



Medical experts in family law cases

The current situation

The Bearing Good Witness report was commissioned by the Department of Health in 2004 following concerns about the number and quality of medical expert witnesses in family cases. Confidence in expert witnesses has been shaken by a number of recent high profile cases in the criminal courts; and there is a suggestion that publicity following these cases is deterring doctors from acting as expert witnesses in the family courts.

Families often have to wait for months before a suitable expert witness can be found to report on the facts in their case. The scarcity of experts in some areas, and in some specialisms, is a serious problem and a cause of substantial delay.

The Department of Health's final report was published in 2007. It proposes a number of measures to increase the numbers of medical practitioners prepared to act as expert witnesses, and ensure that they are properly trained and supported.

The proposals include:

- Setting up of teams of medical professionals within local NHS organisations to provide medical expertise to courts. These teams, which might be multi disciplinary, could be offered mentoring, supervision and peer review of their performance
- Setting up a National Knowledge Service to support the medical expert witness programme
- Developing a new resource for the family courts examining workforce and training issues

At present the costs of medical experts are shared between the Legal Services Commission and local authorities. A further new proposal is that the NHS should be reimbursed for taking on this work, with the necessary funds coming from legal aid sources, and covered by contracts with local NHS providers.



The Family Justice Council's view...

The Family Justice Council endorses the recommendations of the Bearing Good Witness report strongly and supports their implementation. The Council believes that basing teams of medical experts within the NHS will increase the number of medical experts available to give evidence in the family courts and will provide the reassurance needed on quality control and proper standards.

Improving the supply and quality of medical expert evidence given in family proceedings is a top priority for the family justice system if delays are to be reduced. The current system where solicitors and the Legal Services Commission contract directly with individual doctors to provide expert medical reports is not working and reform is required urgently.

Family Justice Council spokespeople

Rosalyn Proops is a Consultant Paediatrician in Norwich and Senior Lecturer at the Medical School of the University of East Anglia. Rosalyn has extensive experience of child protection work. She is the Child Protection Officer for the Royal College of Paediatrics and Child Health.



Stephen Cobb is a barrister specialising in family law and was appointed Queen's Counsel in 2003. The majority of his practice involves children in public (care cases) and private law (contact cases) proceedings.



The Family Justice Council

The Family Justice Council is an interdisciplinary body made up of leading professionals working in the family justice system. The Council includes expertise from the legal (judges, barristers, solicitors), medical (a paediatrician and a child psychiatrist) and social care (CAFCASS representation and a Director of Children's Services) worlds.



The Council aims to promote better and quicker outcomes for families and children who use the family justice system.

The Family Justice Council sits between government and the courts of the family justice system. It speaks with both the experience of its members, all eminent in their fields, and an understanding of the realities of the system on the ground as perceived by its 39 Local Family Justice Councils.

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