

Greater Manchester Family Proceedings Courts

**A proposal that all Public Law Children Act
1989 work in Greater Manchester be heard in
the Manchester Civil Justice Centre**

Response to Consultation

Consultation period closed 9 July 2009

Response published 25 September 2009

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1 Introduction and contact details

This document is the post-consultation report for – Greater Manchester Family Proceedings Courts: A proposal that all Public Law Children Act 1989 work in Greater Manchester be heard in the Manchester Civil Justice Centre.

It will cover:

- the background to the report
- a summary of the responses to the report
- a detailed response to the key issues raised in the report
- the next steps following this consultation.

Further copies of this response document and the consultation paper can be obtained by contacting **Barbara Stone** at the address below:

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2 Background

- 2.1 The overall national strategy for family justice is part of the Government's wider access to justice strategy and is to assist citizens to resolve family disputes without recourse to courts. Education about parental rights and responsibilities and access to mediation are part of this wider strategy.
- 2.2 The advent of HMCS and a national jurisdiction for magistrates, coupled with the availability of facilities within the Manchester Civil Justice Centre, which opened for business in late 2007, provided an opportunity to reconsider the way in which the family justice system in Greater Manchester is organised to better meet the needs of all relevant participants. In recognition of the scope for improvement, in 2006, following discussions with the Area Director and the Justices' Clerk, it was agreed that a Future Strategy Working Group would be set up to consider the development of a model for the future delivery of family justice in Greater Manchester.
- 2.3 Since 2006 there have been some significant changes made in procedures within the family justice system including the implementation of the Public Law Outline in April 2008 and the Allocation and Transfer of Proceedings Order 2008. It was recognised that these changes provided an opportunity to create an enhanced service for those who require access to the family justice system in Greater Manchester.
- 2.4 The consultation paper - *Greater Manchester Family Proceedings Courts: A proposal that all Public Law Children Act 1989 Work in Greater Manchester be heard in the Manchester Civil Justice Centre* was published on 15th December 2008. The paper set out for consultation the proposal that all Public Law Children Act 1989 work in Greater Manchester be heard at Manchester Civil Justice Centre. The consultation was aimed predominantly at family court users in Greater Manchester and those who deliver family justice for the area both through the courts and externally.
- 2.5 The consultation period closed on Friday 9th July 2009. This report provides a summary of the responses received together with other related issues raised and includes how the consultation process influenced the final further development of the proposal consulted upon.
- 2.6 A list of respondents is provided at Annex A.

3 Summary of responses

3.1 A copy of the consultation paper was sent to the following individuals and groups which included a number of websites (detailed below).

- ◆ Action for Children
- ◆ After Adoption
- ◆ Adoption 22
- ◆ BAAF
- ◆ Child Concern Members
- ◆ Child and Family Psychiatry Services
- ◆ Children and Adult Mental Health Services
- ◆ Children And Family Court Advisory and Support Services (CAFCASS)
- ◆ Children Panel Solicitors
- ◆ Clinical Psychology Departments
- ◆ Crown Prosecution Service (CPS)
- ◆ Domestic Abuse Advocacy Service
- ◆ Family Law Bar Association (FLBA)
- ◆ Greater Manchester Family Justice Council Adoption sub committee
- ◆ Greater Manchester Family Justice Council Domestic Abuse Committee
- ◆ Greater Manchester Family Justice Council Education and Training sub committee
- ◆ Greater Manchester Family Justice Council Experts Sub Group
- ◆ Greater Manchester Family Justice Council members
- ◆ Greater Manchester Family Court Users Committee
- ◆ 10 Greater Manchester Family Proceedings Courts Legal Advisers
- ◆ 10 Greater Manchester HMCS Court Managers
- ◆ Greater Manchester HMCS Administration Staff (Family)
- ◆ 10 Greater Manchester Local Authority Children's Services departments
- ◆ 10 Greater Manchester Local Authority Legal Department
- ◆ Greater Manchester Local Authority Lawyers' Consortium
- ◆ Greater Manchester Police
- ◆ Independent Social Workers
- ◆ Judiciary including all family ticketed Circuit Judges, District Judges, District Judges (Magistrates' Courts), Recorders and Magistrates
- ◆ Legal Services Commission
- ◆ North West Family Mediation Services
- ◆ Together Trust
- ◆ University of Child Health (Children's Hospitals Greater Manchester)
- ◆ Women's Aid

Websites

- ◆ Child Concern
- ◆ Family Law Bar Association
- ◆ Her Majesty's Courts Service Intranet
- ◆ Legal Services Commission
- ◆ National Family Justice Council
- ◆ Manchester Law Society
- ◆ Resolution

3.2 In total 72 responses were received in the original consultation period; a further eight were received in an extended consultation period.

3.3 Respondents to the consultation divide into five categories as follows:

- ◆ Responses from individual members of the judiciary and magistrates who deal with family work at courts within Greater Manchester
- ◆ Responses from legal advisers, internal departments and members of staff who deal with family work in the Family Proceedings Courts
- ◆ Response from Agencies within the Civil and Criminal Justice System including Local Authorities, Police and CAFCASS
- ◆ Responses from organisations representing members of the public including Citizens Advice Bureau and Victim Support
- ◆ Responses from practitioners working in the family justice system in Greater Manchester

No responses were received from members of the public.

- 3.4 A response was received from Public and Commercial Services Greater Manchester trade union branch which provided the views and opinions expressed by an unknown number of staff.
- 3.5 Several other responses were copies of a pre-prepared document to which a number of respondents put their signatures. These, for the purpose of counting, have been recorded as one response, however, where views have been identified within this paper, there is acknowledgement that this is a collective view.
- 3.6 The consultation paper on the proposal that all Public Law Children Act 1989 work in the Greater Manchester Area be heard in the Manchester Civil Justice Centre invited views on the following questions:
- ◆ *Do you agree that all Public Law children act work should be heard in the Civil Justice Centre?*
 - ◆ *What difficulties, if any, do you envisage in accessing the Manchester Civil Justice Centre?*
 - ◆ *Are there any barriers to accessing the service you feel have not been addressed by the proposals not set within the consultation paper?*
 - ◆ *Should the Civil Justice Centre be the venue to hear Emergency Protection Orders during working hours?*
 - ◆ *Do you have any specific concerns/comments to be taken into account, which have not been addressed by this consultation paper?*
- 3.7 The Working Group, which met to consider responses in April, was concerned that no responses had been received from members of the public; it was subsequently agreed to re-open the consultation period for a further period of six weeks to allow members of the public a further opportunity to provide their views. In order to ensure members of the public were aware of the extension, the consultation was further publicised in courts and public buildings within Greater Manchester
- 3.8 Further responses were received during the extended consultation period, none however were from members of the public.

