



# The Family Justice Council

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## Annual report

2010-11

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# Foreword

By Sir Nicholas Wall, President of the Family Division

This is the sixth annual report of the Family Justice Council and covers a busy year dominated by the Family Justice Review. The Review issued a call for written evidence and heard oral evidence during the period covered by this report. The Council welcomed the opportunity to submit written and oral evidence to the Review.

I was struck by the quality of the evidence that the members of the Council produced. It was, in my view, well-argued and well evidenced and I hope the Review Panel found it helpful in working up their recommendations. The Council was asked to submit further written evidence to the Review after giving its oral evidence in September 2010. I feel this reflects on the quality of the Council's evidence to the Review and reflects on the hard work and commitment of the Council's members in providing it.

Once again, I felt the Council's contribution to the Review demonstrated its value as a unique source of inter-disciplinary expert advice in the family justice system.

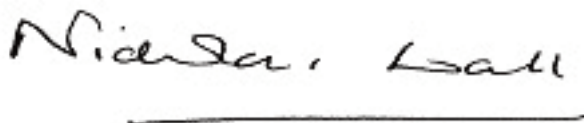
The national Family Justice Council is supported by 39 Local Family Justice Councils covering England and Wales. The Local FJCs are key providers of inter-disciplinary training for legal, social care and health

professionals working in the family justice system. I know from attending a number of training events provided by the Local FJCs that they are rightly valued by lawyers, social workers and health professionals alike for their quality.

I wish to thank the members of the Council for the considerable time and effort which they have given to its work throughout the year. It is a mark of the public service ethos of its members that they produce work of such quality without remuneration and in addition to their professional commitments. I am also grateful to the wider circle of people who have given their time and expertise to serve on the Council's committees and on the Local Family Justice Councils.

I wish to acknowledge the contribution made by officials from, in particular, the Ministry of Justice and the Department for Education in working constructively with the Council on a range of issues.

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



Sir Nicholas Wall  
President of the Family Division

# 1. How the Council works

This is the seventh Annual Report of the Family Justice Council and covers the work of the Council over the financial year 2010-11. Details of the Council's activities and the key issues it has tackled are set out in Section 2. The Council is a non-statutory advisory Non Departmental Public Body, sponsored by the Judicial Office. 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. Through consultation and research, the Council monitors how effectively the system, both as a whole and through its component parts, operates and advises 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.

## 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 Nicholas Wall. 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 or deputy 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 Education (DfE)
- 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 & Tribunals Service (HMCTS)
- 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 management and planning decisions. Its members are the Chairs of the Council's main committees dealing with and a representative from the MoJ.

1.6 The Council's more detailed work is carried out by a number of subject based committees. There are three main committees dealing with Children in Safeguarding Proceedings (Children Act 1989 and Adoption and Children Act 2002); Children in Families (Children Act 1989, Family Law Act 1996 and Children and Adoption Act 2006); and Money

and Property (Matrimonial Causes Act 1973). In addition, there are cross cutting committees and sub-groups on Experts, Diversity, the Voice of the Child and Domestic Violence. Two new Committees were formed in 2008-09: the Alternative Dispute Resolution Committee (ADR) and the Parents and Relatives Committee. The committees, working groups and sub-groups include Council members and co-opted members

1.7 Reports on the work of all of the Council's committees, working groups and sub-groups are given in Sections 3-11.

### Meetings of the Council

1.8 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).

1.9 Section 13 sets out briefly what the Council's plans for 2011-12.

## 2. Overview of Activities and Issues in 2010-11

2.1 During this reporting year the Council has devoted much of its time and resources to contributing to the Family Justice Review chaired by David Norgrove. The Council responded to the Review Panel's call for written evidence and gave oral evidence before the Panel in September 2010. The Review Panel published its interim report on 31st March 2011 and it was pleasing to note that the Council's written evidence was quoted extensively.

2.2 Given the broad terms of reference of the Family Justice Review, contributing to the review was a priority for most of the Council's committees including Children in Safeguarding Proceedings, Children in Families, Experts, Voice of the Child, ADR, Parents and Relatives and Domestic Violence.

2.3 The Council's committees have also worked on drafting a number of sets of best practice guidance. These documents included protocols on securing proof of service of domestic violence injunctions and on access to medical records pursuant to a court order for disclosure. The Council has drafted guidance on the instruction of medical experts from overseas in family proceedings and on children giving evidence in family cases in the wake of the Supreme Court decision in *Re W* [2010] Civ 57.

2.4 The Council held a public debate, jointly with Coram, on the issues raised by new research on

how contact arrangements affect infants in December 2010. Chaired by the President, Sir Nicholas Wall, the speakers included Lord Justice Munby, Dr Danya Glaser, Professor Judith Masson and Jenny Kendrick (who carried out the research which formed the subject of the debate). It was followed by a question and answer session with an expert panel. A transcript of the event can be found on the FJC web pages of the Judiciary Website at:

2.5 The Council responded to a number of Government consultation papers on legal aid reform, revised statutory guidance for local authorities on Family and Friends Care and on a raft of new forms to be used for care and supervision orders under section 31 Children Act 1989.

2.6 In addition to the quarterly meetings of the Council, the FJC sponsors biennial interdisciplinary conferences for family justice professionals. The next one, on the subject of the Family Justice Review, will take place at Dartington Hall in October 2011. There is also an annual conference for representatives of Local FJCs, which takes place every April.

2.7 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.

## 3. The Children in Families Committee

### Membership

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

### Officials in attendance

<b>Stuart Moore</b>	Family Law and Justice, Ministry of Justice
<b>Lizzie Sharples</b>	Family Law and Cafcass, Children and Families Directorate, Department of Children, Schools & Families

## Terms of Reference

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

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

## Activities in 2010-11

**3.1** The work of the Committee focuses on the Private Law aspect of the Children Act 1989 concerning children in families. It covers issues around the residence of children, contact with non-resident parents and other relatives, and other issues that affect their lives, such as schooling.

**3.2** The Committee identified a need for a research project on chronic litigation in child contact cases, with the aim of exploring whether it was possible to achieve early identification of those cases which are likely to fall into this category and to examine what interventions appear to work in these cases in other jurisdictions. It was agreed that a literature review of the existing research into this topic would be a helpful starting point. A research proposal was submitted to the Committee by Liz Trinder (University of Exeter) and Joan Hunt (University of Oxford) and after approval by the Committee, FJC Projects Committee and FJC Executive the project commenced in September 2010. The literature review sought to establish:

- (a) Definitions of key concepts in this field, including mapping and clarifying what is meant

by 'chronic litigation' and related terms, including high conflict cases, protracted disputes, entrenched cases, alienation, vexatious litigants etc;

- (b) The characteristics of cases, or types of cases, that become chronic or protracted;

- (c) The prevalence of such cases;

- (d) Factors which might assist in early identification;

- (e) Interventions which might assist in the better management of such cases

**3.3** The draft report on the literature review was submitted to the Committee in February 2011. It was found that 'chronic litigation' in this context is best defined as cases that return repeatedly to court over a long period, whether in the form of fresh applications or very protracted proceedings that are also characterised by very high and ongoing levels of parental conflict. The report suggested that cases coming back to court more than 5 times within two years could be described as chronic cases which may require greater targeted intervention to break the cycle of repeated applications to court.

**3.4** The researchers examined the literature on interventions used in other jurisdictions and identified the Parenting Co-ordination Model used in several American states as the most promising. In this model, the court appoints a co-ordinator with expertise in either mental health, social work or the law depending on which is regarded as most appropriate to the case. The Co-ordinator then works with parents to implement a parenting plan (backed by a court order) and is authorised by the court to decide on dispute issues which cannot be mediated.

