



JUDICIARY OF
ENGLAND AND WALES

The Family Justice Modernisation Programme

First update from Mr Justice Ryder

January
2012

Update by Mr Justice Ryder

The Family Justice Review Panel published its interim findings in May and the final recommendations on 3rd November 2011. The Government is expected to publish its proposals in response at the end of January 2012. It is already apparent that the judiciary will be expected to consider among other issues: delay, a culture change in respect of the management of children cases and the use of experts, judicial continuity, case progression, compliance and enhanced inter disciplinary working and training.

It was clear from the time of the interim recommendations that David Norgrove had identified areas for reform which require a judicial lead and the President, accepting the force of the main findings of the Review, had already begun to address some of these by issuing guidance to the courts and professions¹.

It was also agreed that there is an immediate need for a judicial impetus. Accordingly, the Lord Chief Justice has approved the formation of a Family Business Authority as a committee of the HMCTS Board able to make decisions in relation to the family justice system and the President in consultation with the Lord Chief Justice has approved my appointment as Judge in Charge of the Modernisation of Family Justice to pull together all the strands of work that are required to drive the change required.

I am very pleased to have been asked to take up this challenge, and am extremely grateful to my President colleagues and the senior judiciary on the Northern Circuit for rallying to the call from the Lord Chief Justice and the President to support me in some of my other duties while the project is undertaken.

I worked with Mr Justice Munby (as he then was) and Mr Justice Coleridge to formulate the original Protocol for case management of public law cases in 2003/4 and was the architect of the original Private Law Programme in 2004. I subsequently devised the PLO and the Experts Practice Direction and led on its revision in the period up to April 2010. During the course of that work, I advised on the development of the 'Framework for a Family Court' and made many valuable contacts across Government and other parts of the family justice system. I am convinced that, for further change to be effective,

there will need to be a strong consensus and a commitment to a change in culture from all who contribute to the family justice system.

The timetable is challenging. My appointment lasts until the end of July 2012 and my aim is to have agreed proposals for the modernisation of family justice and to have a plan for their implementation by then.

The key workstreams that have been identified so far are as follows.

1. Family justice governance
2. Family management information (including performance and effectiveness)
3. Judicial and inter-disciplinary training and communication
4. Unified Family Court
5. Judicial leadership and management
6. Judicial deployment (including patterns and listing guidance)
7. Gatekeeping and allocation (including tracking and continuity)
8. Case management (including case progression, timetables and deadlines)
9. Use of experts and assessors
10. External services including court social work, mediation and ADR, contact services, safeguarding, testing, experts, representation and support in court.

You will see that the task is comprehensive. The work will develop on receipt of the Government's response to the Review. I am very keen to ensure that the views of all representative groups of the judiciary and the professions are taken into account. So far, I have spoken with representatives of nearly all of the groups listed below.

By Christmas I had spent about 90–100 hours talking and, most importantly, listening to them. There is a small but energetic support team in the President's Office and my clerk, Mr Brian Walker, has very kindly taken on the extra duties required to arrange the many meetings and conferences.

I have the strong support of my judicial colleagues on the FBA, HHJ Stephen Wildblood QC, District Judge Michael Walker and Melinda Hunt and Helen Perkins of the JCS. The role of the Family Justice Council is also crucial. Through their secretariat, the Council is providing expert inter-disciplinary advice on a range of issues in response to the Review.

It is my intention to develop a plan for common training and guidance materials which will be published by the President at the end of the exercise in which we are all engaged.

Interested and representative groups include:

- a. FPRC
- b. FJC
- c. Judicial College
- d. Each Supreme Court, CA family and FD judge

- e. The family judicial leadership judges and judicial representative groups, to include all judicial and magistracy associations by their family committees
- f. Practitioners groups to include the Law Society, FLBA, Resolution and ALC
- g. A range of other groups including LSC, LAs, Cafcass, CAFCASS CYMRU, NACCC, Mediators, MoJ, DfE and others

The work will be developed and shared at training and information opportunities provided by judicial and professional associations culminating in the President's Conference in May 2012.

Once the government response is published, the pace will accelerate. Each interested group will need to be listened to again and their various ideas on the workstreams will lead to the drafting of detailed guidance and plans. The proposals will also need to be considered with senior colleagues in other jurisdictions because of the inevitable impact they may have on the work of other courts. The Judicial Communications Office will ensure that key partners are aware of developments through the judicial intranet and a dedicated section of the Judicial Office website.

Mr Justice Ryder, Judge in Charge of the Modernisation of Family Justice

1. The President's Guidance in relation to split-hearings. May 2010

Bulletin 2 Case management decisions and appeals therefrom. December 2010

Bulletin 3 Listing and hearing care cases. April 2011

Bulletin 4 Allocation and continuity of case managers in the Family Proceedings Court. July 2011