- 3.9 Not all respondents provided specific answers to the individual questions posed. Some collective responses provided views in general to the proposals. For this reason, quantitative analysis of responses has not proved to be possible and is not detailed within this document.
- 3.10 In order to gain an understanding of the issues, concerns and views of respondents, all consultation responses were reviewed by the Future Strategy Working Group at meetings in April and June.
- 3.11 The Working Group identified a number of key issues and concerns expressed by respondents which have been provided within section 4 of this paper. Specific comments identified include the majority and important minority views of respondents. The Working Group further considered these issues and concerns; a response to key issues is provided within section 5 of this document.
- 3.12 Generally, it is difficult to gauge the level of opposition or agreement to the proposals as not all respondents answered all questions.
- 3.13 In terms of percentage return against the total number of individuals and organisations invited to respond to the proposals, the overall response rate was low.

4 Response to Specific Questions

4.1 Question 1 – Do you agree that all Public Law Children Act work should be heard at the Civil Justice Centre?

4.1.1 In terms of opposition or agreement to the proposal that all public law work should be heard at Manchester Civil Justice Centre, the total response was fairly evenly balanced. When considering collective responses however, there appears to be a high level of opposition. The views of magistrates and family panel members, which formed the majority of collective responses, object to the proposal, primarily as it is felt that moving to the proposed model would undermine the principle of access to local justice..

4.1.2 A collective response signed by a number of magistrates stated that:

“Proposals are not in accordance with local justice for local people”.

“Can see that the idea would allow better utilisation of the CJC, however, don't believe this should be done to the exclusion of the local justice principle”.

4.1.3 The view of one Family Panel was that public law cases involve local families who are less well off or less capable of making adequate arrangements to enable them to travel to the Manchester Civil Justice Centre. The respondents considered that families should retain the opportunity of being able to attend a local hearing rather than journeying to the centre of a large city which they may not be familiar with.

4.1.4 The response also stated that expertise is readily available at local level ensuring cases are dealt with correctly and expeditiously and that the higher level of expertise, that would be available should the proposals go ahead, is not always necessarily required.

4.1.5 A magistrate commented that although local justice is an ideal, many cases settle or transfer leaving little work in the list which results in the cancellation of court sitting days. He also added that, as a consequence, the family bench has limited experience of dealing with contested public law cases.

4.1.6 Other respondents who are in favour of the proposal provided a number of reasons for this. One respondent suggested that the change would streamline processes bringing greater flexibility and an increase to court time availability.

4.1.7 A legal adviser commented:-

“If I was a parent whose child was subject to care proceedings I would want my case heard by Magistrates who had expertise and experience which I think they are unable to acquire at present due to the small number of sittings in contested public cases they are able to achieve”.

4.1.8 Another magistrate added, which was further supported by a practitioner, that the Manchester Civil Justice Centre is more conducive to the sensitive nature of work and the provision of support for vulnerable people and interpreter services etc would be more easily arranged. He commented that the proposal would ensure magistrates' get sufficient experience of the work to allow them to perform their duties competently.

4.1.9 Several respondents shared the view that due to the complexity of public law work there is a need for it to be carried out by legal advisers and magistrates who specialise in this area of work; dealing with volume in order to keep their knowledge, experience and skills current.

4.1.10 There was also the view that work in the same building would provide a better service with better facilities where cases could be listed more efficiently and reduce waiting time, bringing a more consistent approach, improving the quality of decision making and service delivery.

4.1.11 A practitioner added

"Many members of the public involved in care proceedings have never been to a court before and can feel 'stigmatised' by being surrounded by criminal clients in the magistrates' courts. This 'stigma' would be removed".

4.1.12 A member of the judiciary responded that:

"I am concerned that the FPCs are currently under utilised and hope that providing greater opportunities and closer co-operation with full-time judiciary at the CJC will improve confidence and skills of cases. I also hope that if all case work can be heard at the CJC that it will prove possible to appoint a specialist family DJ (Magistrates' Court) who will be able to lead and co-ordinate the family magistracy, as occurs in the Inner London FPC."

4.1.13 Some magistrates stated that they felt unable to acquire the expertise and experience necessary due to the small number of sittings available on contested public law cases.

4.1.14 Another practitioner added:

"Whilst I feel that decisions made in the FPC at a more local level are normally correct, the decision making process of local lay magistrates does not inspire confidence. Lay magistrates on a local level seem to be reluctant to give proper reasons for reaching decisions in Public Law Care Proceedings and to my mind, seem nervous or frightened of the decision making process. Too often, lay magistrates reach the correct decision and then simply rely on banal generalities picked up from Local Authority Position Statements in verbal submission made to the magistrates in court and frequently advocates are left none the wiser as to whether the argument presented was accepted or rejected by the bench. To my mind the lack of confidence of magistrates at local level leads to advocates and parties feeling that magistrates have not understood the arguments that they have heard, or are acting purely on advice from their legal clerk. Hopefully lay magistrates sitting at the Manchester CJC will hear a sufficient volume of work that they will gain more confidence in their own abilities and speak with more authority after hearing legal argument".

4.1.15 Responses from a small number of magistrates opposing the proposal stated that they would not be willing to sit in the Manchester Civil Justice Centre.

KEY ISSUES IDENTIFIED IN OPPOSITION TO THE PROPOSAL ARE AS FOLLOWS:

Access to local justice for local people would be removed

There is a need for legal advisers and magistrates to continue dealing with the volume of public law work in order to maintain their knowledge, skills and experience.

4.2 Question 2 – What difficulties, if any, do you envisage encountering in accessing the Civil Justice Centre?

- 4.2.1 Transport links and accessibility was a significant concern of respondents. In total 29 provided a response to this question and, of those, 55% is of the opinion that the transport service within Greater Manchester is poor. There was particular concern about the expense to parties of journeying to Manchester, particularly those on low incomes. A practitioner stated that *“I believe the main barrier to accessing the service for parties is the cost of getting to Manchester, and the further cost of buying refreshments thereafter. Local authorities rarely give parties assistance with transport to court and public funding does not cover such expenses. Most litigants in care proceedings live in poverty and transport and refreshment costs prove to be a significant expense”*.
- 4.2.2 Journey times are also a concern with views that this has been further compounded since the 'No Vote' result on congestion charges. A respondent added that *“people who may not have a family support for long periods away from home will affect sibling care during the currency of long protracted proceedings”*.
- 4.2.3 The remaining 45% of respondents are of the view that current transport links are sufficient. One respondent acknowledged that although families will have to travel to central Manchester instead of their local courts and staff will probably incur additional travelling cost and time, the vast improvement the proposals bring outweigh the negatives.
- 4.2.4 A concern over access to services and facilities for wheelchair users in the Manchester Civil Justice Centre.
- 4.2.5 Although in general agreement, concern was noted by a local authority representative over the distance parties would be expected to travel will put additional pressures on them having to attend an unfamiliar place. The respondent also added that local authorities would incur additional expense through increased travel time and additional parking charges.
- 4.2.6 A magistrate suggested that car parking for at least 12 magistrates per day would be an added expense for HMCS and that parking away from Manchester Civil Justice Centre would also result in magistrates having to carry large bundles of court papers from car parks to the Manchester Civil Justice Centre.
- 4.2.7 Distance of travel is an issue for a number of respondents; other respondents did not feel there would be difficulties in attending hearings particularly with the current Metro services and transport links available within Greater Manchester.
- 4.2.8 A practitioner raised a concern about administration being significantly slower at the Manchester Civil Justice Centre than that of the family proceedings courts. He also commented that related to this is that it will be more difficult for solicitors on a local level to build a working relationship with court staff with such relationships frequently leading to more speedy turn over of paperwork, and more sympathetic dealing with occasional mistakes.
- 4.2.9 A local authority representative expressed concern that the new system could become a 'victim of its own success' stating that

if, as a result of this initiative more cases are kept in the FPC, it may not be as easy as it presently is to get a final hearing/contest listed at very short notice. It would be a sad irony if, by moving all cases to the Manchester CJC, this major advantage of cases at FPC would be lost"