**3.5** The Committee also contributed to the FJC's response to the Family Justice Review's call for evidence issued in June 2010 and in preparing for Council members giving oral evidence to the Family Justice Review Panel in September 2010. The Committee continued to monitor the development of the contact activities, Parenting Information



Programmes and DV perpetrator programmes managed by Cafcass.

3.6 The main priorities for the coming year will

be taking forward the recommendations of the report on chronic litigation in child contact cases and contributing to the Council's response to the interim report of the Family Justice Review published on 31st March 2011.

## 4. The Children in Safeguarding Proceedings Committee

### Membership:

<b>Lesley Newton (Chair)</b>	Circuit Judge, Manchester
<b>Mark Andrews</b>	Deputy Justices' Clerk
<b>Richard Clark</b>	Solicitor, Dudley M B C
<b>Graham Cole</b>	Solicitor, Bedfordshire County Council
<b>Martyn Cook</b>	Family Magistrate
<b>Nicholas Crichton</b>	District Judge, Inner London Family Proceedings Court
<b>Katherine Gieve</b>	Solicitor
<b>Liz Gillett</b>	Clinical Psychologist
<b>Andreas Kyriacou</b>	Senior Co-ordinator Children Looked After, LB Harrow
<b>Bridget Lindley</b>	Deputy Chief Executive and Legal Adviser, Family Rights Group, Consumer Focus, Parents' Interest Member of the FJC
<b>Caroline Little</b>	Association of Lawyers for Children
<b>Judith Masson</b>	Professor of Socio-Legal Studies, Bristol University
<b>Heather Payne</b>	Consultant Community Paediatrician
<b>Deborah Ramsdale</b>	Assistant Director of Children's Services, Staffs
<b>Alison Russell QC</b>	Barrister

### Officials in attendance

<b>Louise Bridson</b>	Department for Children, Schools & Families
<b>Simone Hugo Lake</b>	Legal Services Commission
<b>Paul Stewart</b>	Ministry of Justice

## 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 2010-11

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 The Committee spent much of its time in this reporting year contributing to the Family Justice Council's written evidence submitted to the Family Justice Review and the Chair of the Committee, Her Honour Judge Lesley Newton, was one of those who presented the Council's oral evidence in September 2010. Public law proceedings were a high priority for the Family Justice Review and the Committee contributed several ideas and proposals to the Council's response including: the need for judicial continuity and greater specialisation; the need for more Family Group Conferences and better engagement with parents at an early stage in order to encourage cooperation with the local authority; more intelligent and selective use of expert evidence and assessments, and; a range of suggestions for best practice for local authority social workers and lawyers in preparing to issue proceedings.

4.3 At the oral evidence session in September 2010, the Family Justice Review Panel asked the Council for an additional paper of suggested amendments within, broadly, the existing system of public law proceedings in order 'that care proceedings might be conducted in a more expeditious and cost effective manner'. The Children in Safeguarding Proceedings Committee took the lead in drafting this document which was published as 'Streamlining the System' in January 2011 and is available on the FJC web pages on the judiciary website. The proposals in this document included better specialist training for judges in handling public law proceedings, firmer case management by judges, more judicial control over expert evidence and a system of peer review of judge's performance modelled on the system used for consultants in the NHS.

4.4 The Committee made a substantial contribution to the Council's input to the Munro Review on social work practice in England and Wales. The Committee fed in its views on the qualities needed to make a good social worker and the need for appropriate educational qualifications and in-service training to raise standards in the social work profession.

4.5 The Committee submitted a response to the DfE Review of Independent Reporting Officers (IRO). Concerns were expressed about how the IROs operate in some local authorities and argued that the best practice followed in the better local authorities needed to be disseminated to drive up standards elsewhere. In too many children's services, IROs do not appear to have the status required to challenge the actions and omissions of the local authority social workers effectively.

4.6 The Committee responded to a public consultation on Statutory Guidance on Friends and Family Care issued by the Department for Children, Schools and Families. The Committee also engaged with the Official Solicitor and the OSPT to assist with disseminating awareness among practitioners of the reasons for the measures taken to deal with the delays and backlogs arising from increasing caseloads after Baby P.

4.7 Work for the coming year will include continuing input to the Family Justice Review – the Interim Report is expected in summer 2011.

## 5. The Money & Property Committee

### Membership

**Judith Parker (Chair)** Family Division High Court Judge

**Rebecca Bailey Harris** Barrister, Emeritus Professor of Law, Bristol University

**Anne Barlow** Professor of Family Law & Policy, Exeter University

**Simon Bruce** Solicitor (Resolution)

**Jane Craig** Solicitor

**Nicholas Cusworth QC** Family Law Bar Association (FLBA)

**Nigel Dyer QC** FLBA

**Godfrey Freeman** Solicitor

**Sheren Guirguis** Barrister

**Sue Henson** District Judge, Reading

**Philip Marshall** FLBA

**Clive Million** Circuit Judge

**Nicholas Mostyn** Family Division High Court Judge

**Jeffrey Nedas** Chartered Accountant, BDO Stoy Hayward LLP

**Peter Watson-Lee** Solicitor

**Philip Waller** The Senior District Judge

### Officials in attendance

**Diana Roy** Family Justice & Legal Division, MoJ

**Jane Worsey** Legal Services Commission

## Terms of Reference

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

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

## Activities in 2010 - 11

5.1 The Money and Property Committee looks at the practice and procedure relating to ancillary relief proceedings under Section 25 of the Matrimonial Causes Act 1973. This deals with the division of matrimonial property and assets on divorce. The Committee met three times during the reporting period.

5.2 The Committee's main project for this year has been putting together guidance on the conduct

of Financial Dispute Resolution (FDR) hearings. The purpose of the guidance is to encourage greater consistency of approach to FDRs through the promotion of best practice. The Committee has drafted the guidance to be of assistance to solicitors, barristers and judges. When completed, the draft guidance will be circulated to the Local FJCs for comment before submission to the President of the Family Division.

5.3 The Committee considered the question of whether the revised Form E should retain an oath/affirmation or change to a statement of truth. The Committee recommended that if statements of truth were to be used on Form E there should be a requirement for the applicant and respondent to sign in person. The Committee felt the important issue was to stress to those submitting Form E the necessity to complete the form truthfully and to warn them of the consequences of attempting to hide or, deliberately, to undervalue assets. The Committee also examined a proposal from District Judge Adams for electronic transmission of consent orders. Members accepted that electronic transmission of court documents must be the way forward but doubted whether the current IT security capability of HMCS was sufficient to meet the risks associated with the electronic transfer of sensitive and confidential legal documents.

5.4 The Family Law Arbitration Group (FLAG) returned to the Committee for views on its revised arbitration scheme. The Committee acknowledged that the revised scheme was more complete than earlier drafts but raised a number of issues relating to the enforceability of arbitral awards and how the scheme should inter-face with the courts. FLAG undertook to consider the Committee's comments.

5.5 Over the coming year, the Committee would make the completion and, subject to approval, the dissemination of the guidance on FDRs its highest priority.

## 6. The Diversity Committee

### Membership

<b>Khatun Sapnara</b>	Barrister (Chair to February 2011)
<b>Malek Wan Daud</b>	Barrister (Chair from February 2011)
<b>Bode Adesida</b>	Consultant Child and Adolescent Psychiatrist
<b>Heather Anderson</b>	District Judge
<b>Maria Dennis</b>	Solicitor
<b>Peggy Ekeledo</b>	Solicitor
<b>Victoria Gould</b>	Young People Legal Services, Warwickshire County Council
<b>Sukhchandan Kaur</b>	Independent Social Worker, NAGALRO
<b>Elpha Lecointe</b>	Barrister
<b>Sherry Malik</b>	Corporate Director, Strategy and Performance, Cafcass
<b>Azmat Nisa</b>	District Judge
<b>Frances Orchover</b>	Barrister
<b>Heather Payne</b>	Paediatrician
<b>Katy Rensten</b>	Solicitor
<b>Christine Smart</b>	Children's Rights Director, Cafcass

### 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 2010-11

6.1 The Committee met four times during the reporting year.

6.2 Work continued on the Committee's investigations into the provision and accreditation of interpreters in family cases. Information was sourced from various organisations including Cafcass, Local FJCs and the NHS. The Committee began drafting a paper setting out current arrangements and recommendations for improvement, to be put before the Council. The Committee would then look to the MoJ to take a unified approach to the provision of interpreters.

