



## THE FAMILY JUSTICE COUNCIL

Minutes of the meeting held on Monday 29<sup>th</sup> January 2007  
Clive House, Petty France, London SW1

### Present:

The Rt. Hon. Sir Mark Potter (Chair)

The Honourable Mrs Justice Baron  
Bruce Clark - Department for Education & Skills  
Paul Clark - Director of Children's Services, LB Harrow  
Jane Craig - Family Solicitor, Private Law  
District Judge Nicholas Crichton  
Katherine Gieve - Family Solicitor, Public Law  
Dr Danya Glaser - Consultant Child and Adolescent Psychiatrist  
Terry Grange - ACPO  
Sheridan Greenland - HM Courts Service  
Elaine Laken - Justices' Clerk  
Professor Judith Masson - Bristol University  
Her Honour Judge Lesley Newton  
Amy Nicholas - Department of Health  
Crispin Passmore - Legal Services Commission  
Dr Rosalyn Proops - Consultant Community Paediatrician  
Malcolm Richardson - Magistrate  
Beverley Sayers - Family Mediator  
Christine Smart - CAFCASS

Alex Clark - Secretary  
Julian Owen - Secretariat  
Jo Wilkinson - Secretariat  
Daphna Wilson - Secretariat

Carolyn Hamilton - Director of the Children's Legal Centre

### Apologies:

The Rt. Hon. Lord Justice Thorpe (Deputy Chair)  
District Judge Marilyn Mornington  
Stephen Cobb QC - Family Bar  
Khatun Sapnara - Family Bar  
Mark Ormerod - Department for Constitutional Affairs  
Dafydd Ifans - Cymru CAFCASS

## **1. Announcements**

The Chair welcomed all members to the meeting and in particular Beverley Sayers, the newly appointed Mediator member who was attending her first meeting.

Professor Carolyn Hamilton attended on behalf of the Children's Commissioner for England.

Members of the council had been informed of the sad news of the death of Peter Clarke, the Children's Commissioner for Wales, after a year long battle with cancer. The Chair had written on behalf of the Council to his family to express condolences.

Professor Corinne May-Chahal had resigned from the Council. The Chair had written to her on behalf of the Council thanking her for all her work. With the agreement of the Lord Chancellor the Council has now proposed that Professor May-Chahal be replaced on the Council by the Children's Commissioner for England, Sir Albert Aynsley-Green as an ex-officio member. The Chair has written to ask him to join the Council and it is hoped that he will accept this invitation.

## **2. Minutes of the last meeting and matters arising:**

The minutes of the last meeting were agreed.

### **Matters arising**

- 1 Domestic violence in consent contact order cases – Following formal submission of the Family Justice Council's report, which is now available on the Council's website, the President wishes to act on the recommendation in the report that a practice direction should be issued, which will reflect best practice. The President is aware of the need to ensure consistency with the work being done to bring together family procedures by the Family Procedure Rules Committee and by those involved with the review of the Private Law Programme and has put in place arrangements for liaison with those involved in these projects. The work on the Practice Direction is in its initial stages. Any points that members wished to raise on the Practice Direction would be welcomed by the President's office.
- 2 Australian Family Relationship Centres - At the July 2006 meeting of Council Professor Patrick Parkinson spoke about the new systems being implemented in Australia. 15 Family Relationship Centres opened in July 2006 and a further 50 are due to be established during 2007 and 2008. There is as yet no feedback on how they are operating. Professor Rosemary Hunter, now at Kent University, carried out a larger evaluation on the children's cases pilot programme which was the subject of Dr Jenn McIntosh's presentation at the joint CAFCASS/FJC Seminar in July 2006 and has published an article Australian Journal of Family Law. The Council will continue to take an interest in the Australian system.

- 3 Transparency of the Family Courts A response from the department is expected before the end of March which will probably take the form of a short document setting out the proposed way ahead.
- 4 Family Procedure Rules Consultation. The Council's response to this consultation, and to all others, is available on the Council's website.  
The Chair recorded his thanks to all those council members who had contributed to responses and informed the Council that he and Professor Judith Masson had both given evidence to the Select Committee on the Carter Review.

### **3. Chief Medical Officer's Report**

Dr Rosalyn Proops said that in general there had been a very positive reaction to this report. It represents a significant and radical re-think on the way that expert medical evidence is to be dealt with, proposing that it will be recognised as a public service and part of the national health service provision. There are practical problems which will have to be solved including how teams are to be set up, how they are to be paid and how the work is to be commissioned. It is likely that a long time line will be required to make this happen.

The Family Justice Council will submit a response to the consultation which will broadly be in support of the recommendations in the Chief Medical Officer's report. A draft of that response will be put to the Experts Committee when it meets on the 12<sup>th</sup> February and will then be circulated for approval via e-mail. Subject to the agreement of the Department to an extension of time to respond, it will be submitted following the meetings of the Executive Committee and the Children in Safeguarding Committee to be held on 5<sup>th</sup> March.

Paul Clark expressed concern that social workers were not mentioned in the report. Amy Nicholas agreed that social work assessments were vital but the remit of the report was focused specifically on the supply and quality of expert medical evidence. However the Department of Health was in contact with the Association of Directors of Children's Services. The Council had previously produced a paper on the role of social workers and children's guardians and a paper had also been published by Dr. David Jones concerning assessments. Both these papers will be circulated to members. Revised guidance to Local Authorities on the Children Act 1989 is being worked on by the DfES and it is hoped that the result of this guidance will be that applications without core assessments will be very rare. The Family Justice Council will be well placed to identify particular issues. Draft consultation guidance may be issued at end of February.