KEY ISSUES IDENTIFIED IN OPPOSITION TO THE PROPOSAL ARE AS FOLLOWS:

People with disabilities may experience difficulties when using the facilities

Travel time caused will place added pressure on families having to travel further than they do presently

Added costs of travel for low income families and local authorities

Insufficient car parking on HMCS estate for magistrates

Contested/final hearing cases may not be listed at very short notice

Transport links in Greater Manchester are inadequate and could lead to delayed hearings

4.3 Question 3 – Are there any barriers to accessing the service that you feel have not been addressed by the proposals contained within the consultation paper?

4.3.1 One respondent agreed that there are advantages in hearing public law cases in the Manchester Civil Justice Centre, in particular assessing the services.

“The building is more conducive to the sensitive nature of the work, and makes the provision of support for vulnerable people, interpreter service etc being more easily arranged”.

4.3.2 A local authority representative commented that there are a number of advantages to the proposals stating that the benefits from the judicial resources and training would lead to improved outcomes for children in terms of decision making, reducing delay in some cases.

4.3.3 The same respondent also felt that under the proposals there may be an issue in relation to the availability of resources if work was to continue to increase. This view was shared by other respondents, including family panel members, who sought reassurance that there will be sufficient courtrooms, magistrates and legal advisers to accommodate workload volumes.

4.3.4 One collective response questioned the utilisation of the accommodation in the Manchester Civil Justice Centre currently used by CAFCASS and commented:

“Enquiries with CAFCASS have revealed that in regard to Public Law cases that the facilities at the Civil Justice centre are rarely used in interviewing and meeting individuals involved in those types of cases. More use is made in private law proceedings, which is not the type of work to be located in the Civil Justice Centre. Information from CAFCASS indicates that in nine out of 10 cases they will interview parties at home”

4.3.5 The risk of losing sensitive court papers and information when papers are in transit between Family Proceedings Courts and the Manchester Civil Justice Centre was raised as an issue.

KEY ISSUES IDENTIFIED IN OPPOSITION TO THE PROPOSAL ARE AS FOLLOWS:

Availability of resources (courtrooms, magistrates and legal advisers)

Transportation of court files and documents between courts

4.4 Question 4 – Should the Civil Justice Centre be the venue to hear Emergency Protection Orders during working hours?

- 4.4.1 The majority of respondents feel that Emergency Protection Orders should not exclusively be heard in the Manchester Civil Justice Centre, in circumstances where children may be at risk of harm and it was important for urgent action to be taken.
- 4.4.2 Respondents indicated that these types of applications should be dealt with expeditiously as time is of the essence. The view of respondents is that a hearing could be convened more quickly in local family proceedings courts which would save valuable time by parties not having to travel to the Manchester Civil Justice Centre.
- 4.4.3 A respondent from a local authority is concerned that if the decision was taken to hear all Emergency Protection Orders in the Manchester Civil Justice Centre, increased travel time could lead to cases requiring urgent action being delayed by 2 to 3 hours before an order could be obtained would not be justified.
- 4.4.4 A Social Worker commented that

“Once the EPO is granted the Social Worker then has to travel from the CJC back to the area and put plans in place. This can take some time and the effect of this is that the children may have to be removed and placed with alternative careers in the evening or in the night which is clearly not in their interests and should be avoided where possible”

- 4.4.5 Clients subject to applications for Emergency Protection Orders are often vulnerable

“with drug, mental health and alcohol issues who will be distressed. Parties will be expected to instruct a solicitor and travel to an unfamiliar area”.

- 4.4.6 Some respondents did, however, accept that Emergency Protection Orders could be heard in the Manchester Civil Justice Centre time permitting, providing each local area has sufficient Family Panel members and legal advisers available where speed is of the essence.

KEY ISSUES IDENTIFIED IN OPPOSITION TO THE PROPOSAL ARE AS FOLLOWS:

Increased travel time would potentially impede social workers being able to take steps to safeguard children

A need for flexibility in how and when orders can be obtained

4.5 Question 5 – Do you have any specific concerns/comments to be taken into account which have not been addressed by this consultation paper?

4.5.1 Respondents aired concerns regarding workload volumes and the nature of work that would continue to be dealt with in the magistrates' courts. There was concern that if sufficient private law work is not issued or transferred to the family proceedings courts to replace the lost public Law it could potentially lead to the deskilling of experienced family magistrates. If the volume of work is low then family justices will require to sit more adult court work this work is currently reducing which will cause other sitting issues

4.5.2 A respondent commented that there was no indication of the size of magistrates' panel which will be required or finite number of sitting days each year and how they will be allocated.

4.5.3 A practitioner commented that

“one incidental benefit of having care proceedings conducted at a local FPC level has been local solicitors have a fair chance of being appointed to act for children by local FPC legal advisers. A major concern for me is that if the whole system is centralised there will be a tendency for Manchester CJC legal advisers to appoint solicitors from Manchester city centre to act for children in every case, or if the matter is referred to CAFCASS panel managers the same result will occur. This might largely leave experienced panel solicitors on the periphery of the city being excluded from acting for children in the majority of cases”

KEY ISSUES IDENTIFIED IN OPPOSITION TO THE PROPOSAL ARE AS FOLLOWS:

There is not sufficient private law work available in family proceedings courts to replace the lost public law work.

Loss of experience and deskilling of magistrates

Lack of clarity as to the possible composition of the size and membership of the Panel required to service public law work at the Manchester Civil Justice Centre

5 Key Issues Identified

The consultation process has identified a number of key issues which will need to be considered further if the proposals are taken forward.

The following section provides the Future Strategy Working Group response to the following key issues.