6.3 The Committee considered the difficulties in obtaining culturally-appropriate experts in family proceedings. A distinction was made between cultural experts who could provide a valuable insight into cultural beliefs and behaviours and those with an expertise (eg psychiatry) who came from a BAME background. Both aspects would be considered, along with issues of accreditation. The first step was to determine current availability, with a long-term view to setting up a simple database to help

practitioners locate BAME experts. Members were asked to provide details of those experts of whom they were aware and the Local FJCs were asked to contribute details of local provision.

6.4 The Committee continued to liaise with the regional representatives to help give a national perspective on diversity issues. The Committee also liaised with the Local FJCs to identify provision of BAME experts across England and Wales.

Unfortunately, the Committee was unable to hold a roadshow this year, but planned to invite the South West Local FJCs to attend a London meeting instead.

6.5 The Committee continued to develop its understanding of religious arbitration tribunals and Sharia Councils in particular. Its interest lay in where these organisations sat in relation to the family justice system. Further information was sought from various research and other studies to identify issues of concern.

6.6 Following recent changes in Forced Marriage legislation, the Committee liaised with Cafcass to consider the nature and extent of associated training for its practitioners. The Committee also worked with the Domestic Violence Committee to look into concerns over information-sharing.

6.7 The Committee raised concerns at the disproportionate number of BAME children in Serious Case Reviews and felt that there was a need to raise awareness of this and the role of Safeguarding Boards amongst family practitioners.

# The Experts Committee

## Membership

**Mathew Thorpe (Chair)** Lord Justice of Appeal & Deputy Chair of the Family Justice Council

**Katherine Gieve** Solicitor

**Elizabeth Gillett** Consultant Clinical Psychologist

**Jane Ireland** Professor of Forensic Psychology, UCLAN

**Brian Jacobs** Consultant Child and Adolescent Psychiatrist

**John Jenkins** General Medical Council

**Karl Johnson** Consultant Paediatric Radiologist

**Heather Payne** Consultant Community Paediatrician

**Mike Pike** Consultant Paediatric Neurologist

**John Pinschhof** Forensic Psychologist

**Alison Russell QC** Barrister

**Michael Shaw** Consultant Child and Adolescent Psychiatrist

**Neil Stoodley** Consultant Neuroradiologist

## 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 2010-11

**7.1** The Committee met three times during the year and has focused on supporting the research project conducted by Professor Ireland into the quality of psychologists' reports used in family



proceedings, the drafting of guidance on the instruction of overseas experts and the drafting of a protocol on disclosure of medical records in GP's surgeries.

**7.2** During this reporting year, Professor Ireland conducted the fieldwork at Manchester, Nottingham and Medway county courts for her study on the quality of psychologists reports used in family proceedings. The study involved reading and scoring reports used in public and private law proceedings against an agreed set of quality criteria. The Committee received updates on the progress of the study and was asked for its views and help on some methodological and organisational issues. The research was funded by the Family Justice Council in response to anecdotal evidence of concerns regarding the quality of some psychologists reports used as expert evidence in family cases.

**7.3** The Committee drafted and revised guidelines for the instruction of medical experts from overseas in family cases. The original draft was provided by Neil Stoodley and revised in discussion with Committee members. The Committee decided there was a need for guidance because there are a number of issues relating to the regulation of overseas experts – they do not come under the jurisdiction of the GMC, for example. It is also important to understand their qualifications, credentials and the applicability of their expertise to the UK context. These issues are addressed in the guidance.

**7.4** The Committee has also worked on a draft protocol on the disclosure of medical records held at GP's practices pursuant to a court order. The Committee has been liaising with Department of Health officials on this and it is intended that the published version of the Code will be distributed to all GPs. This project resulted from reports received by the Committee of difficulties experienced in securing medical records from GP's practices even when the letter requesting the records enclosed a court order. It appears that the staff in some GP's practices are unaware that the consent of the patient is not required where there is a court order for disclosure of the records.

**7.5** The Committee has made a key contribution to the Council's written and oral submissions to the Family Justice Review. Expert evidence is a priority issue for the Family Justice Review. The Committee has championed Sir Liam Donaldson's proposals to mainstream medical expert work for the family courts within the NHS. It has also brought forward its own proposals for more intelligent, and selective, use of medical expert evidence in family cases and for feedback to be given to experts in the form of judgments so that experts can learn whether the court has accepted their evidence and, if so, the reasons for this. Over the coming year the Committee will continue to contribute to the Review and will seek to publish and disseminate the guidelines on overseas experts.

## 8. Voice of the Child Sub Group

### Membership

<b>Nicholas Crichton (Chair)</b>	District Judge, Inner London Family Proceedings Court
<b>Sue Berelowitz</b>	Deputy Children's Commissioner for England
<b>Jon Bettinson</b>	CAFCASS CYMRU
<b>Syd Bolton</b>	Solicitor and Co-Director, Refugee Children's Rights Project, Coram Children's Legal Centre
<b>Mike Gallagher</b>	UK Border Agency
<b>Caroline Little</b>	Solicitor
<b>Judith Masson</b>	Professor of Socio-Legal Studies, Bristol University
<b>Pat Monro</b>	Solicitor and Immigration Judge
<b>Lesley Newton</b>	Circuit Judge, Manchester
<b>Beverley Sayers</b>	Family Mediator
<b>Christine Smart</b>	Children's Rights Director, Cafcass
<b>Karen Tatom</b>	UK Border Agency
<b>Keith Towler</b>	Children's Commissioner for Wales

### Officials in Attendance

<b>John Bowman</b>	Family Justice Division, Ministry of Justice
<b>Stuart Moore</b>	Family Justice Division, Ministry of Justice
<b>Paul Stewart</b>	Family Justice Division, Ministry of Justice

## 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 2010 - 11

8.1 The Group held five meetings during the reporting year and met with the Tribunal Service Immigration and Asylum Chamber (TSIAC) twice. Work continued with TSIAC to explore ways in which the family justice and immigration systems can work together to deal with cases involving children asylum seekers and child victims of trafficking, which straddle both jurisdictions. A number of recommendations were agreed. Work began on a

protocol to encourage information-sharing and an interface paper providing information on immigration law for the family judiciary. The idea of cross-ticketing between the family and immigration judges was agreed in principle. The meetings also looked at the issues around age assessments and the duty of care once children had left UK borders.

8.2 The Group finalised its Guidelines for Judges Meeting Children who are subject to Family Proceedings. The guidance was produced to encourage judges to enable children to feel more involved and connected with proceedings in which important decisions are made affecting their lives. The guidance was issued to all family judiciary and magistrates as well as other interested parties and will be incorporated into judicial training.

8.3 The Group produced and circulated a DVD to all family judiciary and the Local FJCs. The DVD features interviews with young people who have been through the court process. It was hoped that it will be used as a training tool by the judiciary and others working in the family justice system.

8.4 The Group met with the young people's reference group, the Rights and Participation Project (RAPP). The meeting looked at the issues faced by children and young people who have experienced public and private law proceedings, and sought their views on the Family Justice Review and children giving evidence. The Committee considered using other, more diverse, methods to receive regular feedback from children and young people.

8.5 The Group gave their views on draft guidance produced by the Working Group on Children Giving Evidence. The Group agreed that the guidance would be helpful to practitioners but expressed concerns that the paper did not refer to transparency issues or age dispute cases.

