.

Ruairi Murphy
Legal Adviser to Consular Directorate, FCO

Ruairi Murphy qualified as a barrister in Northern Ireland in 1997 and practised there for six years. His practice was mixed, but mainly focused on family and criminal law. Since 2006 he has been Legal Adviser to Consular Directorate in the Foreign and Commonwealth Office. Consular Directorate's main functions include handling individual casework involving British nationals who encounter difficulties whilst living or travelling overseas. Consular cases involve a wide range of issues, from lost passports and minor thefts, to hostage situations and the death penalty. Dealing with human rights issues concerning British nationals is a very important part of the FCO's consular work - particularly in relation to those in prison overseas who have suffered mistreatment or for whom there are fair trial concerns. The Directorate also offers support to British people in a range of family law related cases such as child abduction, forced marriage and where there are welfare concerns in relation to minors.

Jeremy Oppenheim

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

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

Assistant Chief Constable Garry Shewan
Greater Manchester Police

Garry Shewan was born in Sunderland, moving to Manchester in 1981 to study Sociology. It was here he first became interested in the study of policing systems. His degree focused upon the use of discretionary policing methods and their impact upon inner city tension in the early 1980s. Garry then went onto achieve a Masters

degree in Criminology exploring the impact of the 1984-85 miners' strike on the political and operational independence of the police. Following a period working as a lecturer, Garry joined Greater Manchester Police in 1987.

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

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

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

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

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

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

Born and raised in Sri Lanka and lived in Singapore, she qualified with a Masters and CQSW from Warwick University in 1986. Christine joined Cafcass in April 2002 as a Service Manager in Buckinghamshire and became Regional Director for the North West

and Yorkshire and Humberside regions of Cafcass before she took up her present role.

Christine's work has extended more recently to her birth country, Sri Lanka, in developing child centred practice.

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

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

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

Prior to taking up the post of Children's Commissioner for Wales in March 2008, he was Programme Director for the Wales Programme of Save the Children for 2 years and Chair of the United Nations Convention on the Rights of the Child (UNCRC) Monitoring Group for Wales.

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

Annex C

Expenditure 2008-09 and Budget for 2009-10

Family Justice Council Expenditure 2008-09		Budget amount £295,273.93
Staffing Costs		£206,130.00
Staff Travel and Subsistence		£3,711.45
Members' Travel and Subsistence		£11,783.93
Research, Publications and Publicity		£14,259.08
Consumables (Stationery, Telecoms, Computer)		£14,434.55
Consultancy		£26,467.66
Events and Conferences		£12,362.07
Catering		£2,164.20
Training Courses		£1,886.25
Total:		£293,199.19

Family Justice Council Projected Spend for 2009-10	
Staffing Costs	£190,576.00
Staff Travel and Subsistence	£5,450.00
Members' Travel and Subsistence	£20,745.00
Research, Publications and Publicity	£27,900.00
Consumables (Stationery, Telecoms, Computer)	£1,650.00
Consultancy	£22,000.00
Events and Conferences	£38,255.00
Catering	£3,000.00
Training Courses	£1,000.00
Total:	£310,576.00

Report on Business Plan 2008-09

STRATEGIC OBJECTIVE 1

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

Supporting Activity	Owner	Aim	Target Date	Outcome
1 Secretariat to visit all 39 Local Family Justice Councils (Local FJCs)	Secretary/Local Family Justice Council Liaison Manager	To establish and improve effective two way communication between the national FJC and all of the Local FJCs	March 2009	Establish effective networking between Secretariat and chairs of Local FJCs and their administrators

Secretariat visited 19 Local FJCs in 2008-09

Over a two year period, 34 of 39 Councils have been visited. Networking and communication with the Local FJCs has improved. All but 3 Councils now send in their minutes regularly.

2 Secretariat to hold an annual conference for administrators of all Local FJCs	Secretary/Local FJC Liaison Manager	To improve awareness of the issues facing administrators of the Local FJCs, to gain a greater understanding of what the national FJC can do to help and to make clear what is expected of Local FJC administrators	November 2008	Improved two way communication between Local FJC administrators and the Secretariat. Exchange of minutes and complete membership lists
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The second annual event for Local FJC administrators was held in Manchester on November 4th 2008. The feedback from those administrators who attended was very positive and it is clear that they appreciated the event and derived benefit from it. The disappointing aspect was the poor attendance – only 16 of 39 administrators attended. The most common reason cited for non-attendance was the refusal of managers to release them for the conference due to pressure of work. It may assist if next year if the letter of invitation comes from the President.