- ◆ Travel time caused will place added pressure on families having to travel further than they do presently **(see paragraph 5.2)**
- ◆ Added costs of travel for low income families and local authorities **(see paragraph 5.2)**
- ◆ Insufficient car parking on HMCS estate for magistrates **(see paragraph 5.2)**
- ◆ Emergency Protection Orders – increased travel time would potentially impede on steps to safeguard children **(see paragraph 5.2)**
- ◆ Transport links in Greater Manchester are inadequate and could lead to delayed hearings **(see paragraph 5.2)**
- ◆ Access to local justice for local people would be removed **(see paragraph 5.4)**
- ◆ Loss of skills, experience and expertise for magistrates no longer involved in dealing with Public Law cases **(see paragraph 5.5)**
- ◆ Contested/final hearing cases may not be listed at very short notice **(see paragraph 5.6)**
- ◆ Availability of resources (courtrooms, magistrates and legal advisers) **(see paragraph 5.6)**
- ◆ Concern over the risk of losing sensitive court papers when in transit between Family Proceedings Courts and Manchester Civil Justice Centre **(see paragraph 5.6)**
- ◆ People with disabilities may experience difficulties when accessing the service **(see paragraph 5.7)**
- ◆ There is not sufficient private law work available in family proceedings courts to replace the lost public law work **(see paragraph 6.6)**

5.1 Impact on families subject to care proceedings, financial and additional stress implications due to travelling to the Civil Justice Centre

- ◆ Transport links and accessibility was a concern for many of the respondents which related to poor transport service, travel cost and the travel time for the journey into the city centre for parties involved in proceedings.
- ◆ Many felt that the travel times will be significantly higher than those shown in the consultation document and it was felt that the proposals did not take this factor into account.
- ◆ The heavily congested roads at peak times create traffic delays for parties travelling to court by car and there are also the additional costs of parking in Manchester to be considered by all parties.
- ◆ It was felt that these difficulties may result in delays in getting to court on time and aborted hearings at the Civil Justice Centre as a direct result.
- ◆ There will be no time available to take the child(ren) to, or collect from school putting additional stress on families who have to make childcare arrangements which may lead to the child(ren) being left in unsuitable childcare.
- ◆ This factor would limit the hearing time afforded at the Civil Justice Centre especially when considered alongside the transportation issues. Parents arriving late and having to leave early would be more of an issue at the Civil Justice Centre than at a local court.
- ◆ Travel costs for some families who may be less capable of making adequate arrangements; it is considered that these families should retain the opportunity of being able to attend a local hearing rather than journeying to the centre of a large city.
- ◆ Emergency Protection Orders – increased travel time would potentially impede social workers being able to take steps to safeguard children

5.2 Future Strategy Working Group Response

- 5.2.1 Since the consultation paper and subsequent responses were considered, there have been significant plans to improve transportation links within Greater Manchester. A recent announcement confirmed that £600,000,000 has been secured in order to improve the Metrolink network including four new services to Oldham and Rochdale, Droylesden, Chorlton and Salford, capturing parties from these towns and those en-route. It is anticipated that this will reduce congestion on the roads as it is expected that the improvements will take approximately five million car journeys off local roads annually.
- 5.2.2 It is fair to say that the new transport links will not address travel issues for all, however, it is likely that the anticipated reduction in congestion on public roads will significantly benefit those people using other means of transport e.g. cars and bus services.

- 5.2.3 That being said, having considered responses to consultation the Future Strategy Group consider that this is a significant concern, particularly to families and, should the proposals be taken forward, will ask a Programme Board to which responsibility for implementation will be charged, to ensure that due consideration is given to parties travelling to Manchester City Centre from outlying areas. This may mean the introduction of time-markings on family lists depending on individuals' personal circumstances.
- 5.2.4 The map provided in Annex A details the new metrolink routes and stations en-route.
- 5.2.5 Existing procedures in place for the transportation of family documentation to magistrates' will remain. The concerns expressed by respondents regarding carrying large bundles of documents may be addressed by the provision of car-parking within the Manchester Civil Justice Centre. These concerns are understandable and, as such, the Programme Board will be asked to consider the movement of documentation and to consider if there is an alternative approach to alleviate this.
- 5.2.6 A recurring theme was accessibility to the service, particularly in responses from Wigan and Bolton. This is an understandable concern, particularly in respect of parties to proceedings who may find it difficult to get to Manchester City Centre from other parts of the Greater Manchester conurbation due to financial or personal reasons.
- 5.2.7 During 2007/08, 76% of care proceedings issued in the Family Proceedings Courts were transferred to Manchester Care Centre, which means that the proposed changes would affect only 24% of those involved in care proceedings. For those families whose cases are already dealt with in the Care Centre at the Civil Justice Centre, judges and practitioners make allowances for travel difficulties and will delay dealing with hearings where appropriate. It is common practice for those who have to collect children from school to be released from hearings to enable them to do so.
- 5.2.8 The proposal to deal with all public law cases within the Manchester Civil Justice Centre is to provide a tribunal offering greater experience and expertise to families subject to care proceedings in Greater Manchester. Locating all family courts within one building provides the opportunity to better use resources within the judiciary (including magistrates), legal advisers and HMCS administration. This approach will bring increased flexibility for all the professionals including solicitors, barristers, social workers, expert witnesses and children's guardians involved in the family justice system allowing them to deal with more cases in the same venue.
- 5.2.10 Based on the current experience of those whose cases are already dealt with through the Civil Justice Centre, the Future Strategy Working Group considers that the issues raised in opposition to the proposal based on travel and associated difficulties is overstated by respondents. Neither the administration nor the judiciary at the Care Centre are aware of cases where the difficulties of the parties being able to travel and attend at court in the Civil Justice Centre for hearings when cases have been transferred has been raised as an insurmountable obstacle and as mentioned above the courts regularly accommodate delaying hearings or releasing participants early to assist. It is also the case that care and other family cases transferred to the High Court and Court of Protection cases involving vulnerable adults are all dealt with on a regional listing basis so that the parties are required to travel to any venue on Circuit where the High Court judge or authorised judge is sitting. Applications can be made for hearings to be listed at local venues in exceptional cases where mobility and

other issues arise. Such applications have been rarely made and are sometimes successful but by and large all hearings take place at regional hearing venues. There have been no reported complaints about access to justice in the last 4 years and no recorded difficulties with parties not being able to access the venues chosen (Preston, Manchester and Liverpool).

- 5.2.11 In considering this issue the Working Group has concluded that the benefits of the increased experience and expertise offered to parties and children through the creation of what would be a specialist family proceedings court coupled with the increased flexibility for professionals outweighs concerns regarding accessibility. The Working Group has also taken into account the possibility that where there are significant issues about mobility and access for particular litigants there will be scope to enable hearings exceptionally to be listed at a Family Proceedings Court or other court venue as indeed can already happen at present.
- 5.2.12 In respect of Emergency Protection Order applications, the Working Party acknowledge and accept the concerns expressed about the potential delays in urgent action being able to be taken to safeguard children if social workers who have to act on such orders have significant additional travel time to contend with. It is considered that arrangements should continue to allow Emergency Protection Order applications to be made through local courts with some flexibility to accommodate applications being made in the Civil Justice Centre if there is a court already sitting and available to deal with the application.

