

THE FAMILY JUSTICE COUNCIL

**Minutes of the meeting held on Monday 23 October 2006
Clive House, Petty France, London SW1**

Present:-

The Right Honourable Sir Mark Potter (Chair)
The Right Honourable Lord Justice Thorpe (Deputy Chair)

The Honourable Mrs Justice Baron
Paul Clark – Director of Children’s Services, LB Harrow
Stephen Cobb QC – Family Bar
Jane Craig – Family Solicitor, Private Law
Katherine Gieve – Family Solicitor, Public law
Dr Danya Glaser – Consultant Child and Adolescent Psychiatrist
Terry Grange - ACPO
Elaine Laken – Justices’ Clerk
Judith Masson – Bristol University
Corinne May-Chahal – Lancaster University
District Judge Marilyn Mornington
Her Honour Judge Lesley Newton
Amy Nicholas – Department of Health
Mark Ormerod – HM Courts Service/Department for Constitutional Affairs
Crispin Passmore – Legal Services Commission
Dr Rosalyn Proops – Consultant Community Paediatrician
Christine Smart - CAFCASS

Alex Clark – Secretary
Julian Owen – Secretariat
Joanna Wilkinson – Secretariat
Daphna Wilson - Secretariat

Guest:-

Carolyn Hamilton attended as an observer for the Commissioner for Children

Apologies:-

Bruce Clark – Department for Education & Skills
Peter Clarke – Children’s Commissioner for Wales
District Judge Nicholas Crichton
Sheridan Greenland – HM Courts Service
Mary McLeod – National Family and Parenting Institute
Malcolm Richardson – Magistrate
Khatun Sapnara – Family Bar

Announcements

The Chair welcomed all members to the meeting and, in particular,

- Alex Clark who had taken over from William Arnold as Secretary
- Crispin Passmore who had replaced Angela Lake-Carroll as the representative from the Legal Services Commission. The Chair wished to record the Council's thanks for Angela's very valuable contribution to its work
- Christine Smart who had replaced Jane Booth as the CAFCASS representative. Again, the Council was very grateful for Jane's contribution
- Carolyn Hamilton who was attending as an observer for the Commissioner for Children

Minutes of the last meeting and matters arising

The minutes were agreed save for an addition to item 10 of the minutes on the work of the Domestic Violence Working Group.

“The Working Group was heavily involved in the work being done on Lord Justice Wall's report and the preparation of the FJC report.

A training package for the use of LFJCs on domestic violence was in the process of preparation and would be circulated shortly”

The only matter arising was that the Council's Annual Report was published in September and had been well received. The Chair thanked all those involved in its preparation

Domestic violence in consent contact order cases

Jane Craig introduced the report on behalf of the Children in Families Committee. There was a wide-ranging discussion and comment on the detail of the draft as well as on some of the wider issues. In addition, it was agreed that there should be a strategy for taking forward the recommendations in the report.

Chief Medical Officer's Report

Amy Nicolas assured the Council that the long-awaited report from the CMO on the use of experts in the family courts would be published this month. A copy of the report would be sent to each member of the Council and there would be ample time for responses to the consultation.

Transparency of the Family Courts

There was general agreement that the FJC's response to the DCA consultation paper on transparency should be in narrative form with the 'tick-box' form annexed to it. There was also a need to reflect more fully the collective view of the Transparency Committee as well as the feedback from the CAFCASS/FJC Young People's Panel.

Because of the tight deadline, DCA would be asked to give a further 21 days for the FJC to respond. The final report could be agreed out of Committee.