3	To secure responsibility for distributing the budget for funding training events and incidental expenditure for Local FJCs	Secretary/Local FJC Liaison Manager	To improve the control over and transparency of the Local FJC budgets	March 2009	Greater certainty of the monies available to Local FJCs for funding their activities, greater ease in securing the monies and better quality management information on the activities of the Local FJCs available to the FJC
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Senior management support for holding this budget centrally has been secured and negotiations with HMCS Finance are at an advanced stage for securing the budget for 2009-10

4	Secretariat to investigate options for increasing the Local FJC input to the national FJC website	Secretary/Local FJC Liaison Manager	To increase and improve the website resource that is available for use by Local FJCs	December 2008	A better quality Local FJC contribution to the FJC website
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The Secretariat has been in discussion with the Peninsula FJC about a proposal to introduce a web page for each Local FJC on a Local FJC website hosted by the Peninsula FJC. The Secretariat will raise this at the next Local FJC conference and will consult with the Local FJCs after the April 2009 conference.

STRATEGIC OBJECTIVE 2

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

Supporting Activity	Owner	Aim	Target Date	Outcome
1 Organise a forum for BME community/NGO groups	Chair of Diversity Committee	To identify the priorities of BME community/NGO groups relating to BME experiences of the family justice system	October 2008	Positive engagement with BME groups producing agreed priorities for consideration by the FJC

The BME forum has taken longer to arrange than anticipated but will take place in June 2009 at the House of Lords. It will focus on the impact of the new domestic violence legislation on BME groups. It will be chaired by Baroness Elizabeth Butler-Sloss

2 Contribute to Diversity audit of MoJ family policies	Chair of Diversity Committee	To advise MoJ on the impact of its family justice policies on ethnic minority communities	Ongoing	Provide input to MoJ Diversity Impact Assessment which will inform future policy development and may require amendment of existing policies
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The Diversity Committee successfully contributed to the Diversity Impact Assessment of the pilots for the Unified Family Court and has secured a number of changes to improve the service to disabled court users as a result.

3 To support the implementation of the Forced Marriage (Civil Remedies) Act 2007 and to monitor the effectiveness of its operation	Chair of Diversity Committee	Provide expert input on implementation issues (e.g. rules of court). Make case for mechanism to monitor the Act	To meet MoJ time-table	A successful implementation of the Act followed by early identification of any problems with its operation
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The Committee drafted the FJC response to the public consultation on the rules of court and has been monitoring the early operation of the Act with a view to proposing a review of the legislation after an appropriate period.

STRATEGIC OBJECTIVE 3:

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

Supporting Activity	Owner	Aim	Target Date	Outcome
1 Monitor the impact of the Public Law Outline (PLO) on the use of experts	Chair of Experts Committee	To identify any early difficulties with the PLO in so far as it impacts on experts	Ongoing	To provide advice on resolving any difficulties identified in the operation of the PLO
The Committee has not been made aware of any early problems with the PLO in so far as it impacts on experts.				
2 To examine feasibility of introducing a system for giving feedback to experts on the quality of their evidence	Chair of Experts Committee	To provide experts with feedback on the usefulness of their evidence to the court in order to improve future performance	December 2008	If feasible, to produce proposals for feedback mechanism for experts for consideration by FJC
A paper with initial proposals has been discussed by the Committee and a revised version is currently being drafted for the Committee's future consideration.				
3 To examine options for researching the quality of experts' written reports in partnership with other stakeholders	Chair of Experts Committee	To secure evidence on the standard and quality of the written evidence provided by experts in the course of family proceedings	March 2009	If feasible, to produce a specification for a research project examining the quality of written reports
The Committee has approved a research proposal from Professor Jane Ireland and John Pinschof to examine the quality of psychologists' reports used in family cases. The proposal has been endorsed by the Executive Committee and once it has been formally approved by the Council, the research project is expected to commence shortly.				
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
The Committee has not been able to contribute to this important area of work during this reporting period because of the delays in taking the project forward. The pilots are now underway and DoH has undertaken to keep stakeholders better informed of progress in future.				