5.3 Financial cost implications on professionals and Local Authorities

- ◆ Costs associated with attending the Manchester Civil Justice Centre are far higher. This affects families and professionals and has a direct bearing on the public purse when re-imbursing expenses and legal aid costs are met
- ◆ The distance will put additional pressure on local authorities paying additional expense of staff, travel time as well as cost of parking.

5.4 Future Strategy Working Group Response

- 5.4.1 It is accepted that there will inevitably be additional costs incurred should the proposal to deal with all public law cases in the Manchester Civil Justice Centre be taken forward. The most significant impact will be on the parents and other lay parties in the 24% of public law cases which are currently dealt with in family proceedings courts. The cost to the parties is not a factor which is taken into account when decisions to transfer proceedings to the Care Centre are made.
- 5.4.2 All local authorities have lawyers and social workers in attendance at the Civil Justice Centre on a daily basis in view of the volume of work which is already being processed in the County Court and the High Court. The pool of solicitor and barrister practitioners who undertake public law children's work is relatively small as is the number of children's guardians from Cafcass who safeguard the welfare needs of the children who are the subject of the proceedings. Centralising the public law work will enable the professional participants to manage their workloads more efficiently and has the potential to actually cut down costs and time spent on travel by the professionals not having to attend at different venues on the same day as frequently now occurs.

5.5 Loss of Access to Local Justice for Local People

- ◆ Some respondents said that if the proposals are implemented the key element of local justice is removed from cases involving family law, although it was accepted that this would facilitate the utilisation of Manchester Civil Justice Centre.
- ◆ Respondents felt that justice should be seen, heard, witnessed and acted upon at local level and Manchester is not thought local to people. Users are going through huge emotional trauma and struggling financially as well as emotionally. They come to local courts to be dealt with by local magistrates who possess the benefit of local knowledge.

5.6 Future Strategy Working Group Response

- 5.6.1 The Working Group acknowledges that if the proposal is carried out, then Magistrates and Legal Advisers would deal with cases from areas within Greater Manchester other than that to which they are ordinarily assigned. However, there are positive advantages to such an outcome. Currently, Family Proceedings Courts only have knowledge and experience of the practices and procedures of their own Local Authority. Magistrates will commonly see the same social workers, lawyers and indeed children's guardians in the cases they deal with. Judges sitting in the Care Centre who deal with cases involving all 10 local authorities have the experience of dealing with a wide range of social workers, lawyers and children's guardians and benefit from having an insight and understanding of different practice and procedures and approaches to child protection taken by different Local Authorities. There ought to be consistency in approach from all those who are charged with dealing with public law work and the Working Group considers that magistrates and Legal Advisers can only benefit from an increased knowledge and experience which greater exposure to the work from different areas would give them.
- 5.6.2 Moreover, the issues with which magistrates and Legal Advisers are obliged to deal in Public Law cases, are rarely, if ever, specific to one Local Justice Area. Sadly, it has to be recognised that those matters which are involved in decisions to bring proceedings such as alcohol and drug addiction, child neglect and child abuse, criminal activity and behaviour, domestic violence, sexual abuse and school truancy, etc., are prevalent across all parts of Greater Manchester. Local knowledge is rarely, if ever, a relevant issue within the context of care proceedings. The Area is a conurbation and whereas some of the issues may be different in rural parts of the country, they are common across each of the 10 Local Justice Areas.
- 5.6.3 It is a fact that many magistrates and Legal Advisers do not live in the Local Justice Area in which they adjudicate in any event. This, of course, is also the situation for the majority of Judges who hear applications in the Care Centre.
- 5.6.4 Family Proceedings Courts have had a national jurisdiction for Family work since the implementation of the Children Act 1989, in October 1991.
- 5.6.5 Access to a local service is a separate point, and is dealt with elsewhere in this paper. The Working Group consider that the benefits of providing a better service to children and families outweigh the disadvantage of Court users having to travel to access that service.

5.7 De-skilling, specialism and quality of magistrates and legal advisers

- ◆ Continuity and quality of magistrates and legal advisers would be difficult if a rota system were in place
- ◆ Some expressed concern on the impact on the morale of family panel members and de-motivation of those committed to providing family justice and who will be denied the opportunity to sit on Public Law cases if the proposals go ahead.
- ◆ Respondents in favour of the proposals felt that there is a need for specialist teams that will provide continuity of decision making and efficient listing.
- ◆ Respondents aired concerns regarding work volumes and the nature of the work that would continue to be dealt with in the Magistrates' Courts commenting that, if private law work is not issued in or transferred to the Family Proceedings Courts to replace the lost public work, this potentially would lead to deskilling of experienced committed family magistrates.
- ◆ Some respondents said that judicial involvement in magistrates and legal adviser training should be developed regardless of the Public Law work.
- ◆ Concerns were expressed over the future of training and development of family justices being involved in Public Law; the question raised was who would recruit family justices for the CJC from the outlying areas.

5.8 Future Strategy Working Group Response

- 5.8.1 The Working Group acknowledges that some thought will need to be given to the optimum arrangements for the establishment of a rota of magistrates and Legal Advisers to support the proposal. Currently, there are 287 Family Panel magistrates across Greater Manchester, and 91 Legal Advisers qualified to do Family work. In the Autumn of 2007, the Designated Family Judge asked Panel Chairmen whether there would be a sufficient number of Panel members who, given assurances as to support, domestic arrangements, including access to the building and car parking, etc., would be interested in participating in such a rota. The response indicated that there was a sufficient number of magistrates who would be willing to participate in such a rota.
- 5.8.2 Arrangements for the provision of Legal Advisers requires further consideration. Although there is a significant number of Legal Advisers in Greater Manchester, who are technically qualified to undertake family work, in fact much of the work is undertaken by a relatively small number of Legal Advisers who take a high number of courts. There is a significant number, however, who have insufficient, regular exposure to the work which is complex, demanding and calls into question levels of experience and competence. The National Legal Adviser Resource Committee is currently considering the issue of minimum exposure to family work for Legal Advisers, as well as management support and infrastructures to facilitate this.
- 5.8.3. The Working Group considers that the benefits of the proposals will result in magistrates and Legal Advisers having greater exposure to the work leading to greater competence and confidence in decision making, which in turn will provide a better service to children and families; this is worth achieving.

- 5.8.4 The concerns as to de-skilling in relation to family work are, in the Working Group's view, offset by the emerging family strategy for Private Law work, evidenced, for example, by the Private Law Programme and its review, and the Allocation and Transfer of Proceedings Order 2008 and accompanying Practice Direction. There is clearly an impetus towards greater deployment of magistrates and Legal Advisers to Private Law work, since Family Proceedings Courts are significantly under-utilised, in comparison to County Courts. There are no proposals to centralise Private Law work, and magistrates and Legal Advisers will continue to deal with these case in expected increased volumes in the future.
- 5.8.5 The Working Group considers that a Programme Board should consider the mechanisms by which magistrates and Legal Advisers might be better organised to support the proposal, and that the Greater Manchester Judicial Leadership Group should oversee the work of local Judicial Management Groups in relation to the Private Law work, which have begun to meet in some co-located courts since the Allocation and Transfer of Proceedings Order 2008 came into force.

