

Openness in family courts

The current situation

Family courts are currently closed to the public and media, and are attended only by relevant witnesses, the parties involved in the dispute and their representatives, which can include lawyers and Cafcass officers (who look after the interests of children involved in family proceedings).



The Ministry of Justice published two consultations in 2006 and 2007 looking at the issue of openness in family courts, after calls from various quarters for an increase in transparency in family proceedings, ranging from suggestions that judgments should be made public, to requests that family courts be entirely open to the public and the media. The second of the two public consultations closed in October 2007. The Government has indicated that it will make an announcement in the autumn of 2008 on what it intends to do.

The Family Justice Council's view...

The Family Justice Council endorses the principle of greater transparency and accountability in the family courts and specifically supports:

- judicially controlled access to the courts by family members, persons requested to attend by the parties, and the media
- the publication of judgments in family cases, appropriately anonymised, to improve public understanding of how, and why, the family courts make the difficult decisions that the law requires of them
- the provision of age-appropriate summaries of judicial decisions to children who have been the subject of decisions in family courts as soon as possible after the conclusion of their case; and the availability of full transcripts of judgments to them on reaching adulthood

However, the Council consulted a panel of children and young people as part of its response to the Government's first consultation on transparency in 2006. The children were clear that they did not want personal information which could identify them in their communities and schools placed in the public domain. This is why the Council believes that judges should have the power to exclude the media where it is in the interests of the child, and their right to privacy, to do so.

The Council set out its position on this issue in detailed responses to the Government consultations. The Council urges Government to act on this issue as a matter of priority.

Family Justice Council spokespeople

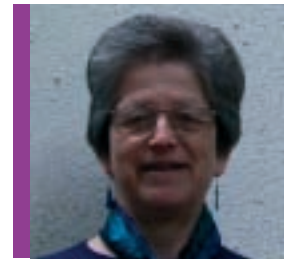
Stephen Cobb QC is a barrister specialising in family law and was appointed Queen's Counsel in 2003. The majority of his practice involves children in public (care cases) and private law (contact cases) proceedings.



Paul Clark has been the Corporate Director of Children's Services at the London Borough of Harrow since 2003. Previously he was a Deputy Director of Children's Services at Hertfordshire County Council. His career has included working for the Social Services Inspectorate and the Chief Inspector of Prisons. He qualified as a social worker in Northamptonshire where he managed local teams, family centres and children's homes. He was part of the recovery team seconded to manage Cleveland Social Services and implement the recommendations of the Butler-Sloss Inquiry.



Danya Glaser has recently retired as a Consultant Child and Adolescent Psychiatrist at Great Ormond Street Children's Hospital. Dr Glaser has taught and written widely on all aspects of child maltreatment including sexual and emotional abuse. She is a leading authority on the identification and treatment of emotional abuse and attachment disorders and has provided expert evidence in Children Act 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 with an understanding of the realities of the system on the ground as perceived by its network of 39 Local Family Justice Councils.

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