STRATEGIC OBJECTIVE 4:

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

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

The Committee completed its work on ICS Proformas in summer 2008 and circulated guidance on placement order applications by the target of August 2008. The work on a good practice handbook is still at an early stage and the Committee has yet to be asked for its advice on research into the PLO as a longer period of operation is required.

<p>2 To consider other developments to improve the conduct of care and adoption proceedings</p>	<p>Chairs of Children in Safeguarding Proceedings Committee, Experts Committee and ADR Committee</p>	<p>Examining and making recommendations on the following: The impact of local authority panels on delay in decision making; the development and use of Family Group Conferences; the protection and welfare of children accommodated under S.20 and their families; the use of kinship placements</p>	<p>March 2009</p>	<p>Changes to care proceedings which reflect the views and priorities of the FJC</p>
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The Committee has begun to take this work forward and has produced a paper that was discussed at its last meeting in 2008-09. The paper is currently being revised for further consideration by the Committee.

<p>3 To play a full role in taking forward the Government's response to the Chief Medical Officer's report</p>	<p>Chair of Experts Committee/ Chair of Children in Safeguarding Proceedings Committee</p>	<p>To assist NHS and DH colleagues in setting up the new system</p>	<p>In accordance with DH timetable</p>	<p>A new system for provision of expert evidence which better meets the needs of the family courts for high quality & timely expert evidence</p>
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The Committee has not been able to carry forward this work because the project has been delayed. The pilots are now under way and DoH has undertaken to keep stakeholders better informed in the future.

<p>4 To examine the range of residential & non-residential assessments used in public law proceedings</p>	<p>Chair of Children in Safeguarding Proceedings Committee/ Chair of Experts Committee</p>	<p>To formulate questions about the quality of evidence provided by assessments especially in relation to parental capacity to change</p>	<p>March 2009</p>	<p>To identify those assessments which provide valuable evidence to the courts, assist the judiciary in making appropriate decisions in the child's best interests and, therefore, represent value for money</p>
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The Committee is yet to commence work on this project.

<p>5 To retain oversight of the impact of LSC reforms on public law proceedings</p>	<p>Chair of Children in Safeguarding Proceedings Committee lead/ Chair of Children in families Committee/ Chair of ADR Committee</p>	<p>To press for a legal aid regime which provides for high quality legal advice and representation for children and parents in family proceedings</p>	<p>First stage: March 2009</p>	<p>Ready availability of high quality legal advice & representation for parents and children</p>
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The Committee has provided full contributions to the FJC responses to five LSC consultations published during this reporting period.

<p>6 To engage with Government and professional organisations to promote the recruitment and retention of high quality social workers</p>	<p>Chair of Children in Safeguarding Proceedings/ Chair of the Education & Training Committee</p>	<p>1) to contribute to DCSF & WAG policy on these issues 2) to encourage Local FJCs to develop programmes of inter-disciplinary training for social workers 3) to examine the role & practice of IROs in public law cases, including monitoring the proposed reforms currently before Parliament 4) to engage with ADCS with particular focus on evidence based practice and consistency of approach by social workers</p>	<p>March 2009</p>	<p>To improve the quality of social work evidence in care and adoption proceedings & express support for social work professionals</p>
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The Committee has secured FJC representation on the Key Partners' Group of the Social Work Taskforce charged with reforming the professional qualifications and development of social workers. The Committee has also begun to take forward work on the IROs and has engaged with the relevant DCSF officials who are currently conducting a review of the role of IROs – the Committee has met with them and expressed its initial views on how the role can be made more effective.

STRATEGIC OBJECTIVE 5:

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

Supporting Activity	Owner	Aim	Target Date	Outcome
1 To support the introduction of the new Practice Direction on consent orders in cases with a history of domestic violence.	Chair of Domestic Violence Working Group lead	To encourage Local FJCs awareness and discussion of the implications of the new Practice Direction	Dec 2008	A high level of compliance with the new Practice Direction
<p>Members of the Committee drafted articles for the legal press to mark the coming into force of the Practice Direction. Feedback from the Local FJCs indicates that finding of fact hearings have increased substantially.</p>				
2 To respond to the MoJ consultation on the draft Family Procedure Rules on private law cases	Chair of Children in Families Committee	To provide expert input on the rules	To meet MoJ timetable	To help produce workable and effective rules for private law cases
<p>The Committee provided detailed and extensive input to the court forms, which the MoJ took on board, and its advice on the content of the rules was largely followed.</p>				
3 By liaison with local Family Justice Councils and member agencies collate and disseminate practice information and research evidence	Chair of Children in Families Committee	To promote the development of good practice models, supported by research evidence, in private law proceedings	March 2009	Greater compliance with best practice models in private law proceedings