## 9. The Domestic Violence Working Group

### Membership

<b>Azmat Nisa</b>	District Judge, Kingston-upon-Thames (Chair to Nov 2010)
<b>Alison Russell QC</b>	Barrister (Chair from Dec 2010)
<b>Adrienne Barnett</b>	Barrister
<b>Mererid Edwards</b>	Barrister
<b>Brett Gable</b>	Family Law and Justice Division, Ministry of Justice
<b>Teresa Hallett</b>	CAFCASS Cymru
<b>Nicola Harwin</b>	Women's Aid
<b>Rosemary Hunter</b>	Professor of Law, University of Kent
<b>Ben Jamal</b>	Domestic Violence Intervention Project
<b>Jagbir Jhutti-Johal</b>	University of Oxford
<b>Heather Payne</b>	Paediatrician
<b>Karen Morgan-Read</b>	Crown Prosecution Service
<b>Khatun Sapnara</b>	Barrister
<b>Jane Worsey</b>	Legal Services Commission

### Terms of Reference

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

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

## Activities in 2010-11

9.1 The Working Group met twice during the reporting year. Alison Russell QC took over as Chair, from District Judge Nisa, of the Committee in December 2010.

9.2 The Working Group identified a need for a research project on finding of fact hearings and on the operation of the Practice Direction on Residence and Contact Orders: Domestic Violence and Harm issued in 2009. There had been considerable anecdotal feedback from the courts to the effect that these are taking up too much court resource. The Committee felt it would be helpful to secure some more objective data on this issue to see whether any amendment to the Practice Direction was required.

9.3 Professor Hunter drafted a research proposal to capture feedback from judges, solicitors, barristers and Cafcass officer through questionnaires, which the Working Group has endorsed and submitted to the Council's Executive Committee for its consideration. The Executive Committee endorsed the proposal, as did the President of the Family Division, and the research is expected to commence early in the new financial year.

9.4 The Working Group received a number of reports relating to difficulties in enforcing non-molestation orders due to failures on the part of process servers to secure the proof of service required. Without proof of service it is not possible to punish alleged perpetrators for any breach of the injunction. The Working Group has, therefore, been working on guidelines to assist process servers in securing the correct proof of service.

9.5 District Judge Nisa, the Chair of the Committee, represented the Family Justice Council on a Home Office steering committee overseeing the funding and development of Multi-Agency Risk Assessment Conferences (MARACS). MARACS have been set up in most HMCS areas and they aim to share information on serious domestic violence cases by bringing key agencies (social workers, police, health professionals) together in a case conference – this enables a more accurate and quicker risk assessment. Most MARACS have been used in criminal cases to date but there may be scope for the family courts to make use of them too.

9.6 The Committee wrote to the Secretary of State for Communities and Local Government following the Court of Appeal's decision in *Yemshaw v Hounslow LBC* 2009. The Committee was concerned by the narrow definition of domestic violence used in that case and wrote to Eric Pickles MP to argue that the Government should consider amending the statutory guidance for local authorities on housing to reflect the broader definition of domestic violence used in the family courts. The Committee received a helpful reply from officials indicating that the Government intended to bring forward amendments to the relevant statutory guidance.

9.7 The main projects to be taken forward next year include the research proposal on finding of fact hearings and the drafting of guidance on the use of MARACS in family proceedings.

# 10. The Alternative Dispute Resolution Committee

## Membership

<b>Beverley Sayers (Chair)</b>	Family Mediator
<b>Robin Ap Cynan</b>	Solicitor and Mediator
<b>Eleanor Druker</b>	Legal Services Commission
<b>Sheila Gooderham</b>	Solicitor and Mediator
<b>Bridget Lindley</b>	Deputy Chief Executive and Principal Legal Adviser, Family Rights Group
<b>Lisa Parkinson</b>	Mediator
<b>James Pirrie</b>	Lawyer/Collaborative Lawyer
<b>Duane Plant</b>	Lawyer/Collaborative Lawyer
<b>Dominic Raeside</b>	Mediator
<b>Neil Robinson</b>	Solicitor and Mediator
<b>Ruth Smallacombe</b>	Mediator

## 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 2010-11

**10.1** The ADR committee held three meetings during this period. It continued to work on raising awareness of the role of mediation and encouraging Local FJCs to set up ADR sub-committees to promote partnership between local agencies. The Committee gave a presentation at the Annual Local

FJC Conference in April and issued guidance to the Local FJCs.

**10.2** To help support the pre-application protocol for family mediation information and assessment meetings, the Committee worked in conjunction with the Family Mediation Council to produce guidance Independent Mediation – Information for Judges, Magistrates and Legal Advisers. This was endorsed by the President of the Family Division. It also produced guidance on Family Applications and Mediation Information and Assessment Meetings for those thinking of asking for a court order.

**10.3** Concerns were raised over the draft EU Directive on mediation and recommendations were made to the Family Mediation Council regarding the Memorandum of Understanding to help distinguish between mediation and conciliation and issues around confidentiality – the Family Mediation Council acted on the advice of the Committee.

**10.4** The Committee made successful representations to Cafcass to expand the information

on mediation accessible through its website and to feature lists of local mediators and links to their websites – the Cafcass website now has much improved information on mediation providers and links to their websites.

**10.5** The Committee commented on Resolution's document on legal privilege and mediation, and has contributed to discussions with the judiciary on confidentiality and mediation and what information can be passed to the courts arising from mediations. The Committee considered research by Liz Trinder on shared residence and the implications for mediation and have fed in views to the Ministry of Justice Working Group on ADR.

**10.6** The Committee compiled a paper covering all areas of ADR, including strengths and weaknesses, for the consideration of the Family Justice Review Panel. The paper focused on the need for mediation within the family justice system and ways to develop its role further. The Committee gave both oral and written evidence to the Panel, the latter included in the general FJC response.

# 11. The Parents and Relatives Group

## Membership

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

## Terms of Reference:

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

1. To facilitate the engagement of service users in the work of the Family Justice Council.
2. To identify and deliver projects for endorsement by the Family Justice Council and inclusion in the business plan, which reflect the views of, or involve, service users.
3. To deliver other projects referred to the group by the Family Justice Council.

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

## Activities in 2010-11

**11.1** The Group met once during the reporting period as it has conducted much of its business by email out of committee. The Group commented on and made a substantial contribution to re-drafting the MoJ's pre-proceedings leaflets aimed at parents in public law cases. The Group felt that earlier drafts were too long, off putting and unlikely to achieve their aims in communicating effectively with parents



in the target group. The Group suggested a shorter version be produced in addition to the full version – this was agreed by the MoJ.

**11.2** The Group has taken the lead in proposing amendments to the Midlands ‘What the family court expects of parents’ document. The Group has proposed rolling out an amended version of this document across England and Wales so that the document is sent to all parents involved in child contact applications. The Group has also drafted a document entitled ‘What parents can expect from the family courts’ as a corollary to the original document. The Group has proposed that the expectations documents should be read together and that the expectations between parents and the family courts should be reciprocal.

**11.3** The Group has written to the Official Solicitor to propose collaborating on an information leaflet for family members who wish to act as Litigation Friends for those who lack capacity to conduct proceedings on their own behalf. More family members are coming forward as Litigation Friends and it was noted that the view of the Official Solicitor was that a family member should always be used where possible as this reduces the burden that falls upon his office. The Group felt there was a need to provide better advice and to encourage more family members to act as Litigation Friends.

**11.4** Over the coming year, the Group intends to continue contributing to the Council’s input into the Family Justice Review which, given the focus of the review on pre-proceedings in public law cases and the need to engage more effectively with parents, has been considerable. The Group will also undertake a review of the FJC’s Guidance on the Use of Family Group Conferences published in 2008.

## 12. The Local Family Justice Councils

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

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

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

**12.3** The Local FJCs each met between two to four times during the course of the reporting year. Many also held separate sub-committee meetings allowing them to consider more specific issues.

