



**Report on Progress  
against  
Business Plan  
2009-10**

**STRATEGIC OBJECTIVE 1**

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

Supporting Activity	Owner	Aim	Target Date	Outcome
1. To secure responsibility for distributing the budget for funding training events and incidental expenditure for Local FJCs	Secretary/ LFJC Liaison Manager	To improve the control over and transparency of the Local FJC budgets	April 2009	Greater certainty of the monies available to LFJCs for funding their activities, greater ease in securing the monies and better quality management information on the activities of the LFJCs available to the FJC.
The budget for Local FJC training events is now held by the national FJC Secretariat. Guidance on the new arrangements, which came into force in April 2010, has been circulated to the Local FJCs. The Guidance set out the allocations for each local FJC. For reasons of administrative efficiency, the budget for incidentals has been left with local HMCS managers.				
2. To negotiate new arrangements with Bar Standards Board on CPD points	Secretary/ LFJC Liaison Manager	To agree a new arrangement with the BSB on CPD accreditation for FJC training events	July 2009	A global scheme for all FJC and Local FJC training events that will reduce the burden on LFJC administrators.
The negotiations reached a successful conclusion and there is now a global scheme in place for Bar CPD points where the national FJC is accredited for all Local FJC training events for the purposes of Bar CPD points. This means that individual Local FJCs do not have to apply to the BSB on their own behalf.				
3. 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 2009	All LFJCs which request this facility to have access to a website resource
A potential contractor has been identified and negotiations are expected to be concluded early in the new financial year to provide websites for all those Local FJCs who want them.				

**STRATEGIC OBJECTIVE 2**

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

Supporting Activity	Owner	Aim	Target Date	Outcome
1. Organise a forum for BME community/NGO groups	Chair of Diversity Committee	To identify the priorities of BME community/NGO groups relating to BME experiences of the family justice system	Jun 2009	Positive engagement with BME groups producing agreed priorities for consideration by the FJC.
This event, chaired by Bns Butler-Sloss, was held at the House of Lords in June 2009. It was successful in forging new links with a range of NGOs representing the interests of BME and other minority groups.				
2. Contribute to Diversity audit of MoJ family policies	Chair of Diversity Committee	To advise MoJ on the impact of its family justice policies on ethnic minority communities	Ongoing	Provide input to MoJ Diversity Impact Assessment which will inform future policy development and may require amendment of existing policies.
MoJ has referred a number of issues to the Diversity Committee for its views on diversity impact.				
3. Establish links with the	Chair of	To improve participation	Jan 2010	Better identification of

LFJCs	Diversity Committee	of LFJCs in Cmte's work through meetings with LFJC representatives outside London		diversity issues outside London for action by the Cmte and the national FJC.
-------	---------------------	---	--	--

Meetings of the Diversity Committee with Local FJC colleagues have been held in Manchester and Birmingham. A meeting in Cardiff is planned. The membership of the Diversity Committee now includes representatives of the Local FJCs.

4. Review quality of interpreter provision for family proceedings	Chair of Diversity Committee	To assess the quality control of interpreter services available in the family courts through HMCS and the LSC	Nov 2009	To identify any problems with the quality and funding of interpreters and, where necessary, to propose solutions.
---	------------------------------	---	----------	---

Significant progress has been made with this objective. Information has been gathered and key issues identified. A paper containing recommendations for change is expected early in the new financial year.

### STRATEGIC OBJECTIVE 3:

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

Supporting Activity	Owner	Aim	Target Date	Outcome
1. Provision of advice and assistance on the piloting and implementation of the recommendations of the report by the Chief Medical Officer (Bearing Good Witness)	Chair of Experts Committee	To assist NHS, DH & LSC colleagues in setting up the new system.	Ongoing	A new system for provision of expert evidence which better meets the needs of the family courts for high quality & timely expert evidence

The joint NHS/LSC project to pilot the recommendations of Bearing Good Witness has taken longer to gather speed than expected but positive developments later in this year suggest that it will be a priority for the Committee to advise and comment on the project in the next reporting year.