The Committee did not take this strand of work forward in 2008-09

<p>4 To examine the feasibility of enabling the family courts to refer cases to Multi-Agency Risk Assessment Conferences (MARACs)</p>	<p>Chair of the Domestic Violence Working Group</p>	<p>To promote a multi-agency approach to DV risk assessment</p>	<p>December 2008</p>	<p>To work with CAADA to produce costed proposals on extending MARACs to the family courts for consideration by the FJC</p>
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The DV Working Group engaged with CAADA, discussed the issues and referred it to the Family Criminal Interface Committee which is better placed to take this forward.

<p>5 To seek an interdisciplinary view on the content and implementation of the 'contact activities' provided for in the Children and Adoption Act 2006</p>	<p>Chair of the Children in Families Committee</p>	<p>To influence and stimulate the development of policy on 'contact activities'</p>	<p>March 2009</p>	<p>To put the views of the Committee and Council to DCSF ministers on the appropriate content of 'contact activities'</p>
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The Committee has worked closely with the DCSF and Cafcass officials responsible for taking forward the implementation of the 2006 Act and has communicated its views on 'contact activities' to the relevant policy leads.

<p>6 To seek input from the Local FJCs on the effective promotion of family mediation generally and, specifically, on the use of the Family Procedure Rules to achieve this</p>	<p>Chair of the Children in Families Committee</p>	<p>To influence the direction of policy on the rules of court so that they give the greatest possible encouragement to family mediation in appropriate cases</p>	<p>March 2009</p>	<p>To feed the views of the Committee and Council to the FPR during the rule drafting process and on consultation</p>
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The Committee completed this task by the target date. The Committee's views were communicated to the officials drafting the new Family Procedure Rules and to the Rules Committee.

7	To examine the availability, waiting times and value for money of perpetrator programmes	Chair of the Domestic Violence Working Group	To assess the effectiveness of perpetrator programmes	March 2009	A mapping exercise showing the accessibility of perpetrator programmes and an analysis of outcomes
The Working group did not commence this project in 2008-09.					
8	To examine the quantity and quality of judicial training on DV, HBV and forced marriage	Chair of the Domestic Violence Working Group	To identify the strengths and weaknesses of current provision	December 2008	To engage with the JSB and to work with them on improving training in this area if weaknesses are identified

The Working Group has satisfied itself as to the appropriateness of the content of the training for the professional judiciary but has yet to examine the new training for family magistrates.

STRATEGIC OBJECTIVE 6:

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

Supporting Activity	Owner	Aim	Target Date	Outcome
1 To monitor the operation of the legislation in Scotland on cohabitants	Chair of the Money and Property Committee	To learn lesson from the operation of the Scottish legislation and to feed them into the debate in England and Wales	March 2009	A better informed debate on the merits of implementing the Law Commission's report on cohabitation in England and Wales
The Committee will need to extend this activity into 2009-10 to allow a sufficient period for the Scottish legislation to bed in.				
2 To consider the role of court led dispute resolution in financial proceedings, including the dissemination of best practice from and through Local FJCs	Chair of the Money and Property Committee	To advise and assist the Local FJCs to promote best practice in financial proceedings	March 2009	Greater consistency of practice in Financial Dispute Resolution hearings and other areas of financial proceedings
The Committee is preparing a paper on best practice in financial proceedings for discussion at its next meeting.				
3 To make the case for reform of the law on pre-nuptial agreements as part of a wider reform of Section 25 MCA	Chair of Money and Property Committee	To ask the Law Commission to include enforcement of pre-nuptial agreements as part of a wider review of Section 25 MCA in its 10th programme of law reform	December 2008	Inclusion of a wide ranging review of Section 25 MCA in the Law Commission's 10 th programme of Law reform

The Committee wrote to the Law Commission urging it to include a review of pre-nuptial agreements in its 10th programme of law reform and this was included when the new programme was announced.

