

THE FAMILY JUSTICE COUNCIL

Minutes of the meeting held on Sunday 25 March 2007 Woodside, Kenilworth, Warwickshire

Present:

The Rt. Hon. Sir Mark Potter (Chair)

The Rt Hon Lord Justice Thorpe (Deputy Chair)

The Honourable Mrs Justice Baron

Stephen Cobb QC – Family Bar

Bruce Clark - Department for Education & Skills

District Judge Nicholas Crichton

Katherine Gieve - Family Solicitor, Public Law

Dr Danya Glaser - Consultant Child and Adolescent Psychiatrist

Sheridan Greenland - HM Courts Service

Professor Carolyn Hamilton – Office of the Children’s Commissioner (England)

Dafydd Ifans – CAFCASS Cymru

Elaine Laken - Justices’ Clerk

Professor Judith Masson - Bristol University

District Judge Marilyn Mornington

Her Honour Judge Lesley Newton

Mark Ormerod – Department for Constitutional Affairs

Malcolm Richardson - Magistrate

Beverley Sayers - Family Mediator

Khatun Sapnara – Family Bar

Christine Smart – CAFCASS

Erika Maass – HM Courts Service – for item 4 on the agenda

Alex Clark - Secretary

Julian Owen - Secretariat

Jo Wilkinson - Secretariat

Apologies:

Paul Clark - Director of Children’s Services, LB Harrow

Jane Craig – Family Solicitor, Private law

Terry Grange – Association of Chief Police Officers

Mary MacLeod – National Family and Parenting Institute

Crispin Passmore – Legal Services Commission

Rosalyn Proops – Consultant Community Paediatrician

1. Announcements

The Children's Commissioner for England, Sir Albert Aynsley-Green, has now accepted the invitation to join the Council and will be represented by Professor Carolyn Hamilton.

A memorial service for Peter Clarke, the Children's Commissioner for Wales, will be held in Cardiff on Monday 26 March. District Judge Nicholas Crichton and Dafydd Evans from the Council will be attending.

2. Presentation from the CAF/CASS/FJC Young People's Group

The panel, which is based in Birkenhead, was set up in October 2005. Facilitated by the National Youth Advisory Service, it meets every two months and provides a forum for young people, who have experienced family breakdown, to express their views on the family justice system.

The presentation ranged from what the panel had done since its inception; the concerns which the panel had about their experiences of the family courts; and some interactive sessions with Council members about their views on current issues such as transparency and judges speaking to children.

The Council found the session to be extremely valuable and thought-provoking and expressed their warm thanks to the organisers and young people involved.

3. Minutes of the last meeting and matters arising.

The minutes were approved.

The Council had now submitted its response to the Chief Medical Officer's report and it is on the FJC website. The President informed the Council that the Family Division High Court Judges had fully supported the FJC's views.

4. Report on the responses to the Transparency consultation.

Erika Maass, HMCS, gave an oral report to the Council on the responses to the consultation document on transparency which was published on 22 March. Two documents had been produced: the full report and a digest aimed at young people.

245 responses had been received, the majority from the judiciary. In addition, HMCS had organised discussion forums, stakeholder events; and events for young people where some 200 had expressed their views. A broad analysis of the responses showed that there was some support for the media being able to attend family proceedings as of right; greater support for the media being able to attend subject to judicial discretion; and little support for a ban on the media. There was no agreement in respect of adoption proceedings but strong support for the anonymity of adults.

Following this consultation exercise, the Secretary of State will soon be putting forward proposals.

5. Legal Services Commission consultation

The Children in Safeguarding Committee of the Council will be considering the response to this further consultation, the closing date for the Fee Scheme being 16 April and for the *Funding Criteria for Child Care Proceedings*, 24 May. The initial view on the fee scheme was that there was a slightly more rational approach to the fixed fees proposals but of great concern was the new contract which solicitors were required to sign by 1 April, before the expiry of the consultation period. Given the nature of the contract, it is likely that many solicitors across the country will refuse to sign (and many have already so indicated) leading to an exodus of experienced family practitioners. This will undoubtedly have a prejudicial effect on the interests of children and other parties.

6. Local Family Justice Councils: conference arrangements.

The conference arrangements for the following day were discussed and approved. All but three Local Councils will be sending representatives.

7. Business Plan 2007

The Business Plan had been redrafted following discussions at the last FJC meeting and discussed at Committee meetings. The Council approved the Business Plan, subject to asking Committee Chairs to identify any final amendments, before submission to Ministers.

8. Funding for the Young Peoples Panel

It was agreed that the matter would be discussed at the July meeting of the FJC.

9. Enhancing the participation of children and young people in family proceedings.

The paper produced by the Voice of the Child Committee suggesting greater opportunities for children to see judges, was put to the Council. The Council endorsed the broad thrust of the paper. It was agreed that the first step would be to give judges “permission” and encouragement to see children. It was, however, still too early to talk in terms of a Practice Direction though this would be desirable in the longer term. There is considerably more work to be done on issues of training for judges, how children would be asked whether they wished to see the judge and how the views of parents should be taken into account. The merits of piloting a scheme, possibly in Wales, were discussed. The Voice of the Child Committee will consider the paper further at their meeting in April and a further version will be submitted to the Council at its meeting in July.

10. Dartington Conference 2007

Following discussions at the last FJC meeting, the Dartington Committee looked again at the proposed programme. The revised title, *Integrating Diversity*, had been agreed and the Dartington committee had proposed that a small subcommittee would meet each evening at the conference to produce draft resolutions which would be put to the conference at the final plenary session. The papers would, as in the past, be published by Jordans and a summary could be put on the FJC website.

11. Oral summaries from the Committees

Executive

At its last meeting on 5 March, the Committee signed off the Council's response to the Chief Medical Officer's (CMO) report. It also approved the agenda for the LFJC conference on 26 March and, subject to some amendments, agreed that the 2007-08 Business Plan could go to the full Council for approval.

Experts

At its last meeting in February, the Committee had looked in detail at the draft response to the CMO's report and their amendments were taken into account in the final version.

Children in Families

The Committee is looking at mediation in private law cases and the issues raised by the provision of contact activities contained in the Children and Adoption Act 2006

Children in Safeguarding Proceedings

The Committee will be preparing the response to the Legal Services Commission's (LSC) further consultation (see item 5 above) and had met representatives of the LSC. Other matters being considered include a review of residential assessments and a seminar on concurrent planning.

Diversity Committee

The Committee had assisted the Civil and Family Justice Directorate with an audit of their Diversity Impact Assessments in two policy areas: the Unified Family Court and Care Proceedings. It had provided advice on the Forced Marriages Bill and will be looking at the quality and accreditation of interpreters used in family proceedings.

Money and Property Committee

The Committee has met with the Law Commission to make the case for including a review of the law governing the financial aspects of divorce in the next law reform programme. The Law Commission indicated that it would consider the proposal.

Voice of the Child Committee

See item 9 above.

12. Any other business

Beverley Sayers emphasised that the comments made in item 5 about the position of solicitors following the new legal aid contracts, applied equally to mediation.

Family Justice Council Secretariat