

Questionnaire

Please email your completed form to:
family.consultation@hmcourts-service.gsi.gov.uk,
or fax to: 020 7210 8681. Thank you for your involvement in this process.

We would welcome responses to the following questions:

1) Make changes to attendance and reporting restrictions consistent across all family proceedings

1.1) In principle, do you agree that attendance and reporting arrangements should apply consistently across all family proceedings?

Yes No

If not, why not?

1.2) Would you exclude any types of family proceedings from the attendance and reporting restrictions proposed?

Yes No

If yes, which proceedings?

Adoption proceedings

Additional comments:

2) Allow the media, on behalf of and for the benefit of the public, to attend proceedings as of right, though allowing the court to exclude them where appropriate to do so and, where appropriate, to place restrictions on reporting of evidence

2.1) Do you agree that the media should be able to attend family courts as of right?

Yes No

If not, why not?

2.2) Do you think that the court should be able to exclude the media from family courts if appropriate?

Yes No

2.3) Should exclusion depend on:

the type of family proceedings?

Yes No

If yes, which types of proceedings?

Adoption proceedings

and/or certain parts of hearings?

Yes No

If yes, which parts?

The media should be excluded from conciliation meetings which form part of the process in child contact applications.

and/or some other reason?

Yes No

If yes, then what reasons?

See proposed statutory checklist at annex 3 to the Council's response.

Additional comments on this area of the consultation (please state the question number to which your comments refer):

3) Allow attendance by others on application to the court, or on the court's own motion.

3.1) Do you think any others should be able to attend family courts (with or without needing to apply)?

Yes No

3.2) If so, whom?

	Attend as of right?	Need to Apply?
family members.....	<input type="checkbox"/>	<input checked="" type="checkbox"/>
persons requested to attend by the parties.....	<input type="checkbox"/>	<input checked="" type="checkbox"/>
.....	<input type="checkbox"/>	<input type="checkbox"/>
.....	<input type="checkbox"/>	<input type="checkbox"/>

Additional comments on this area of the consultation (please state the question number to which your comments refer):

4) Ensure reporting restrictions provide for anonymity of those involved in family proceedings (adults and children), while allowing for restrictions to be increased or relaxed, as the case requires.

4.1) Do you agree that the current restrictions which prevent publication of information intended, or likely, to identify a child being involved in family

proceedings should be extended to prevent the identification of adults involved in proceedings?

Yes No

If no, then why not?

Additional comments:

4.2) Do you agree that the court should have the power to lift and review the ban?

Yes No

If so, in what circumstances?

Where it is in the interests of justice to do so - especially where children are involved e.g. in child abduction cases.

Additional comments

4.3) Do you agree that, together, the blanket ban and power to impose additional reporting restrictions would provide the courts with adequate power to ensure anonymity?

Yes No

Additional comments:

It will be vital to monitor carefully the effectiveness of the reporting restrictions in protecting anonymity. This is especially important where families might be more easily identifiable in their local communities because they are from religious and/or ethnic minorities or where they live in small towns or rural areas.

4.4) Do you think that courts should consider the matters listed in deciding what additional reporting restrictions to impose?

- The interests of any child or vulnerable adult

Yes No

- The safety of parties and witnesses

Yes No

- The interests of the administration of justice

Yes No

- Where evidence is of an intimate, sexual or violent nature

Yes No

- Where confidential information is involved and others attending would damage their confidentiality

Yes No

4.5) Would you add any other matters to that list?

Yes No

If yes, which matters?

Additional comments:

5) Introduce a new criminal offence for breaches of reporting restrictions.

5.1) Do you agree that publication restrictions should apply only to the public at large? i.e. individuals involved in proceedings concerning children can tell specified others in specified circumstances?

Yes No

Additional comments:

6) Make adoption proceedings a special case, so that there is transparency in the process up until the placement order is made, but beyond that proceedings remain private

6.1) Generally, do you agree that adoption proceedings should be treated differently from other family proceedings?

Yes No

Additional comments:

6.2) Specifically, do you agree that, once a placement order has been made, the remainder of the adoption proceedings should be in private?

Yes No

Additional comments:

In addition to the proposals, we also want to consider:

7) Whether we should make special provisions for HMICA and CSCI inspectors and specified other groups

7.1) Currently, HMICA and CSCI Inspectors, MPs and Lead Members for local authority Children's Services must apply to attend family proceedings. Do you

think the need to apply should be removed so that they are able to attend as of right?

Yes No

Additional comments:

The Council suggests that academics engaged on authorised research projects and law and social work students should also have a right to attend court hearings. This would be in the public interest as it would assist research into the workings of the family justice system and so advance the transparency agenda . The attendance of academics and students should be subject to the same judicial discretion to exclude as the other groups specified in the consultation paper.

8) Options on the further provision of information

8.1) We know that adults who have been involved in family proceedings as children want objective information. What information do you think an adult who has been involved in family proceedings as a child would find helpful?

8.2) What type of information would be most helpful?

An accessible recording held on court file Yes No

Copy of orders Yes No

Summary of judgment Yes No

Full transcript of judgment Yes No

8.3) Please list any other types of information: Summaries prepared by social workers in jargon-free, sensitive and age appropriate language may be important in helping children to understand the reasons why the court has made the decision it has made. Such summaries may also be useful as part of 'life story' work to be accessed by children on reaching adulthood.

Additional comments:

9) Practical considerations

9.1) If proposals are implemented there will be implications for court resources, in terms of increasing security, changing listing procedures, the time taken for dealing with applications re attendance and reporting and any objections. Are there any other practical considerations that you think should be taken into account?

The Council would urge the Department to pilot these proposals before attempting to roll them out nationally so that all the practical and cost

implications can be identified and best practice developed. In the Council's view the proposals carry significant resource implications, especially the proposal to provide better information in later life to those involved in family proceedings as children.

Thank you for participating in this consultation exercise.

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