5.9 Administrative Issues

- ◆ Concern that capacity within the Manchester Civil Justice Centre should there be an increase in Public Law work could be insufficient
- ◆ IT concerns that SUPs will not be rolled out in the Family Proceeding Courts if the proposals are accepted.
- ◆ Administrative processes will be slower than at family proceedings courts.
- ◆ Concern over the risk of losing sensitive court papers when in transit between Family Proceedings Courts and Manchester Civil Justice Centre
- ◆ Emergency Protection Orders – a need for flexibility in how and where orders can be obtained

5.10 Future Strategy Working Group Response

- 5.10.1 Should the proposals be taken forward, analysis of workloads will be undertaken which will determine the level of staff and physical resources needed to ensure cases are dealt with in a timely and efficient way. The Future Strategy Working Group are confident that there is sufficient capacity to deal with future demand.
- 5.10.2 In November 2009 a service upgrade of IT systems (SUPs) will commence in the Family Proceedings and County Courts in Greater Manchester. The implementation of SUPS will provide standard ways of working locally and improve efficiency in work processes. The Future Strategy Working Group are satisfied that if the proposal is to go ahead, the SUPs upgrade will have taken place at the Care Centre and will not impact on implementation.
- 5.10.3 Administrative arrangements and processes will be part of the work undertaken by the Programme Board. The board will ensure any work processes are both efficient and effective ensuring users will be provided a good standard of service.
- 5.10.4 The existing arrangements ensure that all family papers are collected and delivered by the Greater Manchester HMCS courier. Should the proposal be taken forward, the

Programme Board will consider the delivery of papers and be asked to explore the feasibility of electronic filing of documents.

- 5.10.5 In respect of EPO applications, the Programme Board will be asked to consider ensuring that effective arrangements remain in place to enable such applications to be dealt with locally while allowing for some flexibility to enable such applications to be dealt with at the Civil Justice Centre during the sitting day where this would be more expedient to safeguard the welfare interests of the child(ren).

5.11 Other Issues

- ◆ It is said that in some magistrates' courts parents and other lay parties to proceedings currently have access to other services such as advisers from local drug and alcohol teams and Together Women. Some respondents were concerned that these services will no longer be available to people.
- ◆ Access to the service for people with disabilities was raised as an issue for both the public and magistrates.
- ◆ There is concern that if the proposal was to go ahead there may be a tendency to appoint solicitors from Manchester City centre to act for children leaving experienced panel solicitors on the periphery of the city being excluded from acting for children in the majority of cases.

5.12 Future Strategy Working Group Response

- 5.12.1 It is acknowledged that one or two courts allow parties involved in family cases access to counselling and advice services normally available to individuals subject to criminal proceedings. It is unclear as to how or what benefit these services are at court especially when all local authorities offer such services which are accessible to parents and others involved in public law proceedings on an ongoing basis. These services will not be available at the Manchester Civil Justice Centre although parties will be able to access services from the Personal Support Unit which provides both practical and emotional support. There are currently discussions ongoing with the Law Society about the possibility of setting up a Family Duty Solicitor Scheme within the Manchester Civil Justice Centre.
- 5.12.2 Parties to public law proceedings who may never previously had to attend at any court are, if required to attend at the majority of Family Proceedings Courts in Greater Manchester, expected to sit in busy waiting areas in magistrates' courts alongside defendants appearing in criminal cases; they are provided with little or no privacy. Anecdotal evidence, which was confirmed by some respondents, suggests that parties to family proceedings feel 'stigmatised' when attending criminal courts. Parties attending the Manchester Civil Justice Centre are offered purpose built facilities for civil and family cases only which provides them with an appropriate and more conducive environment with privacy for them and their lawyers when required.
- 5.12.3 The Manchester Civil Justice Centre is fully DDA (Disability Discrimination Act) compliant. It is unclear as to what the concern is about access in the Civil Justice Centre for those with disabilities. If the proposal to deal with all public law cases in Manchester Civil Justice Centre is taken forward, the Programme Board will be asked, should it be required, to ensure that there are no issues for disabled people with special needs.

5.12.4 The Future Strategy Working Group acknowledges the concern expressed in relation to the allocation of work to practitioners outside of Manchester City Centre but do not consider that this should be an issue. It is the Cafcass children's guardians who are charged with the responsibility of appointing solicitors. It is only where no Cafcass children's guardian is allocated that the court appoints the solicitor for the child. If appointments have to be made by the court it will be expected that unless there are exceptional circumstances the solicitor appointed from the Children Panel will be one who practices in the area of the local authority which has brought the proceedings. The Future Strategy Working Group will ensure that the Programme Board addresses this issue.

6 Family Future Strategy Group Conclusion

- 6.1 Public law children's cases are among the most demanding and complex work which is undertaken in the family justice system with serious lifelong consequences for many of the families and children who are brought before the courts. It is challenging work for the professional judiciary who are required to sit a minimum of 50 days each year but most of whom do significantly more with the majority of Circuit Judges sitting in excess of 105 days. None of the respondents who objected to the proposal to centralise the public law work dealt with the fact that a very significant number of Family Panel Magistrates in Greater Manchester do not sit the minimum number of sittings expected of them by the Lord Chief Justice. Similarly, none of the respondents appears to have considered the limited number of days which a large number of legal advisers actually spend taking family courts. These are concerns which have to be addressed as competence, experience and expertise of magistrates and legal advisers are fundamental requirements when dealing with complex and serious child care proceedings.
- 6.2 Since the introduction of the Public Law Outline with its emphasis on early allocation to the correct level of tribunal, the judiciary at the Care Centre have become increasingly aware of the disparity in ability and experience of some Family Proceedings Court magistrates and legal advisers in ways which were not previously so apparent. The Working Group considers that these concerns will be addressed by centralising the work and will increase confidence in the work continuing to be done at Family Proceedings Court level.
- 6.3 Some respondents support the proposal that all public work should be heard at Manchester Civil Justice Centre on the basis for which it was advanced, namely to lead to a greater exposure, development of competence, confidence, experience and expertise. Other respondents were critical of the proposal; recurring themes of accessibility to the service and loss of access to local justice were the primary concerns.
- 6.4 There are understandable concerns about accessibility particularly for those parties to proceedings who lack the finances or personal qualities to organise themselves in order to get to Manchester City Centre from other parts of the Greater Manchester conurbation. However, currently more than 76% of care proceedings are transferred to the Care Centre in any event. Decisions about transfer of proceedings to the Care Centre are not based on consideration of the financial position of the parties. The volume of work retained in each of the Family Proceedings Courts at present is generally not sufficient to enable magistrates and legal advisers to demonstrate the levels of confidence and competence to deal effectively and fairly with complex work. Accessibility simply has to be balanced against quality.
- 6.5 Some respondents were concerned about maintaining their experience of Private Law work if they did not participate in a sitting pattern hearing Public Law cases in the CJC. It is important therefore to ensure a full understanding of the Greater Manchester Family justice strategy.
- 6.6 The Allocation and Transfer of Proceedings Order 2008 and the Practice Direction require more Private Law work to be heard at Family Proceedings Court level. There are a range of supporting mechanisms for that, including the proposed establishment of Local Family Judicial Leadership Groups, in which judicial members of FPCs and County courts can come together with relevant Court Managers, on a regular basis, to discuss allocation and workload. There are no proposals to centralise Private Law work: Family Proceedings Courts are regarded as an under-utilised resource, and