2. To examine feasibility of introducing a system for giving feedback to experts on the quality of their evidence	Chair of Experts Committee	To provide experts with feedback on the usefulness of their evidence to the court in order to improve future performance	Dec 2009	If feasible, to produce proposals for feedback mechanism for experts for consideration by FJC.
---	----------------------------	--	----------	--

The Experts Committee has discussed a high level options paper on this issue. However, this discussion revealed the complexity and financial implications of change in this area and the Committee felt that further progress was unlikely to be possible in the foreseeable future.

3. To examine options for researching the quality of experts' written reports in partnership with other stakeholders	Chair of Experts Committee	To secure evidence on the standard and quality of the written evidence provided by experts in the course of family proceedings.	Mar 2010	If feasible, to produce a specification for a research project examining the quality of written reports.
--	----------------------------	---	----------	--

The Council endorsed a proposal from Professor Jane Ireland to conduct research on the quality of psychologists' reports in family proceedings and this was approved by HMCS's Data Access Panel. The project is due to start in May 2010.

4. 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	Oct 2009	Good practice in the use of overseas experts, including guidelines and regulatory clarity.
---	--	---	----------	--

After consultation with the Children in Safeguarding Proceedings Committee, the Experts Committee has resolved to produce best practice guidance on the use of overseas experts and this is currently being drafted. It is expect to go to

the Council for endorsement early in the new financial year.				
5. To consider the impact of the LSC guidance on CRB checks for experts, particularly in relation to self employed experts	Chair of Experts Committee	To consider the problems raised by the necessity for all expert witnesses in legally aided cases to have valid CRB checks.	Jul 2009	Provision of clear guidance on CRB checks for self employed experts
The Experts Committee discussed this issue and decided that guidance was not required.				

**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.
The Children in Safeguarding Proceedings Committee has provided detailed feedback on the PLO, and its revisions, and on the President's Interim Guidance to the President's Office. The Committee also responded to proposals to amend s41 of the Children Act 1989				
2. To consider other developments to improve the conduct of care and adoption proceedings	Chairs of Children in Safeguarding Proceedings Committee, Experts Committee and ADR Committee	1) Work with the DCSF on production of Children Act guidance relating to the use of s20 of the Children Act 1989 and kinship care 2) Promote good practice in the use of Family Group Conferences 3) To consider cases in which parties lack capacity to give instructions and particularly any proposals which emerge from the Dartington Conference 4) Where issues of neglect arise in care cases, to emphasise the importance of good and timely decision making.	Dec 2009	Changes to care proceedings which reflect the views and priorities of the FJC.
The work on providing guidance on s.20 accommodation remains ongoing and is expected to be a priority for the year 2010/11. The work on Children Act guidance remains ongoing and is expected to be a priority for the year 2010/11 as DCSF proposals are developed. The Committee contributed to the best practice guidance on the use of family group conferences which has been widely circulated and representatives of the committee have participated in DCSF "road shows" promoting good practice. The committee has produced guidance in relation to parents who lack capacity to conduct care proceedings.				
3. To continue to engage with the DCSF and other organisations to promote the recruitment and retention of high quality social workers and to assist in taking forward the	Chair of Children in Safeguarding Proceedings Committee	1) Responding to Lord Laming's report on safeguarding 2) Through membership of the Key Partners group of the Social Work	In accordance with DCSF timetable	Changes in the academic qualifications, training and professional development of social workers which reflect the views, experience and

relevant recommendations made by Lord Laming.		Taskforce, to feed into plans for reform. 3) Engage with MoJ/FJB on new targets for public law proceedings. 4) To provide input to Francis Plowden's review of public law fees 5) Engage with the DCSF in their work on the role and practice of IROs and to participate in formulation of training for IROs.		priorities of the FJC. New targets for public law proceedings which promote performance of all the agencies involved in the interests of children. To assist the Plowden review in reaching sound conclusions based on robust evidence.
---	--	--	--	---

