

VIEW FROM THE PRESIDENT'S CHAMBERS (9)

The process of reform: where are we?

Sir James Munby, President of the Family Division

As I enter my second year as President I look back on a year when, between us, we have managed to achieve more than most of us had dared to hope, while looking forward to a year of what I am sure will be continuing challenges.

Last year the focus was very much on public law – the revised PLO – and setting up the new Family Court. The result of everyone's dedication and hard work has been a continuing reduction in the time that care cases are taking. Large numbers of the older cases have now been resolved. The backlog is reducing both in size and in age. This is a remarkable achievement in which we can all – every one of us in the family justice system – take pride.

This year we must continue all that good work. But the focus must now be on the necessary changes and reforms in relation to private law. The task here is, if anything, even greater and more challenging than all the changes associated with the revised PLO. Cobb J's report envisages fundamental changes in our whole approach to private law cases. A system based on the assumption that parties are represented must be radically re-designed to reflect the reality that parties will not be represented. And the concept of the court's continuing monitoring and review function following the substantive hearing – the legacy of ideas rooted in old wardship practice – will in large measure become a thing of the past. That there can be no room for complacency about our current practices is evident: the sceptics need look no further than McFarlane LJ's judgment in *Re A (A Child)* [2013] EWCA Civ 1104 and Ryder LJ's judgment in *Re C (A Child)* [2013] EWCA Civ 1412.

Much has already happened this year. On 14 January 2014 I issued a draft Revised Bundles Practice Direction for discussion and comment. The same day I handed down two judgments to which I need to draw attention: *Re E (A Child)* [2014] EWHC

6 (Fam), dealing with the practice which in future must be adopted in care cases involving families from other European countries, and *S v S* [2014] EWHC 7 (Fam), dealing with how the court should approach applications to enforce arbitral awards in financial remedy cases. On 16 January 2014 I issued the much-heralded Practice Guidance on Transparency in the Family Courts. Much more will no doubt be happening as the year progresses.