

## CONFERENCE RESOLUTIONS

*The practice of agreeing resolutions began at the 5<sup>th</sup> Dartington Conference, 'Durable Solutions' and was put on a more formal footing at the 6<sup>th</sup> Dartington Conference 'Integrating Diversity'. It is hoped that these messages will be heeded by government departments and major players in the family justice system.*

*During the conference, the Resolutions Committee (which was chaired by Yvonne Brown and comprised Bruce Clark, Martyn Cook, Minna Daum, Liz Gillet and Deborah Ramsdale) met to distill the draft resolutions put forward by each small group. Where two or more groups proposed very similar resolutions these were amalgamated. Where two or more groups proposed opposing resolutions these were formulated in the alternative. Amidst lively debate a draft text, running to some 14 resolutions, was prepared.*

*Danya Glaser chaired the final plenary session in the course of which each proposed resolution was debated. Where necessary the wording was amended to achieve consensus. During the conference a number of matters had been discussed in breakout groups, which were not the primary focus of the conference. These nevertheless gave rise to proposed resolutions, and given the strength of feeling of delegates they were retained not as formal resolutions, but as 'invitations' to the Family Justice Council.*

(1) This Conference supports the concept, and anticipates the further evaluation, of 'problem solving' courts (such as the Family Drug and Alcohol Court) in their capacity as 'judge-led' (with judicial continuity) neutral, time-disciplined and non-adversarial environments where multidisciplinary teams can intervene early, with careful thought being given as to:

- (a) the expert assistance the family may need;
- (b) the assessment(s) that may already exist and proceedings that have previously have been concluded in respect of the relevant child/family member(s); and
- (c) the further focused assessment (including of the parents' capacity to change) the court may need;

in order to progress to a swift and lasting resolution.

*There needs to be further consideration as to whether the same judge should hear care proceedings where families have failed or withdrawn from this process, and how this system can be extended to those cases where parties have mental health difficulties.*

(2A) This Conference believes that a framework should be developed between Adult Mental Health Services and Children's Services to assess the needs of 'young carers' and their parents, in order more effectively to determine the nature of the adult's needs, the relationship between the child and parent, and to identify what services are or should be made available to parent and/or child in order to ensure that the caring role of the child does not impair his or her development.

(2B) This Conference also believes that there needs to be close collaboration between Adult Mental Health and Children's Services: there needs to be a more uniform implementation of the requirements of the Fair Access to Care Services (Guidance on Eligibility Criteria for Adult Social Care). Where an adult with mental health difficulties has parental responsibility there must be a

mutual exchange of information between the services to keep each abreast of the development of/planning for the adult's mental health issues and the planning for the child(ren).

(3) This Conference believes that litigants with mental health difficulties should, in addition to properly funded legal representation, have access to lay advocacy/support before and during the court process, and where appropriate the use of registered intermediaries. These services should be funded from the public purse, including through voluntary sector provision.

(4) This Conference recommends that where intervention in a child's life including child protection and legal proceedings may be resolved by granting residence orders to kinship carers, these carers should be afforded the same rights of access to assessment and support services (both financial and practical, during and after the process) that is afforded under the auspices of special guardianship orders.

(5) This Conference believes that there needs to be transparency as to the purpose of contact during care proceedings; it needs to be clear whether individual contact sessions are in order to maintain or to assess parent-child relationships. Parents should be made aware of when a contact session is specifically for the purpose of assessment. In the case of infants, careful thought must be given to the timetabling of contact in ways that will not harm the child's development.

(6) This Conference believes that the MoJ and DCSF should commission research into the different models of assessment and intervention in entrenched private law cases, with a view to considering whether the Marlborough type of programme should be more widely available in the form of s 11 contact activity directions/conditions.

(7) This Conference believes that the Family Justice Council (and if possible DCSF/Welsh Assembly) should explore how feedback could be given to judges as to the post final order outcomes for children and families in family law cases. The aim of this research would be to enhance judicial knowledge and awareness of medium and longer-term outcomes to assist their decision-making.

In addition to these resolutions, the Conference asked the Family Justice Council to take account of the following:

- (a) This Conference invites the Family Justice Council to consider the role, structure and effectiveness of Cafcass.
- (b) This Conference invites the Family Justice Council, when it reviews government proposals on openness, to consider the potential for harm to children and their parents.
- (c) This Conference invites the Safeguarding Committee of the Family Justice Council to consider whether children who are the subject of plans for permanence as looked after children should have their plans considered by the court.