

PRESS NOTICE

REVIEW OF THE CIVIL AND FAMILY JUSTICE COUNCILS

A call for evidence is launched today for people and organisations to give their views as part of the Triennial Review of the Civil Justice Council and Family Justice Council.

Triennial Reviews are Cabinet Office processes for reviewing the functions of Non-Departmental Public Bodies, the appropriateness of the body's delivery mechanism and its governance arrangements. The Triennial Review for both Councils is being undertaken by the Judicial Office.

In order to review the continuing need for the functions and the form of both the CJC and FJC and its statutory powers to perform these functions, the review team is seeking evidence from a wide range of bodies. The review would particularly welcome hearing from users of both councils.

While the review is primarily aimed at those with some knowledge or experience of the work of the Councils, anyone may choose to use it as the basis for submitting their evidence.

The review is seeking views on the following questions:

Is there a continuing need for the functions of the Civil Justice Council and Family Justice Council as defined in their Terms of Reference?

How should the CJC/FJC functions be delivered? Please consider the potential risks, costs and benefits of each.

- (a) Should it be abolished?
- (b) Should it be moved into the Ministry of Justice?
- (c) Could it be delivered by the voluntary sector or by the private sector?
- (d) Could it be merged with another existing body?
- (e) Could the function be delivered by a new Executive Agency?
- (f) Should it remain as an Arm's length Body?
- (g) If it should remain an Arm's Length Body, does the existing model meet the 'three tests' (see Notes to Editors).

Do you have any further comment on the functions or form of the FJC/CJC?

The deadline for responses is 5pm Monday 25th November. The email addresses for responses are

cjcreview@judiciary.gsi.gov.uk for the Civil Justice Council Review

fjcreview@judiciary.gsi.gov.uk for the Family Justice Council Review

NOTES TO EDITORS

1. The Government's response to the Public Administration Select Committee report '*Smaller Government: Shrinking the Quango state*' sets out the plans for reforming public bodies. It includes new Triennial Review requirements for Non-Departmental Public Bodies (NDPB).

2. The Cabinet Office has identified two principal aims for Triennial Reviews:

- To provide a robust challenge of the continuing need for individual NDPBs – both their functions and their form; and
- Where it is agreed that a particular body should remain as an NDPB, to review the control and governance arrangements in place to ensure that the public body is complying with recognised principles of good corporate governance.

3. The Government's 'three tests' are:

- Is this a technical function (which needs external expertise to deliver)?
- Is this a function which needs to be, and be seen to be, delivered with absolute political impartiality (such as certain regulatory or funding functions)?
- Is this a function which needs to be delivered independently of Ministers to establish facts and/or figures with integrity?

4. Terms of Reference for the Family Justice Council:

The Family Justice Council will operate independently of the Family Justice Board but will, as a critical friend to the Family Justice Board, provide it with expert advice, from an inter-disciplinary perspective, on the operation and reform of the family justice system in England and Wales.

Its objectives are, in alignment with the priorities established by the Family Justice Board, to:

- i) provide independent expert advice, from an inter-disciplinary perspective, to the judiciary, the Family Justice Board and Government on key family justice system issues referred to it either by the Judiciary or by the Family Justice Board;
- ii) highlight key cross-system issues for the Family Justice Board to consider;

- iii) fulfil a 'critical friend' role in advising how the Family Justice Board can deliver its priorities and implement its action plan for system-wide improvement;
- iv) support the Family Justice Board in devising and disseminating best practice guidance;
- v) keep informed of current research and advise the Board and Government on research to be commissioned;
- vi) work with the Family Justice Board and Government researchers to inform judges, lawyers, social workers and other professionals of the findings of the latest socio-legal and medico-legal research;
- vii) make recommendations to the President of the Family Division on the need for new, or revised, Practice Directions and guidance for use in family proceedings; and
- viii) advise the Family Justice Board on appropriate training and guidance for use by professionals and Local Family Justice Boards.

5. Terms of Reference for the Civil Justice Council:

The Civil Justice Council has a statutory duty under the Civil Procedure Act 1997 to:

- keep the civil justice system under review;
- consider how to make the civil justice system more accessible, fair and efficient;
- advise the Lord Chancellor and the Judiciary on the development of the civil justice system;
- refer proposals for change in the civil justice system to the Lord Chancellor and the Civil Procedure Committee and;
- make proposals for research.

6. The call for evidence is on the judiciary website at

<https://www.judiciary.gov.uk/publications-and-reports/TriennialReviewOfCJAndFJC>

7. Cabinet Office guidance on Triennial Reviews is available at

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/230191/Cabinet-Office-Guidance-on-Reviews-of-Non-Departmental-Public-Bodies.pdf

8. For further details contact Michael Duncan, Judicial Press Office, 0207 947 7836 michael.duncan@judiciary.gsi.gov.uk