STRATEGIC OBJECTIVE 7:

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

Supporting Activity	Owner	Aim	Target Date	Outcome
1 To hold a debate at an appropriate venue on the FJC's Family Law article on Enhancing the Participation of Children in Family Proceedings	Chair of Voice of the Child Committee	To encourage debate among family judiciary and practitioners on the issues raised in the article	September 2008	Raised awareness of the arguments in favour of enhancing the participation of children in family proceedings among judiciary and practitioners
<p>The debate was held in October and achieved considerable coverage in the legal and social care media. The event was well attended and the feedback from those who attended was positive. The event was recorded and a downloadable podcast is available on the FJC website.</p>				
2 To examine the scope for early interventions for children available under the Children and Adoption Act 2006	Chair of Voice of the Child Committee	To identify any new opportunities for early interventions under the new legislation	March 2009	To disseminate information to Local FJCs and practitioners on the availability of any new opportunities for early interventions for children involved in private and public law proceedings
<p>The Sub Committee was not able to start this workstream in 2008-09</p>				
3 To tender for a new partner organisation to run the FJC's Children and Young People's Group	Chair of Voice of the Child Committee	To identify an appropriate organisation with expertise in communicating with children to run the Children and Young People's Group	September 2008	The Children and Young People's Group to be reconstituted, and providing the FJC with input on a range of issues, as soon as possible

The tendering process took much longer than anticipated but a new partner to run the Children and Young People's Group has been identified.

STRATEGIC OBJECTIVE 8:

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

Supporting Activity	Owner	Aim	Target Date	Outcome
1 To map the provision of education and training provided for or available to professionals beginning to work in the family justice system	Chair of the Education and Training Committee	To advise the Council about the likely current levels of knowledge and understanding of those starting to work in the family justice system	May 2008	Report on the current qualifications and training of new professionals working in the family justice system
This objective has been completed successfully. The information is now available on the FJC website.				
2 To examine the feasibility of producing a DVD on court skills for social workers	Chair of the Education and Training Committee	To produce costed proposals for FJC consideration to produce and distribute a training DVD	December 2008	To improve the performance of social workers in preparing for, and giving evidence in, public hearings
The Committee decided not to proceed with this objective on discovering that a video on this subject had been produced recently by SCIE – the Committee then began to explore joint working with SCIE to try to improve social worker training.				
3 To examine the merits of producing a training events toolkit for Local FJCs	Chair of the Education and Training Committee	To provide Local FJCs with appropriate advice on organising effective inter-disciplinary training events	March 2009	To improve the quality of Local FJCs training events
This has been subsumed in the drafting of a new handbook for the members of Local FJCs being taken forward by the Secretariat.				
4 To identify the scope for training on mental health issues	Chair of the Education and Training Committee	To promote training on dealing with challenging and Borderline Personality Disorder clients in the family justice system	March 2009	To improve access to inter-disciplinary training for professionals in the family justice system dealing with challenging/BPD clients

The Committee was not able to take this forward in 2008-09 however it will remain relevant in 2009-10 because mental health is the theme of the Dartington Conference.

Business Plan 2009-10

STRATEGIC OBJECTIVE 1

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

Supporting Activity	Owner	Aim	Target Date	Outcome
1 To secure responsibility for distributing the budget for funding training events for Local FJCs	Secretary/Local FJCs Liaison Manager	To improve the control over and transparency of the Local FJCs budgets	April 2009	Greater certainty of the monies available to Local FJCs for funding their activities, greater ease in securing the monies and better quality management information on the activities of the Local FJCs available to the FJC
2 To negotiate new arrangements with Bar Standards Board on CPD points	Secretary/Local FJCs Liaison Manager	To agree a new arrangement with the BSB on CPD accreditation for FJC training events	July 2009	A global scheme for all FJC and Local FJCs training events that will reduce the burden on Local FJCs administrators
3 Secretariat to investigate options for providing websites to Local FJCs	Secretary/Local FJCs Liaison Manager	To increase and improve the website resource that is available for use by Local FJCs	October 2009	All Local FJCs which request this facility to have access to a website resource