**12.4** The work of the Local FJCs underpins that of the national Council but has the flexibility to determine local priorities. Local FJCs' commitment to improving family justice in their areas gave rise to some significant initiatives:

- Dorset set up a Family Domestic Violence Protocol and associated training for agencies to provide a co-ordinated system to deal with

family proceedings where allegations of domestic violence have been made.

- Humberside produced a booklet Injunctions – important information for you in conjunction with Women's Aid to help allay concerns of applicants who have been granted an injunction against domestic violence.
- North Wales commissioned research, Developing Family and Child Law in Post Devolution Wales, which looked at the divergences between the laws of Wales and England in relation to family law.
- Wiltshire produced a Family Court Handbook for Private Law Cases, giving detailed guidance on the different types of contact activities and other options available to the court.
- West Yorkshire published a Glossary of Words used in family proceedings for local barristers, solicitors and other practitioners.
- Cheshire produced a protocol, Disclosure of Inadequate Agency Practice, to address any concerns a family judge may have about agency practice, such as a lack of liaison or a failure to address learning disabilities. Cheshire also developed a pro-forma of directions and guidance on financial dispute resolutions and a protocol on breaches of non-molestation orders.
- Lancashire and the West Midlands published protocols on Linked Directions for Care and Criminal Cases to encourage information-sharing between the two jurisdictions.

**12.5** The Local FJCs held around 70 interdisciplinary training events covering a wide range of topics. For example:

- Bedfordshire held an event looking at the issues around disclosure;

- Manchester tackled the Challenge of Change in Family Justice;
- Northumbria held an event which was hosted and presented by young people from Sunderland Change Council;
- Staffordshire hosted training on Drugs and Alcohol in the Family; and
- West Yorkshire looked at the roles of the paediatrician in court.

These events are unique in providing interdisciplinary training for those working in the family justice system and allow an opportunity for information-sharing across the professions.

**12.6** In addition to local initiatives, Local FJCs considered issues of national interest. A principal focus was the Family Justice Review. Many Local FJCs convened extraordinary meetings to consider its recommendations and submitted responses to the consultation. Other issues considered were legal aid reforms and their effects; the rise of the number of litigants-in-person; court closures and staff reductions; the funding of contact centres; and problems stemming from the use of social networks to find family members in adoption cases. The Local FJCs also provided information in response to requests from the national Council and contributed to various consultations, including the Munro Review of Child Protection.

**12.7** The annual Local FJC conference was held in April. A representative attended from each Local FJC and heard presentations on chronic litigation, the instruction of psychological experts and care proceedings. The conference provided a good opportunity for multi-disciplinary discussions, particularly about the Family Justice Review.

## 13. Challenges for 2010- 11

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

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

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

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

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

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

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

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

**13.5** The Children in Safeguarding Proceedings Committee will work with the DfE on production of Children Act guidance relating to the use of s20 of the Children Act 1989, care planning, concurrent adoption and care proceedings. The Committee will make recommendations for improved practice and procedures in 'hybrid' cases where there is an overlap between the public and private spheres and will expand existing guidance on kinship care directed to local authorities to include other participants in the family justice system. The Committee will also provide advice to the President of the Family Division on proposed arrangements to assist Cafcass deal with public law cases pending implementation of the family justice review. The Committee will provide input to the Family Justice Review on public law cases.

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

**13.6** The Children in Families Committee will continue to provide expert input to the drafting of new court forms intended for use in private law proceedings. The Committee will also focus on the

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

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

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

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

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

cases where there is an overlap with family proceedings, and how their experiences might be improved.

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

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

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

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

they can make best use of mediation in appropriate cases.

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

**13.11** The Education and Training Committee will update the guide to the family justice system on the Family Justice Councils website which is now very out of date. The Committee will continue to focus

on the inter-disciplinary education and training available to social workers and has identified a need for materials to help social workers prepare for public law cases, especially since the introduction of the Public Law Outline which has put an increased emphasis on pre-issue preparation by local authorities. The Committee will also continue to establish links and partnerships between the Council and bodies responsible for the provision of information and training to the key professional groups.

## Annex A: Terms of Reference

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

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



# Annex B: Membership of the Family Justice Council

## ex officio Chair:

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

Born in 1945 he was educated at Dulwich College and Trinity College Cambridge. He was President of the Cambridge Union Society in 1967. He was called to the Bar (Gray's Inn) in 1969 and became a Bencher in 1993. He took Silk in 1988. 1988-1990 Assistant Recorder; 1990-93 Recorder; 1993 Family Division of the High Court; Family Division Liaison Judge Northern Circuit 1996-2001; a Judge in the Employment Appeal Tribunal 2001-2003. Since 2003 he has also been a Judge in the Administrative Court. Appointed to the Court of Appeal in 2004. Appointed President of the Family Division in 2010. Member Lord Chancellor's Advisory Board on Family Law 1997-2001; Chairman Children Act Sub-Committee 1998-2001

## 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.

President: Mediation in Divorce.  
Trustee: St Saviour's Priory; Muzaffarabad Earthquake Appeal

## Members

### **Mark Andrews**

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

### **Martyn Cook**

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

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

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

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



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

**Jane Craig, Chair of the Children in Families Committee**

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

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

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

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

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

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

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

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

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

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

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

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

**Katherine Gieve**

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

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

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

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

significance of ethnicity in care cases. She lectures on children law.

### **Elizabeth Gillett**

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

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

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

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

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

### **Bridget Lindley, Chair of the Parents & Relatives Committee**

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 & 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.
- April 2008- Patron -Karma Nirvana
- March 2008- contributor to FCO exhibition and book "The Art of Integration"
- 2005-2007 - guest of FCO/British Council to further initiative to combat Honour/Gender Crimes in Pakistan - tripartite training with delegation from Kurdistan
- June 2006- guest of Saudi Arabian Government and Royal Family - first ever official visit of women to Kingdom of Saudi Arabia
- 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.
- 2002-2005- Lead on UK wide initiative on domestic violence in the Asian Communities.

- 2001 to date - Patron Community District Nurses Association.
- 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).

#### **Her Honour Judge Lesley Newton Circuit Judge, Manchester, Chair of the Children in Safeguarding Proceedings Committee**

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

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

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

#### **Mrs Justice Parker Chair of the Money and Property Committee**

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

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

topics. She sat as a Deputy High Court Judge from 1997 and a Recorder (crime) from 1998.

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

### **Dr Heather Payne**

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

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

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

### **Deborah Ramsdale**

Deborah qualified as a Social Worker in 1986 and has worked exclusively in Children's Services, specialising in Child Protection and Looked After work. She has worked in six of the West Midlands authorities; Walsall, Dudley, Stoke, Solihull, Wolverhampton and

Staffordshire in various roles including Independent Reviewing Officer and Conference Chair, Head of Child Protection and Head of Social Work Services. Her substantial position is Assistant Director for Responsive Services, Safeguarding and Family Assessment in Staffordshire which is a large County Council with over 700 children in care and 400+ children subject to a child protection plan. Deborah was appointed to the National Safeguarding Delivery Unit in October 2009 for a 12 month secondment, she was the Deputy Director for Practice in the NSDU until it disbanded in June 2010, managing a small team of cross-Government secondees into the unit from the Department of Health, Home Office, Ministry of Justice, National Offender Management Service a retired Police Detective Chief Superintendent and some Civil Servants. Deborah's secondment continues and she is working with the Department of Education Team supporting Professor Munro in her review of Child protection.

### **Khatun Sapnara, Chair of the Diversity Committee**

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, Chair of the ADR Committee**

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

Beverley is a trainer for FMA and Resolution, delivering mediation skills training for the Judicial

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

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

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

#### **Alison Russell QC, Chair of the Domestic Violence Working Group**

Alison practises at 1 Garden Court. She was called to the Bar (Gray's Inn) in 1983. She has sat as a Recorder in Crime since 2004 and in Family and Civil since 2007. She took silk in 2008 and is authorised to sit as a Judge of the Family Division of the High Court under section 9 of the Supreme Court Act 1981.