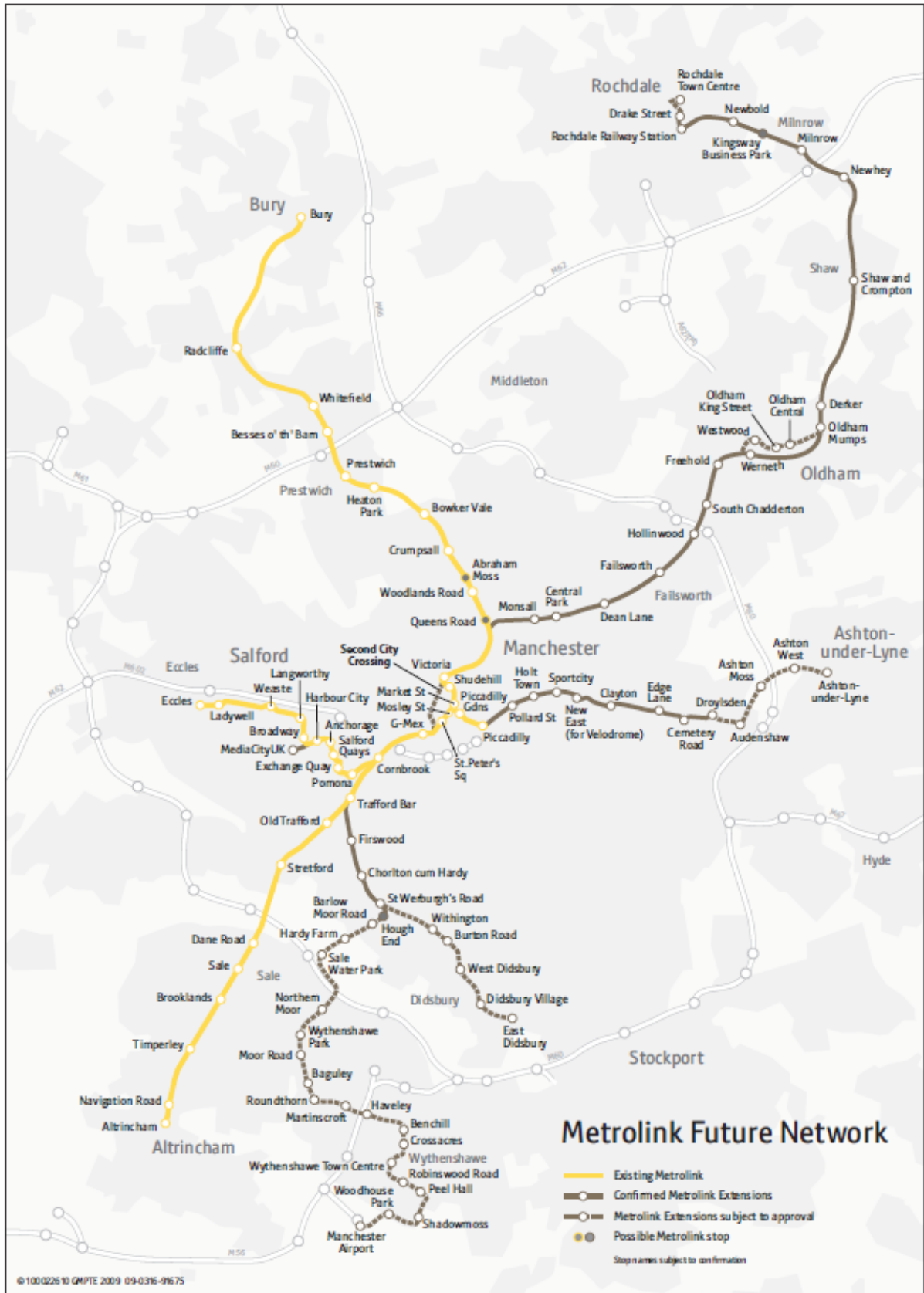
steps are being taken to address the balance of workload between the County Court and the Family Proceedings Courts. Moreover, the Private Law Programme is being reviewed nationally, interrupting a process which has already begun in Greater Manchester to roll out the Private Law Programme to each of the ten Family Proceedings Courts. Currently four Family Proceedings Courts list Private Law work in accordance with the programme. The expectation is that when the revised Private Law programme is introduced it will be rolled out to the remaining six Family Proceedings Courts in Greater Manchester.

- 6.7 The consultation process highlighted a number of key issues which, together with the Future Strategy Working Group response, are detailed in section 5 of this document. In addition, it appeared that a number of respondents erroneously considered that the proposal for centralisation of all public law work stemmed from a need to make effective and efficient use of the Civil Justice Centre. The reality of the situation is that the existence of the facilities within the Civil Justice Centre permits the possibility of servicing all public law work from it in an environment which creates the opportunity for an improved quality of service for children, families and professionals involved in care cases.
- 6.8 The process of consultation has allowed consideration of the issues raised and allowed the Future Strategy Working Group to consider these issues in when deciding to recommend whether the proposal should be taken forward.
- 6.9 In relation to the proposal to deal with all Emergency Protection Order applications in the Manchester Civil Justice Centre, the Future Strategy Working Group fully understand, acknowledge and accept the concerns of respondents and, as such, recommend this specific proposal should not be taken forward.
- 6.10 However, having considered the issues and concerns raised in the responses to the consultation, the Future Strategy Working Group consider that the potential benefits of dealing with all public law care cases centrally from the Civil Justice Centre far outweigh the negative concerns which have been raised. Accordingly, it recommends that the proposal to deal with all public law children's work in Manchester Civil Justice Centre should be taken forward.

7 Next Steps

- 7.1 The Working Group recommends that a Programme Board with appropriate governance arrangements should be set up with responsibility for implementing the proposals as set out within the consultation. The Working Group will ensure that all issues identified as part of the consultation process will be addressed and taken forward appropriately.

