



JUDICIARY OF
ENGLAND AND WALES

The Family Justice Modernisation Programme

Fifth update from Mr Justice Ryder

**June
2012**

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The last eight weeks since the Fourth Update have been a period of intense activity during which I have completed a programme of roadshows designed to listen to members of local Family Justice Councils and specialist interest groups. It is now time to reflect on some of the progress we have made, before I begin to commit my recommendations to paper. I am very grateful to all those who have organised conferences and seminars where I have been able to talk to practitioners from all disciplines and receive from you a significant volume of feedback and some very good ideas.

In early May the outline proposals that will form the basis of my recommendations were agreed in principle by the senior judiciary. Those proposals were then described to all family leadership and management judges and representatives of the judicial and magistracy associations at the President's Conference. The Conference programme was designed by representatives of the Designated Family Judges and we were able to bring together judges and magistrates from care centres with similar profiles and workloads into discussion groups so that they could compare notes and respond to the proposals. The outcome was a stimulating and exceptionally useful debate that has already contributed significantly to the way in which the proposals will be developed into recommendations.

The first of the Government's two Bills has now been laid before the House of Lords: the Crime and Courts Bill. When enacted, it will create the single Family Court which will exercise all family proceedings jurisdictions except those reserved to the High Court. It will also, separately, create a single County Court for England and Wales. Detailed work has been undertaken to identify the statutory instruments, rules and practice directions that will be required to implement the Family Court. The Family Procedure Rules Committee has embarked on an ambitious programme of scrutiny of up to 16 legislative instruments, beginning with rule and practice direction changes relating to experts. That process will continue for a year or more. The Government also announced in the Queen's Speech a second Bill, the Children and Families Bill, which will be made available in draft for pre-legislative scrutiny later this year before being laid before Parliament. It is anticipated that this Bill will contain provisions relating to the 26 week deadline for most care cases, the scrutiny of care plans and the proposal to abolish interim care

order renewals. The Bill will also contain shared parenting and child arrangement order provisions.

The design of the planning and implementation process for my recommendations has already begun. The President is to chair an implementation board that will include those who will be responsible for ensuring that the changes proposed are successful across England and Wales. The board will be supported by a project team supported by the Judicial Office so that appropriate public sector checks and balances can be brought to bear in the design and implementation of change. The team will support all aspects of the design and drafting of detailed materials and guidance and the timetable for implementation. The intention is to develop a blueprint for the long term leadership and management of the Family Court. There will also be arrangements to keep alive the valuable discussions that I have had over the last 6 months, for example with every judicial and magistracy association, the Association of Directors of Children's Services, Cafcass and the relevant Government departments and bodies.

Implementation will not be possible without the participation of practitioners in all aspects of what we propose. I would yet again like to express my thanks to the Law Society, the FLBA, Resolution, the ALC and the representatives of local Government solicitors who I have met through direct meetings and the excellent series of seminars organised by each of them and by the legal team at the London Borough of Islington. The detailed proposals they have made and the opportunities for discussion provided have been invaluable. I have asked the Faster Family Justice Group which includes all of these bodies and many more and which is sponsored by the Law Society to take forward detailed work with all professional groups and agencies to help identify the

good practice materials and guidance which we will publish towards the end of this year.

The Family Justice Council in its reformed role has been asked to identify priority work which will include guidance on the use of experts, self represented litigants and good practice in cases involving domestic abuse. The FJC will be able to examine all of the good practice materials recommended by others to ensure that there is a consistency in our policy considerations and that good practice is genuinely derived out of peer reviewed research wherever that is practicable. In addition, the FJC will help us to focus on a particular project to publish peer reviewed research for use in court.

Training plans are being developed with the Judicial College to provide leadership and management training for all leadership judges and to provide a comprehensive new programme of good practice training for all judges authorised to hear public law cases and family lead legal advisers/justices' clerks before the launch of the new court. I remain hopeful that training materials which will be developed in an inter-disciplinary context will be publically available for all to use.

HMCTS launched the new management information system for the judiciary on the 1st April – the Care Management System. The CMS provides the data

necessary to manage workloads to improve outcomes for children by reducing delay. I am very grateful to the HMCTS team who have designed the system in such a short period of time. The CMS had to be introduced quickly to ensure that a complete financial year's data was available from the trial and monthly amendments to the system are being made as we feel our way and develop a better understanding of how it can respond to our need to manage the judicial distribution of work. The CMS can only work if judges and practitioners alike accurately describe in the recitals to all orders the reasons for adjournments and for the use of experts as well as accurately describing the timetable for the child and the nature of each hearing. May I strongly urge each of you to read and use the guidance materials for the system which can be found at

<http://www.familylawweek.co.uk/site.aspx?i=ed96937>

Our work is already well under way. In care centres and FPCs around England and Wales the ideas that will bring about the change in culture that we all agree is necessary are beginning to find a voice. Agencies and courts are already changing their practices to ensure that time is well spent not wasted during proceedings, specific ideas are being developed and guidance drafted and there is a real emphasis on establishing the timetable for the child in every case.