STRATEGIC OBJECTIVE 2

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

Supporting Activity	Owner	Aim	Target Date	Outcome
1 Organise a forum for BME community/NGO groups	Chair of Diversity Committee	To identify the priorities of BME community/NGO groups relating to BME experiences of the family justice system	June 2009	Positive engagement with BME groups producing agreed priorities for consideration by the FJC
2 Contribute to Diversity audit of MoJ family policies	Chair of Diversity Committee	To advise MoJ on the impact of its family justice policies on ethnic minority communities	Ongoing	Provide input to MoJ Diversity Impact Assessment which will inform future policy development and may require amendment of existing policies
3 Establish links with the Local FJCs	Chair of Diversity Committee	To improve participation of Local FJCs in the Committee's work through meetings with Local FJCs representatives outside London	January 2010	A successful implementation of the Act followed by early identification of any problems with its operation
4 Review quality of interpreter provision for family proceedings	Chair of Diversity Committee	To assess the quality control of interpreter services available in the family courts through HMCS and the LSC	November 2009	A successful implementation of the Act followed by early identification of any problems with its operation

STRATEGIC OBJECTIVE 3:

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

Supporting Activity	Owner	Aim	Target Date	Outcome
1 Provision of advice and assistance on the piloting and implementation of the recommendations of the report by the Chief Medical Officer (Bearing Good Witness)	Chair of Experts Committee	To assist NHS, DH & LSC colleagues in setting up the new system	Ongoing	A new system for provision of expert evidence which better meets the needs of the family courts for high quality and timely expert evidence
2 To examine feasibility of introducing a system for giving feedback to experts on the quality of their evidence	Chair of Experts Committee	To provide experts with feedback on the usefulness of their evidence to the court in order to improve future performance	December 2009	If feasible, to produce proposals for feedback mechanism for experts for consideration by FJC
3 To examine options for researching the quality of experts' written reports in partnership with other stakeholders	Chair of Experts Committee	To secure evidence on the standard and quality of the written evidence provided by experts in the course of family proceedings	March 2010	If feasible, to produce a specification for a research project examining the quality of written reports
4 To consider the use of overseas experts in family cases and to consider what, if any, procedural steps and guidance required	Chair of Experts Committee/ Chair of Children in Safeguarding Proceedings Committee	To ensure there are clear guidelines on the use of overseas experts to ensure consistency of approach	October 2009	Good practice in the use of overseas experts, including guidelines and regulatory clarity
5 To consider the impact of the LSC guidance on CRB checks for experts, particularly in relation to self employed experts	Chair of Experts Committee	To consider the problems raised by the necessity for all expert witnesses in legally aided cases to have valid CRB checks	July 2009	Provision of clear guidance on CRB checks for self employed experts

STRATEGIC OBJECTIVE 4:

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

Supporting Activity	Owner	Aim	Target Date	Outcome
1 To support improvements in the conduct of care and adoption proceedings in the interests of children and families	Chair of Children in Safeguarding Proceedings Committee	To support the PLO by: 1) considering the outcomes of research 2) monitoring processes	In accordance with MoJ timetable	Changes to care proceedings which reflect the views and priorities of the FJC
2 To consider other developments to improve the conduct of care and adoption proceedings	Chairs of Children in Safeguarding Proceedings Committee, Experts Committee and ADR Committee	1) work with the DCSF on production of Children Act guidance relating to the use of s20 of the Children Act 1989 and kinship care 2) promote good practice in the use of Family Group Conferences 3) to consider cases in which parties lack capacity to give instructions and particularly any proposals which emerge from the Dartington Conference 4) where issues of neglect arise in care cases, to emphasise the importance of good and timely decision making	December 2009	Changes to care proceedings which reflect the views and priorities of the FJC

