



THE FAMILY JUSTICE COUNCIL

Minutes of the meeting held on Monday 28th January 2008

Present

The Right Honourable Sir Mark Potter (Chair)

The Right Honourable Sir Mathew Thorpe (Deputy Chair)

Bruce Clark – Department for Children, Schools and Families

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

Martyn Cook – Family Magistrate

Stephen Cobb QC – Family Bar

Jane Craig – Family Solicitor, Private Law

District Judge Nicholas Crichton

Katherine Gieve- Family Solicitor, Public Law

Dr. Danya Glaser, - Consultant Child and Adolescent Psychiatrist

Sheridan Greenland OBE - HMCS

Teresa Hallett- Cafcass Cymru

Sara Kovach-Clark – Legal Services Commission

Elaine Laken – Clerk to the Justices, Bath & Wansdyke and North Avon

Bridget Lindley – Consumer Focus, Parent Interest

Professor Judith Masson – Bristol University

District Judge Marilyn Mornington

Her Honour Judge Lesley Newton

Dr. Rosalyn Proops – Consultant Community Paediatrician

Beverley Sayers – Family Mediator

Christine Smart – Cafcass

Apologies

Simon Bennett (Department of Health)

The Honourable Mr. Justice Bodey

Sally Field – HMCS

Carolyn Hamilton – Office of the Children’s Commissioner for England

Jeremy Oppenheim – Home Office

Khatun Sapnara – Family Bar

Guests

Bridget Prentice MP (Parliamentary Under-Secretary of State, Ministry of Justice)

Craig Robb (Private Secretary to the Minister)

Emma Chippendale

Yvonne Kee

Charles Kenyon

J. Ritchie McGladdery

Eileen Pereira

David Ryden

Harry Sear

Barbara Stone

Penny Williams

Malek Wan Daud

1. Announcements

The Chair welcomed everyone to the meeting, which was not only the first meeting of the Family Justice Council of 2008, but also the first open meeting the Council had held. He explained that the FJC was established in July 2004 as an outcome of the responses to the then Lord Chancellor's Department's 2002 consultation on "Promoting Inter Agency Working in the Family Justice System". It is a non statutory, advisory Non Departmental Public Body, sponsored by the Ministry of Justice. Its primary role is to promote an inter disciplinary approach to family justice, and through consultation and research, to monitor how effectively the system, both as a whole and through its component parts delivers the service, the public, and the Government, need and to advise on reforms necessary for continuous improvement.

He welcomed all the guests who had come to observe the meeting and additionally the new members of the Council attending for the first time: Bridget Lindley and Martyn Cook who had joined the Council following the resignations of Mary Macleod and Malcolm Richardson.

2. Minutes of the last meeting and matters arising

The only matters arising which were not on the agenda were:

- The Parents' Forum – a report on this event held on the 9th October 2007 was now on the Council's website, and copies had been distributed to members and guests. Bridget Lindley will now consider how best to take the recommendations and suggestions from the event forward.

- The Annual Report had now been published. This is available in electronic form on the website and copies had been distributed to members. Further copies are available from the Secretariat.
- The Council will be considering a response to the paper presented by the Legal Services Commission at the last meeting.

3. Discussion with the Minister:

Bridget Prentice thanked the Council for inviting her to attend. The Minister stressed that she was keen to hear what the Council had to say and was particularly pleased to be at the open meeting. The big question for the family law system is how it affects the individuals who use it and how it can be made better for them, particularly children who are its most important users. She mentioned a number of achievements: the Forced Marriage (Civil Protection) Act 2007, the work that has been done in relation to Domestic Violence and the introduction of the Public Law Outline which will provide a more streamlined process and help to demystify proceedings. All these directly affect people's everyday lives. She invited the Council to give its view on priorities for the future.

District Judge Marilyn Mornington raised reports concerning the working of the Domestic Violence Crime and Victims Act 2004, Section 1 of which has made the breach of an order under section 42 of the Family Law Act a criminal offence. Concerns have been expressed that rates of arrest and charges are very low because the police are not taking action and because victims do not wish to see their partners criminalised. There is evidence that there has been a drop in applications for injunctions. There is concern that this may be lessening the protection for victims, rather than increasing it. District Judge Mornington had recently raised this in evidence to the Home Affairs Select Committee. The Council intended to send out a questionnaire to the local family justice councils to try and get some clear information from across the Country. The Minister responded that it would be worrying if this anecdotal evidence were borne out by statistics, and stressed that consistency was needed through all areas. The change in legislation was intended to improve things and if that was not the effect, the situation must be righted. The law can only work if it is implemented. Elaine Laken commented that the implementation had been rushed and this may have had an effect on the way the Act was being used. On behalf of HMCS, Sheridan Greenland said that the department was currently in the process of drafting Frequently Asked Questions on the Act and had commissioned some research into its working, which would assist in getting robust data on the functioning of the new legislation.

District Judge Mornington indicated that the FJC had strongly supported the progress of the Forced Marriage Act and she suggested that work in this area would benefit from the establishment of an inter ministerial group, similar to that which had been set up for Domestic Violence. The Minister said that there were frequent informal meetings and that her opposite number in the Home Office, Vernon Coaker, was very committed to the work being done in this area.