The Children in Safeguarding Proceedings Committee has provided substantial input on the implementation of Lord Laming's recommendations to the Social Work Taskforce through membership of the Key Partners Group. The Safeguarding Committee and the full Council has engaged with MoJ officials on the development of the system wide target for public law cases and this work is ongoing. The Safeguarding Committee met with Francis Plowden and fed in its views to his review. The Safeguarding committee has worked closely with DCSF officials upon new Regulations and statutory guidance in relation to Independent Reviewing Officers which, alongside an IRO handbook, provide a robust structure to enhance the role of the IRO and the protection of looked after children, including those accommodated under s20. The committee responded to a DCSF consultation on promoting the health and wellbeing of looked after children"

4. To consider the difficulties which arise in "hybrid" cases, where there is an overlap between the public and private law spheres	Chair of Children in Safeguarding proceedings Committee lead / Chair of the Children in Families Committee/P arents and Relatives sub group	To make recommendations for improved practice and procedures	March 2010	Changes in care proceedings which reflect the views and priorities of the FJC
---	---	--	------------	---

Hybrid cases were considered as part of the guidance on Family and Friends Carers drafted by the Parents and Relatives Group and endorsed by the Council.

5. To retain oversight of the impact of LSC reforms on public law proceedings.	Chair of Children in Safeguarding Proceedings Committee 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 analysing and commenting upon reforms proposed by the LSC	ongoing	Ready availability of high quality legal advice & representation for parents and children.
--	---	---	---------	--

The Safeguarding Committee made appropriate contributions to the FJC responses to public consultations on legal aid.

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 2010	Identification of any problems arising from the operation of the new rules on transparency and provision of advice on solutions.
---	--	---	------------	--

The Safeguarding Committee provided input to the Council's representations to MoJ officials and ministers on

transparency and reporting of family court proceedings.

**STRATEGIC OBJECTIVE 5:**

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

Supporting Activity	Owner	Aim	Target Date	Outcome
1. To draft the FJC response to the forthcoming consultation on court fees for private law cases.	Chair of the Children in Families Committee	To provide the MoJ with authoritative advice, supported by evidence and experience, of the likely impact of the proposals	In accordance with MoJ timetable	To influence MoJ policy in this area in the direction of ensuring that access to justice is not impaired by excessive fee increases.
The MoJ did not put these proposals put to public consultation during the year 2009/10.				
2. To examine the role of mental health issues in intractable contact disputes	Chair of the Children in Families Committee	To raise awareness among practitioners of the role of mental health issues in intractable contact disputes	March 2010	To assist practitioners in dealing appropriately with clients who demonstrate mental health issues in the context of child contact cases.
The Children in Safeguarding Committee have invited a research proposal from Joan Hunt and Liz Trinder on chronic contact cases and the factors, including mental health, which may help with the early identification of these cases. The proposal has been received and approved by the Committee. It will be submitted to the full Council for approval at the April 2010 meeting.				
3. By liaison with local Family Justice Councils and member agencies collate and disseminate practice information and research evidence	Chair of Children in Families Committee	To promote the development of good practice models, supported by research evidence, in private law proceedings	March 2010	Greater compliance with best practice models in private law proceedings
This objective was not pursued in 2009/10				
4. To seek an interdisciplinary view on the content and implementation of the 'contact activities' provided for in the Children and Adoption Act 2006	Chair of the Children in Families Committee	To influence and stimulate the development of policy on contact activities	Feb 2010	To put the views of the Committee and Council to DCSF ministers on the appropriate content and development of 'contact activities'
The Children in Families Committee provided detailed input to DCSF and Cafcass officials on the appropriate content, management and development of contact activities. There has been a high level of engagement on these issues and many of the Committee's views have been taken into account and acted upon.				
5. To review the DV section on the FJC website and draft guidance for LiPs on how to deal with breaches of DV injunctions.	Chair of the DV Working Group	To ensure that the DV section on the FJC website contains accurate and current information and to include accessible	July 2009	A revised DV section on the FJC website providing accurate and up to date information and accessible guidance for LiPs.