#### **Ex –Officio members**

#### **Sue Berelowitz, Office of the Children's Commissioner for England**

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

Services in West Sussex County Council.

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

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

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

Annabel Burns is a 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.

#### **Nick Goodwin, Ministry of Justice**

Nick is the Deputy Director responsible for Family Justice Policy within the Ministry of Justice. He has worked on a number of high profile policy areas since joining the civil service in 2000, mainly in the justice and constitutional fields. Nick also served as Private Secretary to three Lord Chancellors. In 2008-2009 Nick was seconded to a major children's charity.

#### **Fiona Green, Head of Commissioning & Partnerships, Cafcass**

Fiona is a Head of Profession with Cafcass responsible for a number of functions within the Policy Directorate, leading on commissioning and delivery of child contact services on behalf of the DfE. Fiona has been with Cafcass in a national role



since 2007 following previous work as a manager within the health and social care sector working for Local Authorities, Health Authorities and the Voluntary Sector.

**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 Family Justice Councils in Wales.

**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 1990's. For the last 4 years she has been Head of Family Policy where she is responsible for the development of the contractual and regulatory framework for family legal aid and a wider more strategic role to ensure that family legal aid is consistent with government objectives across other parts of the family justice system. She represents the LSC on the national FJC.

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

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

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

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

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

**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 2010-11 and Budget for 2011-12

Family Justice Council Expenditure 2010-11	£000's
Staffing Costs	£193
Staff Travel and Subsistence	£2
Members' Travel and Subsistence	£12
Design & Print, Publications, Publicity	£3
Research	£20
Consumables (Stationery, Telecoms, Computer, Catering)	£2
Consultancy	£6
Events and Conferences	£11
Training Courses	£0
<b>Total</b>	<b>£248</b>



Local Family Justice Councils Expenditure 2010-11	£000's
Inter-disciplinary training events	£130
Income generated from charging	£58
<b>Net expenditure</b>	<b>£62</b>

Family Justice Council Projected Spend for 2011 -12	£000's
Staffing costs	£200
Staff Travel and Subsistence	£6
Members' Travel and Subsistence	£12
Research, Publications, Publicity	£33
Consumables (Stationery, Telecoms, Computer)	£1
Public appointments	£5
Events and Conferences	£37
Catering	£2
<b>Total</b>	<b>£296</b>

Local Family Justice Councils Projected Spend for 2011 -12	£000's
Inter-disciplinary training events	£146

# Annex D: Report on Business Plan 2010-11

## Strategic objective 1:

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

Supporting activity	Owner	Aim	Target date	Outcome
1. To introduce the new finance and accounting arrangements for Local FJC training events as smoothly, and with as little disruption, as possible.	Secretary/ LFJC Liaison Manager	To give effect to the transfer of the funding for Local FJC training events to the FJC Secretariat and the consequent changes in finance and accounting procedures required	Review Sept 2010	A new system for the payment and accounting for Local FJC training events that is fit for purpose and fits in with HMCS procedures.
<p><b>Update: A new accounting system was introduced in April 2010 and then changed fundamentally by the transfer of sponsorship to the Judicial Office in October 2010. The LFJC Liaison Manager worked closely with Judicial Office finance colleagues to design and implement a new system which met Judicial Office accounting standards. The new system was implemented successfully by the end of the financial year.</b></p>				
2. Secretariat to investigate options for providing websites to LFJCs	Secretary/ LFJC Liaison Manager	To increase and improve the website resource that is available for use by LFJCs	October 2010	All LFJCs which request this facility to have access to a website resource
<p><b>Update: The Secretariat entered into negotiations with a private contractor to provide this facility. These were superseded by the change of government policy on websites and by the transfer of the sponsorship of the FJC to the Judicial Office. The JO has undertaken to provide space for Local FJCs on the webpages it hosts for the FJC on its website.</b></p>				

**Strategic objective 2:**

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

Supporting activity	Owner	Aim	Target date	Outcome
1. To identify options to address shortage of BME experts giving evidence in the family courts	Chair of Diversity Committee	To help BME families secure greater access to culturally appropriate experts	October 2010	To encourage more BME experts to give evidence in the family courts.
<b>Update: The Diversity Committee scoped this objective and decided not to take it forward in this financial year.</b>				
2. To launch initiative on BME experts at a conference on BME experts and the family courts	Chair of Diversity Committee	To raise awareness of family courts and FJC among BME medical and other experts	Nov 2010	To encourage more BME experts to undertake family court work.
<b>Update: The Diversity Committee scoped this objective and decided not to take it forward in this financial year.</b>				
3. Review quality of interpreter provision for family proceedings	Chair of Diversity Committee	To assess the quality control of interpreter services available in the family courts through HMCS and the LSC	June 2010	To identify any problems with the quality and funding of interpreters and, where necessary, to propose solutions.
<b>Update: The Diversity met with HMCS &amp; LSC officials to discuss interpreter provision, consulted with practitioners and drafted a report with recommendations for action.</b>				

Supporting activity	Owner	Aim	Target date	Outcome
4. To make case to MoJ for improved ethnic monitoring of family court statistics	Chair of Diversity Committee	To identify scope for improved ethnic monitoring once the upgrade to FamilyMan is rolled out.	March 2011	Improved ethnic monitoring of statistics relating to family proceedings
<p><b>Update: The Diversity Committee submitted a detailed policy paper to MoJ arguing for improved ethnic monitoring in family cases. The opportunity to achieve this through amendments to FamilyMan was, unfortunately, lost when the MoJ decided not to proceed with the IT upgrade for FamilyMan.</b></p>				

### Strategic objective 3:

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

Supporting activity	Owner	Aim	Target date	Outcome
1. To draw up protocol on disclosure of medical records by GPs' surgeries for use in family proceedings	Chair of Experts Committee	To reduce delay in disclosure of medical records by some GPs' surgeries	December 2010	A protocol endorsed by the GMC to give clear guidance to GPs as to when it is appropriate to disclose medical records and dealing with all the consent issues.
<p><b>Update: A draft protocol has been produced and considered. It is intended to publish in early 2012.</b></p>				

Supporting activity	Owner	Aim	Target date	Outcome
2. To establish network of professional support for prospective Paediatric, Psychiatrist & Psychologist Expert witnesses	Chair of Experts Committee	To increase the supply of Paediatricians and Psychiatrists willing to give expert evidence in family cases	March 2011	Pilots established in 3 LFJC area with seminars and training materials for experts with a Best Practice resource produced for new expert witnesses.
<b>Update: This project is being taken forward as a local initiative by LFJCs in south Wales.</b>				
3. To consider the use of overseas experts in family cases and to consider what, if any, procedural steps and guidance are required	Chair of Experts Committee/ Chair of Children in Safeguarding Proceedings Committee	To ensure there are clear guidelines on the use of overseas experts to ensure consistency of approach	Sept 2010	Good practice in the use of overseas experts, including guidelines and regulatory clarity.
<b>Update: A draft has been produced and revised. Publication is expected in late 2011.</b>				

**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.
<b>Update: This objective was superceded by the establishment of the Family Justice Review to which the Committee contributed written and oral evidence.</b>				
2. To consider other developments to improve the conduct of care and adoption proceedings	Chairs of Children in Safeguarding Proceedings Committee, Experts Committee and ADR Committee	1) Work with the DFE on production of Children Act guidance in particular relating to the use of s20 of the Children Act 1989, care planning and concurrent adoption and care proceedings. 2) To consider research in relation to the impact of frequent direct contact with their birth family upon infants placed in foster care and to make recommendations. <b>(Continued next page)</b>	Dec 2010	Changes to care proceedings which reflect the views and priorities of the FJC.

