

Dartington Conference - 2011

Conference Resolutions

The Conference made the following resolutions following the plenary session on the 2 October 2011.

The Conference recommended:

1. That level 2 safeguarding checks must be carried out *in advance* of all MIAMs or any form of alternative dispute resolution (ADR), the results to be transmitted to mediators and endorsed on the MIAM forms, in order to provide some basic safeguarding protection for children and parties from risk of harm.
2. That *all* mediators and/or ADR providers must be fully trained to a nationally accepted standard, regulated and subject to quality assurance.
3. That the positive role that lawyers and judges have played in resolving disputes in private law proceedings needs to continue in cases unsuited to ADR.
4. That guidance is developed, forthwith, to give effect to children's Article 12 rights when their parents are participating in ADR, to include direct consultation with the child.
5. That the voice of the child is heard during ADR and/or litigation and that evidence of their views is gathered before, during and after any process dealing with disputes and should not be limited to that which is adduced within the currency of dispute resolution or of the proceedings.
6. That the results of all dispute resolution, whether by the courts or ADR should, as a rule, be relayed to the child by their guardian, Cafcass Officer, social worker or other appropriate adult.
7. That, following the decision of the Supreme Court in *Re W* removing the presumption against children giving evidence, child witnesses in all family cases should be provided with no less a level of support and protection than that which is afforded to children giving evidence in the criminal justice system, including the use of intermediaries, the provision of which will require legal reform and primary legislation.
8. That there should be a redoubling of efforts to integrate the Family and Criminal Justice System in cases where there are parallel proceedings, both to obviate the need for children to give evidence more than once and to promote the most efficient use of resources.
9. That to effect the most expeditious management of public law proceedings for children and parents to receive continuity of legal representation by fully qualified advocates as well as judicial continuity.
10. That no changes to the judicial scrutiny of care plans should take place prior to the implementation of the Munro reforms.
11. That to increase confidence in the implementation of care plans, *and* to enlarge expertise by reducing the paucity of such data, the court should be provided with information by local authorities and others regarding the outcome for families after the conclusion of proceedings.
12. That the role of adoption panels should be discontinued in most public law cases before the courts.

13. That there should be earlier independent specialist advice and support for families in Pre-Proceedings processes, which should be linked to Family Group Conferences (FGCs) in all local authority areas.
14. That kinship carers and special guardians should be included in the earlier provision of advice and have access to legal advice and representation.
15. That FDAC funding should be preserved and that FDAC and other Pre-Proceedings pilots should be extended across the country.
16. That there should be a single family court along with substantially increased judicial case management and judicial continuity albeit that there are challenges which will arise in implementation.
17. That the imperative to reduce delay must be achieved by all judges assuming responsibility for case management and listing to suit the needs of individual cases with the full co-operation of court staff and advocates.
18. That the Family Justice Review (FJR) gives full consideration to the likely consequences and impact of the statutory reform of legal aid on children, parents and other family members by making appropriate recommendations to mitigate them, including steps to ensure the continued access to justice and to a fair trial in all cases which concern the safety and wellbeing of children, their families and other vulnerable adults and to avoid subverting the integrity of the paramountcy principle.
19. That as interdisciplinarity must be a key feature of the implementation of the FJR and form part of the executive function, the retention of an independent interdisciplinary advisory body and 'critical friend' must also remain aligned with, but separate from, the Family Justice Service.