		guidance to LiPs on DV injunctions		
<b>The DV section on the FJC website has been updated.</b>				
6. To promote awareness of civil remedies for DV and the availability of public funding for these	Chair of the DV Working Group	To improve awareness among judiciary, practitioners and police of the civil injunction route and that public funding remains available for this	March 2010	A reduction in the proportion of unrepresented victims applying for DV injunctions.
<b>The DV Working Group engaged successfully with LSC officials on this issue and the LSC has changed the guidance given to its staff on the availability of public funding for the civil injunction route. Also, the LSC has drafted and circulated revised guidance to solicitors on this issue.</b>				
7. To respond to the Home Office consultation on the Violence Against Women Strategy	Chair of the DV Working Group	To provide the HO with authoritative advice, supported by evidence and experience, of the likely impact of the proposals	July 2009	To influence Home Office policy on the strategy.
<b>The DV Working Group responded to the Home Office consultation on behalf of the FJC.</b>				
8. To address the issue of proof of service when prosecuting for alleged breaches of, or applying for, DV injunctions.	Chair of DV Working Group	To raise awareness amongst family judiciary and practitioners of the importance of securing proof of service of DV injunctions	Nov 2009	A reduction in the number of prosecutions which fail due to a lack of proof of service.
<b>The DV Working has drafted a protocol on service of civil DV injunctions stressing the importance of securing proof of service. The document is ready and will be disseminated to appropriate stake holders early in the new financial year.</b>				

**STRATEGIC OBJECTIVE 6:**

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

<b>Supporting Activity</b>	<b>Owner</b>	<b>Aim</b>	<b>Target Date</b>	<b>Outcome</b>
1.To monitor the operation of the legislation in Scotland on cohabitants	Chair of the Money and Property Committee	To learn lessons from the operation of the Scottish legislation and to feed them into the debate in England and Wales	March 2010	A better informed debate on the merits of implementing the Law Commission's report on cohabitation in England and Wales
<b>The Money &amp; Property Committee has kept abreast of developments on the operation of the Scottish legislation. The limited number of cases brought under the legislation means that, to date, it is difficult to draw firm lessons from the Scottish experience.</b>				
2.To consider the role of court led dispute resolution in financial proceedings, including the dissemination of best practice from and through	Chair of the Money and Property Committee	To advise and assist the LFJs to promote best practice in financial proceedings	March 2010	Greater consistency of practice in Financial Dispute Resolution hearings and other areas of financial proceedings.



LFJCs				
This objective is ongoing. A draft best practice guide is expected for discussion at the first meeting of the Money & Property Committee in 2010/11.				
3. To contribute to the Law Commission's review of the law on pre-nuptial agreements.	Chair of Money and Property Committee	To make the case for the greater recognition and enforcement of pre-nuptial agreements with appropriate safeguards	March 2010	To influence the recommendations made by the Law Commission in its report towards recognition of pre-nuptial agreements.
The Money & Property Committee has met with Law Commission officials and has fed in views to them.				