<p>3 To continue to engage with the DCSF and other organisations to promote the recruitment and retention of high quality social workers and to assist in taking forward the relevant recommendations made by Lord Laming</p>	<p>Chair of Children in Safeguarding Proceedings Committee</p>	<p>1) responding to Lord Laming's report on safeguarding reform. 2) through membership of the Key Partners group of the Social Work Taskforce, to feed into plans for reform. 3) engage with MoJ/FJB on new targets for public law proceedings. 4) to provide input to Francis Plowden's review of public law fees 5) engage with the DCSF in their work on the role and practice of IROs and to participate in formulation of training for IROs.</p>	<p>In accordance with DCSF timetable</p>	<p>Changes in the academic qualifications, training and professional development of social workers which reflect the views, experience and priorities of the FJC. New targets for public law proceedings which promote performance of all the agencies involved in the interests of children. To assist the Plowden review in reaching sound conclusions based on robust evidence</p>
<p>4 To consider the difficulties which arise in 'hybrid' cases, where there is an overlap between the public and private law spheres</p>	<p>Chair of Children in Safeguarding Proceedings Committee/ Chair of the Children in Families Committee/ Parents and Relatives sub-group</p>	<p>To make recommendations for improved practice and procedures</p>	<p>March 2010</p>	<p>Changes in care proceedings which reflect the views and priority of the FJC</p>

<p>5 To retain oversight of the impact of LSC reforms on public law proceedings</p>	<p>Chair of Children in Safeguarding Proceedings Committee lead/ Chair of Children in families Cmte/ Chair of ADR Committee/ Chair of ADR Committee</p>	<p>To press for a legal aid regime which provides for high quality legal advice and representation for children and parents in family proceedings, particularly by analysing and commenting upon reforms proposed by the LSC</p>	<p>Ongoing</p>	<p>Ready availability of high quality legal advice and representation for parents and children</p>
<p>6 To monitor the working of the new provisions for openness in the Family Courts</p>	<p>Chairs of all Committees/ Transparency working group</p>	<p>Monitor the progress of the reforms and provide the MoJ with feedback from Local FJCs, and others, on the working of the new system</p>	<p>March 2010</p>	<p>Identification of any problems arising from the operation of the new rules on transparency and provision of advice on solutions</p>

STRATEGIC OBJECTIVE 5: To promote better outcomes for parties and children in Private Law Proceedings					
Supporting Activity	Owner	Aim	Target Date	Outcome	
1 To draft the FJC response to the forthcoming consultation on court fees for private law cases	Chair of the Children in Families Committee	To provide the MoJ with authoritative advice, supported by evidence and experience, of the likely impact of the proposals	In accordance with MoJ timetable	To influence MoJ policy in this area in the direction of ensuring that access to justice is not impaired by excessive fee increases	
2 To examine the role of mental health issues in intractable contact disputes	Chair of the Children in Families Committee	To raise awareness among practitioners of the role of mental health issues in intractable contact disputes	March 2010	To assist practitioners in dealing appropriately with clients who demonstrate mental health issues in the context of child contact cases	
3 By liaison with Local Family Justice Councils and member agencies collate and disseminate practice information and research evidence	Chair of the Children in Families Committee	To promote the development of good practice models, supported by research evidence, in private law proceedings	March 2010	Greater compliance with best practice models in private law proceedings	
4 To seek an interdisciplinary view on the content and implementation of the 'contact activities' provided for in the Children and Adoption Act 2006	Chair of the Children in Families Committee	To influence and stimulate the development of policy on 'contact activities'	February 2010	To put the views of the Committee and Council to DCSF ministers on the appropriate content and development of 'contact activities'	

<p>5 To review the DV section on the FJC website and draft guidance for Litigants in Person on how to deal with breaches of DV injunctions</p>	<p>Chair of the DV Working Group</p>	<p>To ensure that the DV section on the FJC website contains accurate and current information and to include accessible guidance to Litigants in Person on DV injunctions</p>	<p>July 2009</p>	<p>A revised DV section on the FJC website providing accurate and up to date information and accessible guidance for Litigants in Person</p>
<p>6 To promote awareness of civil remedies for DV and the availability of public funding for these</p>	<p>Chair of the DV Working Group</p>	<p>To improve awareness among judiciary, practitioners and police of the civil injunction route and that public funding remains available for this</p>	<p>March 2010</p>	<p>A reduction in the proportion of unrepresented victims applying for DV injunctions.</p>
<p>7 To respond to the Home Office consultation on the Violence Against Women Strategy</p>	<p>Chair of the DV Working Group</p>	<p>To provide the HO with authoritative advice, supported by evidence and experience, of the likely impact of the proposals</p>	<p>July 2009</p>	<p>To influence Home Office policy on the strategy.</p>
<p>8 To address the issue of proof of service when prosecuting for alleged breaches of, or applying for, DV injunctions.</p>	<p>Chair of the DV Working Group</p>	<p>To raise awareness amongst family judiciary and practitioners of the importance of securing proof of service of DV injunctions</p>	<p>Nov 2009</p>	<p>A reduction in the number of prosecutions which fail due to a lack of proof of service.</p>

