

Family Justice Review

An update

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July 2012

Background – Family Justice Review

- Commissioned under previous administration (by MoJ, DfE and Wales)
- Continued support under Coalition Government
- Chaired by David Norgrove, with panel of experts
- Multi-disciplinary and multi-agency secretariat
- Interim Report – published in March 2011
- Over 600 consultation responses, consultation meetings, twitter feeds, children's version etc...
- Final Report – published November 2011
- Government Response – published February 2012
- Legislation announced in Queen's Speech – May 2012

Key Issues Identified by the Family Justice Review

- Despite best efforts, delays that damage children
- Children don't understand processes or feel listened to
- Expensive, both for the individuals and the state
- Processes and people themselves under strain
- Tensions between individuals and between institutions
- Complicated and overlapping organisational structures
- Lack of clarity about responsibilities
- Lack of management information
- Little opportunity for mutual feedback and learning
- Lack of shared objectives and control
- In short, the family justice system is not a system.

Recommendations in three main areas

- Reforms to the family justice system
- Public law
- Private law

1. Reforms to the family justice system

- Ensuring the views of children and young people are heard, that they understand the decisions that affect them and they are appropriately supported
- Creation of a dedicated, managed Family Justice Service, initially establishing a Family Justice Board, and then a Family Justice Council
- Improved judicial leadership and a change in judicial culture, with judicial continuity and specialism
- A single family court with a single point of entry
- Effective workforce development for family justice professionals, with an agreed set of core skills and knowledge, improved training and feedback and case reviews

2. Public Law

- Courts should refocus on the core issue of whether the child is to live with parents, other family or friends, or be removed to the care of the local authority
 - The need for improved cooperation between courts and local authorities
 - Time limit for completion of care and supervision proceedings to be set at six months
 - Remove requirement for adoption panels to consider suitability for adoption of child whose case is before the court
 - Commissioning of expert witnesses should be at the direction of the judge, with regard to the impact of delay on the welfare of the child
 - The tandem model should be retained
 - Alternatives to conventional court proceedings should be explored

3. Private Law

- Importance of strengthening parents' understanding of parental responsibility, but through Parenting Agreements, not through legislation on parental rights for equal time
- Child arrangements order to setting out arrangements for upbringing of child
- Coherent process for dispute resolution – online information hub and helpline, and dispute resolution services
- Mediator as key practitioner
- Mediation Information and Assessment Meeting (MIAM) and Separated Parents Information Programme (SPIP) required for anyone wishing to make a court application
- Effectiveness of Family Mediation Council to be reviewed
- Divorce applications to be processed administratively unless divorce disputed

Government Response

- Accepted the majority of the 134 recommendations
- Small number of areas where recommendations not accepted:

a) *Shared parenting*

Government is considering legislative options to reinforce the principle that both parents should play as full a role as possible in their children's upbringing.

b) *Public law fees*

Government is maintaining current position that fees should be charged on the basis that they have been in place a number of years and Norgrove did not find evidence beyond that adduced by Francis Plowden.

c) *Senior judge approval of extensions beyond the six month time limit*

Potential to encroach on judicial independence and may create further delay. However, to ensure there is transparency about decisions to extend a case beyond the time limit, intention that the reasons for the extension will be recorded and stated in court.

Next Steps

- Family Justice Board up and running
- New multi-agency Local Family Justice Boards being formed
- Key legislative changes being introduced through forthcoming Children and Families Bill and Crime and Courts Bill – including
 - Speeding up cases - six month time limit, and changes to ICOs
 - Reducing unnecessary duplication - refocussing courts on issues relating to making a care order, adoption panel change
 - Requiring courts to have regard to impact of delay when commissioning expert evidence
 - Spreading best social work practice
 - Creating a single family court

Work with local authorities

- Better quality assessments submitted to time as part of the care application process
- Summary evidence better suited to needs of court
- Stronger and more systematic pre-proceedings work with families
- Closer collaboration between IROs and guardians
- Better dialogue and joint working between local authorities and judiciary
- A more assertive approach to performance monitoring and quality assurance

Some challenges

- Positive response to report, but many players to keep on board
- Ensuring the Family Justice Board can drive the agenda effectively, in the lead up to legislative change
- Building up trust and effective working relationships at local level
- Developing social work practice, particularly in relation to better quality assessments and court related skills, at a time of resource constraints and recruitment difficulties
- Ensuring change amongst the judiciary, whilst maintaining judicial independence