**STRATEGIC OBJECTIVE 7:**

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

Supporting Activity	Owner	Aim	Target Date	Outcome
1. To follow up the debate held in October 2008 on Enhancing the Participation of Children in Family Proceedings with a programme of media work and further events.	Chair of Voice of the Child Committee	To encourage debate among family judiciary and practitioners on the issues relating to children's participation in proceedings	Oct 2009	Raised awareness of the arguments in favour of enhancing the participation of children in family proceedings among judiciary and practitioners.
The Voice of the Child Committee worked with Amazon PR, the FJC's PR agency, on following up the formal debate in October 2008. A number of articles were placed in legal, social care and medical periodicals to keep up the profile of the issue. The President of the Family Division has endorsed guidelines for judges wishing to see children in the course of proceedings and this will be disseminated early in 2010/2011.				
2. To examine the impact of recent changes in immigration rules and procedures on the status of the children of asylum seekers and unaccompanied children when they come into contact with the family justice system.	Chair of Voice of the Child Committee	To evaluate changes to the status of children in the asylum system against the UNCRC criteria.	March 2010	To provide best practice guidance to family justice system practitioners on dealing with children in the asylum system.
The Voice of the Child Committee has established a joint forum with Immigration judiciary to discuss child welfare and other issues of mutual interest between the two jurisdictions especially proposals for improving the sharing of information.				
3. To tender for a new partner organisation to run the FJC's Children and Young People's Group	Chair of Voice of the Child Committee	To identify an appropriate organisation with expertise in communicating with children to run the Children and Young People's Group	May 2009	The Children and Young People's Group to be reconstituted, and providing the FJC with input on a range of issues, as soon as possible.
RAPP, based in Hull, has been identified as the new partner organisation to run the Council's Children & Young People's Group. Two consultation sessions with the Group were held in 2009/10				

**STRATEGIC OBJECTIVE 8:**

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



Supporting Activity	Owner	Aim	Target Date	Outcome
1. Recruit and support service users to participate in the work of the Family Justice Council	Chair of Parents and relatives group	To seek views and feedback from service users on the work of the FJC e.g. responses to consultation	July 2009	Improved input from adult service users into the work of the FJC
Two service users with experience of public law proceedings have been recruited and co-opted to contribute to the Parents and Relatives Group.				
2. Review legal and advice information available to service users involved in the family justice system and propose changes as appropriate	Chair of Parents and relatives group	Conduct a mapping exercise of existing advice and information provision for service users	March 2010	Improved information provision to service users
The Parents and Relatives Group has commented, and provided detailed feedback, on HMCS draft information leaflets intended for parents involved in public law proceedings.				
3. Respond to issues of concern to parents and relatives raised by the Council and any of its sub-committees	Chair of Parents and relatives group	Provision of advice to Council and its sub-committees on issues of concern to service users	March 2010	Council takes account of service user concerns in its responses to consultation and in developing its policy papers.
The Parents and Relatives Committee has worked closely with the Children in Safeguarding Proceedings Committee on drafting guidance on Family Group Conferences and other issues relating to public law cases.				

**STRATEGIC OBJECTIVE 9:**

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

Supporting Activity	Owner	Aim	Target Date	Outcome
1. To revise the guide to the family justice system on the FJC website	Chair of Education & Training Committee	To update the guide to the family justice system as several sections are now out of date	July 2009	To ensure that the information provided in the guide is accurate and current.
The guide to the family justice system on the FJC website has been updated.				
2. To examine scope for joint working with SCIE 7 DCSF on training materials for social workers	Chair of Education & Training Committee	To act as a critical reader for draft training materials relevant to the role of social workers in the family justice system.	Dec 2009	To improve the quality and relevance of training materials social workers in preparing for, and giving evidence in, care proceedings.
The Education & Training Committee has drafted and submitted a joint proposal to the DCSF with SCIE for new training materials to help social workers meet the requirements of the PLO. A response is awaited.				
3. To examine the merits of producing a training events toolkit for LFJCs	Chair of Education & Training Committee	To provide LFJCs with appropriate advice on organising effective inter-disciplinary training events	Nov 2009	To improve the quality of LFJC training events
This advice is now contained in the Handbooks for Local FJC Administrators and Members				
4. To identify the scope for training on mental health issues	Chair of Education & Training	To promote training on dealing with challenging and	March 2010	To improve access to inter-disciplinary training for professionals in the family

Launch Internet Explorer Browser.Ink

	Committee	Borderline Personality Disorder clients in the family justice system		justice system dealing with challenging/BPD clients
This objective was not pursued in 2009/10				