Local Family Justice Councils

Restructuring of HMCS Areas

Julian Owen spoke to his paper on responses he had received from LFJCs on the implications for them of the restructuring of HM Courts Service Areas. Out of 41 LFJCs, 9 had responded. Generally speaking, LFJCs in the new larger rural Areas, often consisting of 3 counties, thought that a merged LFJC would be too big with members having to travel great distances and often with few problems in common. In discussion, it was agreed that there were no overriding political or administrative reasons for change and that, subject to Mark Ormerod sounding out the views of the Regions, LFJCs would be free to merge or not as they thought best. However, it was essential that the FJC was informed of each LFJC's intention and that in the light of any changes the proposed sponsorship arrangements discussed at the Bath conference in April would be implemented.

Family Procedure Rules Consultation

The HMCS Consultation Paper issued in August had been circulated to members. The paper covered a range of topics and it was important to have input from the FJC. After discussion, a number of members agreed to co-ordinate responses under the following headings:

- Part 1 – Modernisation of Language and Process – Alex Clark
- Part 2 - Matrimonial and Civil Partnership Proceedings – Lesley Newton
- Part 3 – Financial Proceedings – Florence Baron
- Part 4 – Children's Proceedings – Katherine Gieve
- Part 5 – Family Proceedings in Magistrates' Courts – Elaine Laken
- Part 6 – Appeals – Elaine Laken

Dartington 2007

A draft programme for the conference was circulated to members. The main issue at the moment was to identify speakers for the topics and members were asked to send any suggestions to the secretariat. It was also agreed that it would be helpful to draft, at the start of the conference, 6 or 7 propositions which could then be discussed and published at the end of the conference. It was also suggested that there should be fewer papers in each session to avoid overloading.

Oral Summaries from Committee Chairs

Executive

The Committee had considered and signed off the two recent consultation papers: Legal Services Commission on legal aid in family proceedings and the care review. It had also agreed the response to the NAO questionnaire on mediation in private law proceedings.

Children in Safeguarding Proceedings

The main topics considered by the Committee had been the FJC's response to the LSC consultation paper on legal aid in family proceedings and the Childcare Review. The Committee would now be turning its attention to the consultation paper on separate representation for children

Diversity

The Committee had contributed towards the FJC's response to the recent consultation papers. Specifically, it was looking into the quality and accreditation of interpreters in family proceedings and will be giving assistance to HMCS with their diversity audit of policy.

Domestic Violence

The Working Group had recently been involved in the following:

- A response to the Home Office consultation paper on domestic homicides
- The development and preparation of a DVD, *The Law on your Side*, which would provide much-needed advice to victims of domestic violence. The FJC, among others, had agreed to contribute towards the production costs and the Chair was currently seeking further funding sources
- The domestic violence training pack had been distributed to Local Councils to assist them with any events they may be running
- Circulation of the new ACPO/DCA protocol on information sharing.

Experts

The main topic which the Committee will need to address is the forthcoming Chief Medical Officer's report.

Money and Property

The Committee had been heavily involved in the FJC's response to the Law Commission's consultation document on cohabitants and would now be turning its attention to the proposed changes to the Family Procedure Rules

Voice of the Child

The Committee had held its first meeting on 12 October with the main focus being on the consultation paper on transparency. Arrangements were also being made for children to do a presentation to the FJC in March next year.

Any other business

- a) Lesley Newton raised the problems encountered with the “e-diary” listing programme which is causing considerable problems in certain courts. It emerged that the Judicial IT Group was looking at the problem and it was agreed that matter should be left to them

- b) Judith Masson raised the issue of funding for Contact Centres. This arises from a letter sent by the NCH to the Avon & Somerset LFJC indicating that after 3 years of DfES funding, there would now be no grant beyond March 2007. In discussion with Joe Farrell (DfES, representing Bruce Clark for this agenda item) the Council expressed considerable concern over the implications of inadequate government funding for contact centres, particularly since alternative sources were extremely limited. It was agreed that the Council would write to the DfES, and to Welsh Assembly ministers, expressing their concerns.

Dates of next meetings:

29 January 2007

25/26 March 2007 – conference

9 July 2007

22 October 2007

Secretariat
Family Justice Council
October 2006