Supporting activity	Owner	Aim	Target date	Outcome
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	<b>(Continued from previous page)</b> 3) In the light of the significant increase in volume in care and adoption proceedings advise as to the implications of the expiry of the President's Interim Guidance, especially in relation to a) the developing role of Cafcass and b) the provision by HMCS of sufficient judicial resources.	October 2010	To encourage more BME experts to give evidence in the family courts.
<p><b>Update: 1) The Committee provided input to the DfE statutory guidance 2) the Council held its annual debate on this topic in December 2010 to discuss research funded by Coram on infant contact. 3) the Committee fed its views to the President on a new agreement between Cafcass and the family courts.</b></p>				
3.To continue to engage with the DfE and other organisations to promote the recruitment and retention of high quality social workers and to assist in taking forward the relevant recommendations made by Lord Laming.	Chair of Children in Safeguarding Proceedings Committee	1)Through membership of the Key Partners group of the Social Work Taskforce, to feed into plans for reform. 2) Engage with MoJ/FJB on system-wide targets for public law proceedings.	In accordance with DfE timetable	Changes in the academic qualifications, training and professional development of social workers which reflect the views, experience and priorities of the FJC. <b>(Continued next page)</b>



Supporting activity	Owner	Aim	Target date	Outcome
3.To continue to engage with the DFE and other organisations to promote the recruitment and retention of high quality social workers and to assist in taking forward the relevant recommendations made by Lord Laming.	Chair of Children in Safeguarding Proceedings Committee	1)Through membership of the Key Partners group of the Social Work Taskforce, to feed into plans for reform. 2) Engage with MoJ/FJB on system-wide targets for public law proceedings.	In accordance with DFE timetable	<b>(Continued from prev page)</b> 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><b>Update: 1) The Committee fed in its views to the Social Work Taskforce on promoting the recruitment and retention of high quality social workers and on suggested improvements to the professional qualifications and in service training for social workers. 2) The Committee engaged with MoJ on the development of a system-wide target until the change of administration.</b></p>				
5. To retain oversight of the impact of LSC reforms on public law proceedings.	Chair of Children in Safeguarding Proceedings Cmte lead/ Chair of Children in families Cmte/Chair of ADR Cmte	To press for a legal aid regime which provides for high quality legal advice and representation for children and parents in family proceedings, particularly by <b>(Cont next page)</b>	Ongoing	Ready availability of high quality legal advice & representation for parents and children.

Supporting activity	Owner	Aim	Target date	Outcome
5. To retain oversight of the impact of LSC reforms on public law proceedings.	Chair of Children in Safeguarding Proceedings Cmte lead/ Chair of Children in families Cmte/Chair of ADR Cmte	<b>(Cont from prev page)</b> analysing and commenting upon reforms proposed by the LSC	Ongoing	Ready availability of high quality legal advice & representation for parents and children.
<b>Update: The Committee has contributed to a number of public consultation papers by the LSC. The proposed changes in the LASPO Bill do not affect public funding in public law cases.</b>				
6.To monitor the working of the new provisions for openness in the Family Courts	Chairs of all Committees/ Transparency working group	Monitor the progress of the reforms and provide the MoJ with feedback from Local FJCs, and others, on the working of the new system	March 2011	Identification of any problems arising from the operation of the new rules on transparency and provision of advice on solutions.
<b>Update: The Committee fed in views to a parliamentary select committee review of the legislation relating to disclosure and access in the family courts and fed in views to ministers in the new Government. Ministers have decided not to bring the legislative provisions into force.</b>				

**Strategic objective 5:**

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

Supporting activity	Owner	Aim	Target date	Outcome
1. To secure FJC funding for a literature review on chronic litigation in contact cases	Chair of the Children in Families Committee	To identify the characteristics of intractable, high conflict cases	June 2010	A research paper submitted to the FJC by October 2010
<b>Update: The research proposal was endorsed by the FJC Executive Committee and the project commenced. A final report was submitted to the Committee in February 2011.</b>				
2. To take forward the conclusions of the research into chronic litigation in contact disputes	Chair of the Children in Families Committee	To identify options for early intervention in these cases to avoid chronic litigation	March 2011	Recommend procedural changes to MoJ that will reduce number of intractable contact disputes in the courts
<b>Update: The Committee commissioned Professor Rosemary Hunter to produce a research proposal on finding of fact hearings for consideration by the FJC Executive Committee.</b>				
3. To review impact of finding of fact hearings pursuant to the Practice Direction in Re:L	Chair of the Children in Families Committee/C hair of the Domestic-Violence Sub-Group	To assess the effects of the increase in finding of fact hearings since introduction of the Practice Direction in Re:L	December 2010	To make submissions to the President on whether the Practice Direction in Re:L is achieving its purpose
<b>Update: The Committee commissioned Professor Rosemary Hunter to produce a research proposal on finding of fact hearings for consideration by the FJC Executive Committee.</b>				

Supporting activity	Owner	Aim	Target date	Outcome
4. To feed in views to the Family Justice Review	Chair of the Children in Families Committee /Chair of the Domestic Violence Sub-Group	To ensure that the FJR is aware of the Council's research into chronic high conflict private law cases and that its proposals address DV issues.	March 2011	To submit the Council's research on chronic contact disputes to the FJR and to meet with the FJR team to highlight the key DV issues facing the family justice system.
<p><b>Update: The Committee fed its views into the Family Justice Review and shared the findings of the chronic litigation literature review with the Panel.</b></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 contribute to the Family Justice Review (to be undertaken as part of the proposals in the Government’s Green Paper ‘Support for All’), with particular reference to the resolution of financial and property issues	Chair of the Money and Property Committee	To advise and make recommendations on the advice, support and assistance provided to families in relation to financial and property issues on separation	December 2010	To influence the recommendations made by the Review Panel in relation to the resolution of financial and property issues whether by out-of-court processes or through court proceedings
<b>Update: The Family Justice Review decided to exclude financial proceedings on divorce from scope.</b>				
2.To encourage best practice in court-led dispute resolution in financial proceedings, including liaison with LFJCs and the Judicial Studies Board to develop training material	Chair of the Money and Property Committee	To advise and assist the LFJCs to promote best practice in financial proceedings	March 2011	Greater consistency of practice in Financial Dispute Resolution hearings and other areas of financial proceedings.
<b>Update: The Committee produced a first draft of the guidance for consideration by members.</b>				

Supporting activity	Owner	Aim	Target date	Outcome
3. To contribute to the Law Commission's review of the law on pre-nuptial agreements.	Chair of the Money and Property Committee	To make the case for the greater recognition and enforcement of pre-nuptial agreements with appropriate safeguards	December 2010	To influence the recommendations made by the Law Commission in its report on the treatment of pre-nuptial agreements.
<b>Update: The Committee responded to a Law Commission consultation exercise on pre-nuptial agreements and fed in its views to the Commission during the drafting of its report.</b>				
4. To examine the impact of the draft Family Procedure Rules in relation to financial proceedings and consider any guidance or training which could be disseminated through LFJs	Chair of the Money and Property Committee	To ensure that the changes introduced by the new Rules are publicised and to encourage consistency of practice	March 2011	Awareness at local level of the impact of changes introduced by the new Rules
<b>Update: The Committee provided guidance to Local FJs on training materials on the new rules.</b>				
5. To examine the operation of the current costs rules in financial proceedings, with particular reference to the use and effect of offers of settlement	Chair of the Money and Property Committee	To ensure that the procedure helps to encourage parties to resolve their disputes by agreement, where possible	March 2011	A review of the current practice to consider whether any changes may be required to ensure the effective operation of the costs rules
<b>Update: The Committee did not take this activity forward in this reporting year.</b>				

