



**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. |
| 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 |

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. |
| 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. |
| 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. |
| 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 |

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. |
| 2. To establish network | Chair of | To increase the supply | March | Pilots established in 3 LFJC |

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| of professional support for prospective Paediatric, Psychiatrist & Psychologist Expert witnesses | Experts Committee | of Paediatricians and Psychiatrists willing to give expert evidence in family cases | 2011 | area with seminars and training materials for experts with a Best Practice resource produced for new expert witnesses. |
| 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. |

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. |
| 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 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. 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. | Dec 2010 | Changes to care proceedings which reflect the views and priorities of the FJC. |
| 3.To continue to engage with | Chair of | 1)Through membership | In | Changes in the academic |

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| the DCSF 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. | Children in Safeguarding Proceedings Committee | 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. | accordance with DCSF timetable | qualifications, training and professional development of social workers which reflect the views, experience and 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. |
| 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 parents and Relatives sub group | 1)To make recommendations for improved practice and procedures 2) Expand the guidance already produced in relation to kinship care directed to local authorities to include other participants in the family justice system. | March 2011 | Changes in care proceedings which reflect the views and priorities of the FJC |
| 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. |
| 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. |

STRATEGIC OBJECTIVE 5:

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

| Supporting Activity | Owner | Aim | Target Date | Outcome |
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| 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 |
| 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 2010 | Recommend procedural changes to MoJ that will reduce number of intractable contact disputes in the courts |
| 3. To review impact of finding of fact hearings pursuant to the Practice Direction in Re:L | Chair of the Children in Families Committee/Chair 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 |
| 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. |

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 |
| 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. |
| 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- | March 2011 | To influence the recommendations made by the Law Commission in its report on the treatment of |

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| | | nuptial agreements with appropriate safeguards | | pre-nuptial agreements. |
| 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 LFJCs | Chair of 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 |
| 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 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 |

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. |
| 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. |
| 3. To examine whether the needs of children in care with Special Educational Needs are being addressed adequately | Chair of the Voice of the Child Committee | To examine claims that local authorities have been reluctant to statement children in care and to examine how these claims are dealt with on appeal to the tribunals | March 2011 | To produce recommendations for the MoJ and DCSF |
| 4. 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 |

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 |
| 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. |
| 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. |

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. |
| 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. |
| 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 | March 2011 | 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). |

STRATEGIC OBJECTIVE 10:

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 compile a directory of inter-disciplinary training available to the professional groups working in the family justice system | Chair of Education & Training Committee | To provide a resource for professionals working in the family justice system to enable them to access key information used by other professions | March 2011 | A web based resource posted on the FJC website with appropriate links to improve understanding and co-operation across the different disciplines working in the family justice system. |
| 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. | Oct 2011 | To improve the quality and relevance of training materials social workers in preparing for, and giving evidence in, care proceedings. |
| 3. To identify the scope for training on mental health issues | Chair of Education & Training Committee | To promote training on dealing with challenging and Borderline Personality Disorder clients in the family justice system | March 2011 | To improve access to inter-disciplinary training for professionals in the family justice system dealing with challenging/BPD clients |