Annex A– Metrolink Future Network



Annex B– List of respondents

Adams	Shirley Meri	Magistrate, Manchester City Family Panel Chair
Amuzu	Mrs Barbara	Magistrate, Bolton Family Panel Chair
Azazakli	Jan	Magistrate, Bolton Family Panel
Baker	Michael Peter	Magistrate, Wigan Family Panel
Barr	Fiona	Legal Adviser, Salford Magistrates Court
Birch	Edmund	Magistrate, Bolton Family Panel Chairman
Blackburn	Pauline	Legal Adviser, Wigan & Leigh Magistrates Court
Boyle	Mr J	Magistrate, Bolton Family Panel
Brown	Norman	Legal Adviser, Wigan & Leigh Magistrates Court
Bryom	Mr Christopher Edward	Magistrate
Carter	Mrs V	Magistrate, Rochdale Family Panel Deputy Chairman
Clark	Mrs R	Magistrate, Bolton Family Panel
Clark	Peter	Legal Adviser, Wigan & Leigh Magistrates Court
Dell	Mike	Magistrate, Stockport Family Panel Chairman
Earnshaw	Lynda	Legal Adviser, Tameside Magistrates Court
Ennis	Barbara	Magistrate, Trafford Family Panel
Fairclough	District Judge	Manchester County Court District Judge Bench
Ferry	Margaret	Principal Solicitor, Trafford MBC
Finney	Barbara	Magistrate, Wigan and Leigh Magistrates Court
Foster	Jeremy	Magistrate, Bolton Family Panel
Frankl	Avril	Magistrate, Bury Magistrates Court
Fraser	Sheila Margaret	Magistrate, City of Salford Magistrates Court
Garner	Edward	Legal Adviser, Manchester City Magistrates Court
Gebbie	Sarah	Area Legal Training Manager, Greater Manchester Training Unit HMCS
Green	Kath	Solicitor Green & Co Solicitors

Hargreaves	Peter	Magistrate, Manchester Family Panel
Harrison	J E T	Magistrate, Bolton Family Panel Chairman
Hartley	Brian	Legal Adviser, Wigan & Leigh Magistrates Court
Hawkins	Diane	Magistrate, Bolton Magistrate Court
Hobson	Detective Sergeant Carol	Greater Manchester Police, Safeguarding and Vulnerable Persons Unit, Force HQ
Hodson	Nick	Solicitor, Stephenson Solicitors
Horrocks	John	Magistrate, Bolton Magistrates Court
Hughes	Rita	Legal Adviser, Wigan & Leigh Magistrates Court
Hutchinson	Sandra	Legal Adviser, Wigan & Leigh Magistrates Court
Jamal	Shabana	Service Manager, CAFCASS Manchester
Johnson	Michael Christopher	Magistrate, Salford Family Panel
Lewis-Coker	Juliana	Magistrate, Bolton Family Panel
Lord	Mathew	Solicitor, Pluck Andrew & Co Solicitors
Lowe	Peter	Legal Adviser, Wigan & Leigh Magistrates Court
Lyon	Barry	Chief Executive, Bolton District Citizens Advice Bureau
Mainprize	Pamela	Magistrate, Manchester City Magistrates Court
Marshall	N J	Magistrate, Manchester City Magistrates Court
McQuade	Patricia	Legal Adviser, City of Salford Magistrates Court
Mitchell	Karen	Deputy Justices Clerk Wigan & Leigh Magistrates Court
Munshi	Hafiza	Legal Adviser, Wigan & Leigh Magistrates Court
Newton	Her Honour Judge	Manchester County Court Family Circuit Judge Bench
Owen	Ceri	Senior Lawyer Bolton MBC Children and Adult Legal Services
Parker	Mr M P	Magistrate, Wigan and Leigh Magistrates Court
Platt	Margaret	Magistrate, Bolton Family Panel
Platt	Gillian P	Magistrate, Bolton Family Panel
Platts	Keith	Solicitor, Bromley Hyde & Robinson Solicitors Family

		Department
Priest	Linda	Magistrate
Rigby	Robert	Legal Adviser, Wigan and Leigh Family Proceedings Court Panel Committee
Robert	Derek	Principal Solicitor, Wigan Borough Council, Legal Department
Robertson	Alison	Principal Solicitor, Tameside MBC
Shaw	Kathryn	HMCS Administrative Staff, Salford Magistrates Court
Shepherd	Julie	Legal Adviser, Wigan & Leigh Magistrates Court
Smith	David	Magistrate, Salford Family Panel Chairman
Southern	Michelle	Magistrate, Bolton Magistrates Court
Stuttord	Barry	Magistrate, Rochdale Family Panel
Summers	Douglas	Magistrate, Bolton Family Panel
Summers	Pam	Volunteer, Bolton Victim Support
Thompson	JANYCE	Magistrate, Bolton Family Panel
Tighe	Peter J	Magistrate, Wigan and Leigh Family Proceedings Court Panel Committee
unknown		Not known
Vincent	Dave	PCS Branch Secretary, PCS MOJ Greater Manchester Branch Executive Committee
Wall	Helen	Magistrate, Bolton Family Panel
Westwood	Kathleen	Magistrate, Trafford Family Panel Chair
Wheeler	Joanne	Legal Adviser, Salford Magistrates
White	Val	Magistrate, Bolton Family Panel
Whittle	Sandra	Magistrate, Bolton Family Panel
Whitworth	P A	Magistrate, Stockport Family Panel
Wilde	Mrs G	Magistrate, Rochdale Family Panel (Chairman)
Williams	Louise	Legal Adviser, Manchester City Magistrates Court
Woodward	Helen	Magistrate, Bury Magistrates Court

Young	Fiona	Court Manager, Rochdale, Middleton & Heywood Magistrates Court
Young	Hazel	HMCS Administrative staff, City of Salford Magistrates Court

If you have any complaints or comments about the consultation process rather than about the topic covered by this paper, you should contact Barbara Stone, Consultation Co-ordinator on 0161 240 5953, or email her at barbara.stone@hmcourts-service.gsi.gov.uk

Alternatively, you may wish to write to the address below:

Barbara Stone
Civil and family Operations Office
HMCS
Manchester Civil Justice Centre
PO Box 4239
1 Bridge Street West
Manchester M60 1UR

If your complaints or comments refer to the topic covered by this paper rather than the consultation process, please direct them to the contact given under the **How to respond** section of this paper at page John Foley, Area Director, Manchester Civil Justice Centre, PO Box 4239, 1 Bridge Street West, Manchester M60 1UR

The Consultation Criteria

The six consultation criteria are as follows:

- ◆ Consult widely throughout the process, allowing a minimum of 12 weeks for written consultation at least once during the development of the policy.
- ◆ Be clear about what your proposals are, who may be affected, what questions are being asked and the timescale for responses.
- ◆ Ensure that your consultation is clear, concise and widely accessible.
- ◆ Give feedback regarding the responses received and how the consultation process influenced the policy.
- ◆ Monitor your department's effectiveness at consultation, including through the use of a designated consultation co-ordinator.
- ◆ Ensure your consultation follows better regulation best practice, including carrying out a Regulatory Impact Assessment if appropriate.

These criteria must be reproduced within all consultation documents.