**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 support the dissemination of the new President's guidance on judges speaking to children during the course of proceedings e.g. through the distribution of the FJC DVD on children's experiences of family proceedings	Chair of Voice of the Child Committee	To encourage the family judiciary and practitioners to be aware of, and to be willing to use, the guidance	Jan 2011	Raised awareness of the arguments in favour of enhancing the participation of children in family proceedings among judiciary and practitioners.
<b>Update: The Council arranged for two printings of 2,000 DVDs and 90% had been distributed to courts, judges and legal, social work and Cafcass practitioners by the end of the reporting year. The Council promoted the President's Guidance with an article in Family Law and posted it on the Judicial Office website.</b>				
2. To develop co-operation with AIT on how best the family justice and immigration systems can work together to deal with cases involving children which straddle both jurisdictions.	Chair of Voice of the Child Committee	To identify practical changes that will improve the quality of decision-making in cases involving children e.g. improving the exchange of information between the two jurisdictions.	March 2011	To provide best practice guidance to family justice system practitioners on dealing with children in the asylum system.
<b>Update: The Committee considered the issue and decided not to proceed with this objective in this financial year.</b>				

Supporting activity	Owner	Aim	Target date	Outcome
3. To examine implications of Supreme Court judgment in Re: W on children giving evidence in family proceedings	Deputy Chair of FJC	Set up a Working Group on children giving evidence to identify needs for guidance	March 2011	To recommend to the President draft guidance for practitioners and judiciary on where it is appropriate for children to give evidence
<p><b>Update: A Working Group was set up to examine this issue and it produced a recommendation, and a draft, for fresh guidance on children giving evidence in the family courts. The recommendation and draft were endorsed by the Family Justice Council and the President of the Family Division and the Guidelines were published in December 2011. The Guidelines can be found on the FJC web pages at <a href="http://www.judiciary.gov.uk/JCO%2fDocuments%2fFJC%2fFJC_Guidelines_in_relation_to_children_giving_evidence_in_family_proceedings_Dec2011.pdf">http://www.judiciary.gov.uk/JCO%2fDocuments%2fFJC%2fFJC_Guidelines_in_relation_to_children_giving_evidence_in_family_proceedings_Dec2011.pdf</a></b></p>				

### Strategic objective 8:

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

Supporting activity	Owner	Aim	Target date	Outcome
1. To take forward conclusions from Joan Hunt's research into the experience of parents using the family courts	Chair of Parents and relatives group	Identify practical options for improving the experience of parent users of the family courts	March 2011	Make recommendations for change to MoJ
<p><b>Update: The Committee decided that this objective could best be met by focusing on objective number 2 below (see next page).</b></p>				



Supporting activity	Owner	Aim	Target date	Outcome
2. To seek amendments to the Midlands Region document 'What the courts expect of you'	Chair of Parents and relatives group	To fill the current gap on the document relating to domestic violence	March 2011	To secure judicial agreement to amend the document with a view to dissemination throughout England and Wales.
<b>Update: The Committee has produced a revised draft document and is currently seeking views from HMCTS and the judiciary.</b>				
3. To compile a directory of services and resources for parents using the family courts	Chair of Parents and relatives group	To improve accessibility of services to support parents	March 2011	Web based resource to be posted on FJC website and linked to other websites likely to be accessed by parents looking for advice to help them navigate through the family courts.
<b>Update: The Committee decided that it would be better to start this project once the reforms stemming from the Family Justice Review have been introduced.</b>				

**Strategic objective 9:**

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

Supporting activity	Owner	Aim	Target date	Outcome
1. To disseminate information material to judiciary on family mediation	Chair of ADR Committee	To improve awareness of judiciary of key facts relating to mediation	October 2010	A judiciary better informed about family mediation and less likely to make inappropriate requests/orders relating to mediators especially regarding confidentiality.
<b>Update: The information document was completed, and disseminated to the judiciary, by the target date.</b>				
2. To prepare and disseminate, through Local FJCs, a comprehensive package of documents to support family judges and practitioners in identifying appropriate cases for referral to mediation.	Chair of ADR Committee	To improve understanding among judiciary and family justice professionals on how to make best use of mediation in appropriate cases.	March 2011	A better understanding on the part of colleagues working in the family justice system of the role of mediation and its potential to resolve disputes.
<b>Update: A package of materials was put together and disseminated to the Local FJCs by the target date.</b>				

Supporting activity	Owner	Aim	Target date	Outcome
3. To continue to make the case for a policy of compulsory pre-court assessment	Chair of ADR Committee	To secure Govt commitment to, and funding for, universal, compulsory and free at the point of use mediation assessment in private law cases	October 2010	Ministerial agreement to introduce a regime of compulsory pre-court mediation assessment in all private law cases subject to clearly defined exemptions (e.g. where DV is an issue).
<p><b>Update: The Committee has contributed to the Council's written and oral submissions to the Family Justice Review. The Review has recommended an increased focus on pre-court assessment for mediation.</b></p>				

## Annex E: Business Plan 2011-12

Activity:	Family Justice Review
Lead Committee(s):	Children in Safeguarding Proceedings, Children in Families
Timescale:	October 2011
Objective:	Contributing to the Family Justice Review and the policy development in MoJ and DfE stemming from it.
<b>Outcome: A high level of engagement with the Review and the MoJ and DfE on the development of the Review's proposals.</b>	

Activity:	The Munro Review
Lead Committee(s):	Children in Safeguarding Proceedings
Timescale:	October 11
Objective:	Contributing to the Munro Review and the policy development in DfE stemming from it.
<b>Outcome: A high level of engagement with the Review and the DfE on the development of the Review's proposals</b>	

Activity:	Dartington Conference on the Family Justice and Munro Reviews
Lead Committee(s):	Dartington Planning Committee
Timescale:	September 11
Objective:	To plan and prepare for the Bi-ennial interdisciplinary conference at Dartington Hall in September 2011
<p><b>Outcome: A successful conference on how the proposals in the Family Justice and Munro reviews can be made to work in practice and the identification of the key changes that will need to be made to facilitate this.</b></p>	

Activity:	Legal Aid reform
Lead Committee(s):	Children in Families & Parents & Relatives Committees
Timescale:	October 11
Objective:	Engaging with MoJ on policy development arising from the Consultation on Legal Aid
<p><b>Outcome: A high level of engagement with MoJ on refining the consultation proposals for family legal aid</b></p>	

Activity:	Non-disclosure in Forced Marriage and HBV cases
Lead Committee(s):	Domestic Violence & Diversity Committees
Timescale:	July 11
Objective:	To provide advice to the President on how best to balance the need for protecting victims with the Article 6 rights of other parties
<b>Outcome: Draft guidance to be produced for approval by the Council and then submitted to the President.</b>	

Activity:	Chronic litigation in high conflict contact disputes
Lead Committee(s):	Children in Families Committee
Timescale:	March 12
Objective:	Taking forward conclusions from the Joan Hunt & Liz Trinder research on chronic litigation in high conflict contact cases.
<b>Outcome: Council to consider research and make appropriate recommendations to MoJ for change to the handling of high conflict contact cases.</b>	

Activity:	Experts reports in family proceedings
Lead Committee(s):	Experts Committee
Timescale:	March 12
Objective:	Take forward conclusions from the Professor Ireland research into the quality of psychologists' reports in family proceedings.
<b>Outcome: Council to consider research and make appropriate recommendations to MoJ for changes in the use of expert psychological evidence in family proceedings and to consider the implications for other areas of expert evidence.</b>	

Activity:	Use of multi-agency risk assessment conferences in the family courts
Lead Committee(s):	MARACs Working Party chaired by Hedley, J.
Timescale:	July 11
Objective:	Establish Working Party to produce guidance on the use of MARACs in the family courts.
<b>Outcome: Working party to submit draft guidance to the President on the use of MARACs in the family courts</b>	