STRATEGIC OBJECTIVE 6:

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

Supporting Activity	Owner	Aim	Target Date	Outcome
1 To monitor the operation of the legislation in Scotland on cohabitants	Chair of the Money and Property Committee	To learn lessons from the operation of the Scottish legislation and to feed them into the debate in England and Wales	March 2010	A better informed debate on the merits of implementing the Law Commission's report on cohabitation in England and Wales
2 To consider the role of court led dispute resolution in financial proceedings, including the dissemination of best practice from and through Local FJCs	Chair of the Money and Property Committee	To advise and assist the Local FJCs to promote best practice in financial proceedings	March 2010	Greater consistency of practice in Financial Dispute Resolution hearings and other areas of financial proceedings
3 To contribute to the Law Commission's review of the law on pre-nuptial agreements	Chair of Money and Property Committee	To make the case for the greater recognition and enforcement of pre-nuptial agreements with appropriate safeguards	March 2010	To influence the recommendations made by the Law Commission in its report towards recognition of pre-nuptial agreements

STRATEGIC OBJECTIVE 7:

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

Supporting Activity	Owner	Aim	Target Date	Outcome
1 To follow up the debate held in October 2008 on Enhancing the Participation of Children in Family Proceedings with a programme of media work and further events.	Chair of Voice of the Child Committee	To encourage debate among family judiciary and practitioners on the issues relating to children's participation in proceedings	October 2009	Raised awareness of the arguments in favour of enhancing the participation of children in family proceedings among judiciary and practitioners.
2 To examine the impact of recent changes in immigration rules and procedures on the status of the children of asylum seekers and unaccompanied children when they come into contact with the family justice system.	Chair of Voice of the Child Committee	To evaluate changes to the status of children in the asylum system against the UNCRC criteria.	March 2010	To provide best practice guidance to family justice system practitioners on dealing with children in the asylum system.
3 To tender for a new partner organisation to run the FJC's Children and Young People's Group	Chair of Voice of the Child Committee	To identify an appropriate organisation with expertise in communicating with children to run the Children and Young People's Group	May 2009	The Children and Young People's Group to be reconstituted, and providing the FJC with input on a range of issues, as soon as possible.

STRATEGIC OBJECTIVE 8:

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

Supporting Activity	Owner	Aim	Target Date	Outcome
1 Recruit and support service users to participate in the work of the Family Justice Council	Chair of Parents and Relatives Group	To seek views and feedback from service users on the work of the FJC e.g. responses to consultation	July 2009	Improved input from adult service users into the work of the FJC
2 Review legal and advice information available to service users involved in the family justice system and propose changes as appropriate	Chair of Parents and Relatives Group	Conduct a mapping exercise of existing advice and information provision for service users	March 2010	Improved information provision to service users
3 Respond to issues of concern to parents and relatives raised by the Council and any of its sub-committees	Chair of Parents and Relatives Group	Provision of advice to Council and its sub-committees on issues of concern to service users	March 2010	Council takes account of service user concerns in its responses to consultation and in developing its policy papers.

STRATEGIC OBJECTIVE 9:

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

Supporting Activity	Owner	Aim	Target Date	Outcome
1 To revise the guide to the family justice system on the FJC website	Chair of Education & Training Committee	To update the guide to the family justice system as several sections are now out of date	July 2009	To ensure that the information provided in the guide is accurate and current.
2 To examine scope for joint working with SCIE and DCSF on training materials for social workers	Chair of Education & Training Committee	To act as a critical reader for draft training materials relevant to the role of social workers in the family justice system.	December 2009	To improve the quality and relevance of training materials social workers in preparing for, and giving evidence in, care proceedings.
3 To identify the scope for training on mental health issues	Chair of Education & Training Committee	To promote training on dealing with challenging and Borderline Personality Disorder clients in the family justice system	March 2010	To improve access to inter-disciplinary training for professionals in the family justice system dealing with challenging/BPD clients

How to contact the Family Justice Council

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

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

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