### **4. Local Family Justice Councils**

Agenda for the Conference 26<sup>th</sup> March - the Council considered the draft programme for the agenda. The purpose of the conference was both to enthuse and to set examples for the Local Family Justice Councils. It was agreed that Professor Masson and Dr Proops would liaise with Julian Owen to produce a final version of the programme. It was also agreed that each LFJC should be asked to submit a brief report before the conference, which could be produced as a hand-out, which would show what activities the LFJCs were undertaking. It was agreed that Dr Glaser and Her Honour Judge Newton would liaise with Julian Owen over the particular headings.

Communication with Local Family Justice Councils - Julian Owen reported that although some of the LFJCs are doing very good work there are others about which very little is known or which fail to communicate with the Secretariat on a regular basis or at all. The Council agreed that LFJCs should have business plans which support that of the National FJC unless there are particularly important local issues which need to take precedence. Regular reports are needed from the LFJCs as to their progress and their events. In order to improve links with local councils and ensure they are working effectively Lord Justice Thorpe has written to the chairs of those councils from whom the Secretariat has heard little or nothing. Family Division Liaison Judges will be asked to report back to the Secretariat on issues arising from their attendance at LFJC meetings or events. Members of the Secretariat will be arranging a programme of three visits a month to local family justice councils with the aim of seeing all of them during 2007 and local justice councils will be asked to provide a report of their activities which will be included in the next Family Justice Council Annual Report. Guidance on the content and format will be supplied by the Secretariat. The Secretariat intends to arrange a one day event for LFJC administrators to provide them with the opportunity to exchange ideas about ways of working and to make clear what is expected of them. The programme of sponsorship of local councils by members of the national council will be carried forward.

## **5. Business Plan 2007-08**

Alex Clark presented the draft framework for the business plan which was intended to stimulate discussion and begin the process of formulating the Council's plan for the following year. The business plan will be an agenda item for each committee at its next meeting. Following discussion, it was agreed that it would be helpful to have indications of outputs and outcomes on the business plan and that there should be over-arching key issues for the Council rather than specific committee led issues. The objectives for the Council could then be reconsidered in the light of these issues.

## **6. Dartington 2007**

A further draft programme for the conference was circulated to members. There were still concerns about the high number of proposed papers and at the lack of a clear conceptual framework. More clarity was required about the desired outcomes of the conference. Members felt that the programme for the last day, in particular, needed a re-think. Doubts were expressed about the desirability and efficacy of 'action planning' sessions at the close of conferences. Three or four draft resolutions should be developed prior to the conference and then reviewed at the close. A new title of "Integrating Diversity" was suggested and agreed. A further meeting of the Dartington Working Group would be convened to take forward these points.

## **7. CAFCASS duty guardian scheme**

Christine Smart explained that where necessary a duty guardian would be allocated for the purpose of early intervention in the first few days of a case. This should be done only in

emergencies and the scheme is not intended to be a way forward in the long term. There is particular pressure in the London area which has led to its use but in other parts of the country the practitioner appointed remains the guardian throughout the case. The main concern about the scheme is in those cases where there is early intervention through a duty guardian but a full time guardian is not then immediately appointed and no-one holds real responsibility for the case. CAFCASS's national standards are currently out for consultation and the closing date for this is 28<sup>th</sup> February. Christine invited members of the Council to comment. The plan is to implement these standards fully by 2009 and it is the expectation and aspiration of CAFCASS that there will be one practitioner holding responsibility in every case by this time.

## **9. Brief Oral Summaries from committees and group chairs**

### Executive

The committee had signed off the final version of the report on consent contact orders and the consultation papers on Separate Representation of Children and the Family Procedure Rules. Its most recent meeting had been attended by representatives from the Legal Services Commission to discuss the proposals following Lord Carter's report.

### Children in Families

Following the completion of the report on domestic violence in consent contact cases the committee would be taking forward the recommendations in that report and would be considering best practice and research in private law cases.

### Children in Safeguarding Proceedings

The continuing review of legal aid remains a priority. There are plans to host a seminar on concurrent planning later in the year and guidance on the issues of linked placement and care proceedings have now been sent out to LFJCs. The committee will work with the Experts committee on the Council's response to the CMO's report.

### Diversity

The committee had contributed to the consultation paper on legal aid, the report on domestic violence in contact cases and the transparency consultation. It had responded to requests for assistance in respect of the forced marriage bill currently going through Parliament. It continues to work on a glossary for interpreters and is assisting the DCA with its diversity audit of policies. It has also been involved in the planning for the Dartington conference.

### Domestic Violence

Work was continuing on the production of the DVD. The group had also had a substantial input into the report on domestic violence in consent contact cases and would continue to be involved in taking forward the recommendations of the report and addressing interdisciplinary training.

## Experts

The response to the CMO's report is the main current area for the committee. It is also looking at residential assessments, the use of video links for expert evidence and issues around the safeguarding of sensitive images, in liaison with the Family Criminal Interface committee.

## Money and Property

Responses had been submitted to the consultation on Child Support and the Law Commission consultation on cohabitation and the Family Procedure Rules consultation. It would be continuing to feed in to the restructuring of Child Support and looking at the issues of pre nuptial contracts and the dissemination of good practice for financial dispute resolution.

## Voice of the Child

The committee had responded to the consultation on separate representation of children and was taking forward more detailed work on the question of judges speaking to children in the course of proceedings to include proposed guidance.

## **9. Dates for 2008**

The proposed dates for meetings in 2008 were agreed as:

Monday 28 January 2008

Sunday 20 April/Monday 21 April (LFJC conference; Venue to be agreed)

Monday 7<sup>th</sup> July 2008

Monday 20<sup>th</sup> October 2008

## **10. Any other business**

There was no other business.

Secretariat  
February 2007