4. Public Law Fees

Considerable concern was expressed on behalf of the Council by District Judge Crichton and others about the proposals contained in the current consultation on Public Law Family Fees, which propose a big increase in the fees paid by local authorities for issuing proceedings to recover the full cost of the service. There appeared to have been no consultation on the principle of full cost recovery in the family courts. District Judge Crichton considered that this increase in fees would result in a significant disincentive for local authorities to take proceedings in a timely manner. He said that although money was being moved to local government, he considered it naïve to suggest that, unless this money was ring fenced, it would necessarily be used for the purpose. The Minister said that the principle of full cost recovery was not a new one. The money had not been ring fenced as local authorities as a group did not want this, but money had gone into their budgets to cover the costs. Sheridan Greenland drew attention to the details on page 8 of the consultation document which showed that the HMCS budget had been set £35m lower than it would otherwise have been to reflect the planned fee increases. There have been discussions with DCSF on this and it may be that local authorities need to be made more aware of the transfer. The Minister did not accept the argument that it would make authorities less willing to bring cases to court. No-one would wish to see another case such as that of Victoria Climbié and it would be failing in their statutory duty for local authorities to fail to bring cases on financial grounds.

Paul Clark said that fuller research on the true costs of protecting children was needed. The court fee was a fraction of the cost of the care proceedings system.

No local authority would want not to issue proceedings but they may be encouraged to wait before doing so which could lead to unintended consequences. There was a strong feeling among members that towards the end of budget years applications do slow down and that this was a common phenomenon.

Bridget Lindley said that any slow down in taking proceedings could affect parents who would then not have access to legal help.

Dr. Glaser said that she was concerned that it would not be the most serious cases that would not be brought to court, but the lower level of cases, such as neglect which don't get the same level of attention.

Members of the Council wondered if the scheme could at least be piloted and monitored before introduction. Sir Mark Potter emphasised that the Public Law Outline was independent of this consultation and had always been intended to stand alone. Sheridan Greenland said that the Civil and Family Courts were funded through fees and this was treasury policy. However, she emphasised that the results of the consultation would be considered and although the money had already been set aside, this was solely due to the demands of the Comprehensive Spending Review which had to apply from April. The Minister emphasised that this was a true consultation and that the results would be carefully considered. She said that the relevance to the Public Law Outline was that if cases were being conducted well early on, fees would be lower, as cases would resolve more quickly.

(At this stage, the Minister left to attend another meeting. The Council thanked her for her attendance).

Discussion on the issue of the fees continued after the Minister's departure. Katherine Gieve felt that there was a misunderstanding concerning the efficiency of cases. The stages in the PLO will depend on the individual case, not solely on the efficiency of the local authority. She said that there should be an incentive for courts to provide a better service and cited the fact that in some courts papers were regularly mislaid or bundles did not get to judges and this affected the case. Inefficiency should perhaps be reflected in court fees. Judith Masson expressed concern that there could be as much as a 20% error in the numbers of applications being recorded. Figures for the different types of cases being brought by local authorities were also not available. There were large fluctuations for local authorities year to year, making allocation of money a problem. Case management varied considerably from court to court with cases in some courts averagely taking 38 weeks and in another 71 weeks. Although precise figures allocated to individual local authorities remain to be confirmed it may be that there will be a short fall in the sums.

The Council will submit a response to the consultation, which will be drafted by the Children in Safeguarding Proceedings Committee.

5. Update on "Bearing Good Witness".

In the absence of Simon Bennett from the Department of Health, Sara Kovach-Clark from the LSC said that following a meeting to be held on the 29th January, investigative work will start on the LSC acting as the commissioning body for reports. A statement will be issued following that meeting and pilots will then be established. Lord Justice Thorpe said that the Programme Board had only met once. Simon Bennett will provide a written update for the Council and he will be asked to share the results of a scoping exercise that has been undertaken. The written update is circulated with these minutes.

6. Enhancing the participation of Children and Young People

District Judge Crichton reported that the two papers had been redrafted following discussion at the last Council meeting, and the titles amended to emphasise that they were intended to begin the debate. Subject to a few minor alterations the two documents were agreed and approved. It was hoped that the article to be submitted to Family Law would also be reproduced elsewhere to ensure as wide dissemination as possible. The main document will be placed on the FJC website and circulated for comment to the local FJCs.

7. The Young People's Group

The Council considered the options paper produced by Christine Smart. Very good work had been done with the NYAS group, but it was agreed that there

was now a need to diversify. The Council agreed that the Voice of the Child Group should decide on the appropriate way forward and make its recommendation to the Council at its next meeting. Teresa Hallett would also be asked to contribute to their discussion.

8. Local Family Justice Councils

Julian Owen said that he was preparing a paper which would be circulated to the Council, giving his assessment of the current position and suggestions for the future. He hoped that this paper would provide a basis for topics at the conference in April. The Council expressed its appreciation to Julian for the work he had done with the local Family Justice Councils and wished him well for his retirement.

9. Projects

The Council discussed possible projects that it might consider funding in the current financial year. The Council agreed to finance the costs of translation of booklets which provide simple explanations for parents involved in both public and private law proceedings into a number of languages, which would be available on the Council's website. It also agreed that there should be funding for publicity and launch events when the Practice Direction on Consent Orders in cases where domestic violence is an issue is published. The Domestic Violence group would also be seeking some modest funding to look at the need for services for perpetrator programmes.

10. Reports from Committees.

Executive

The Executive Committee has continued to undertake its management role, approving consultation documents and drafting agendas. It agreed at its last meeting in December to a formal response from the FJC to the LSC paper submitted to the last FJC meeting.

Children in Families

The Committee continues with work around the report on contact, looking particularly at how best to publicise the recommendations and get the message out. It will also be considering the recently published report by Liz Trinder on the longer-term outcomes of in court conciliation and together with the Children in Safeguarding committee, contributing to the FJC response to the paper given at the last Council meeting by the LSC.

Children in Safeguarding Proceedings

The legal aid position remains a priority. The Committee is also looking at delays in care planning and the impact of placement orders, residential assessments, the implementation of the PLO and the revised Guidance for Local Authorities. The Concurrent Planning Seminar held on the 8th November was well attended and received excellent feedback. A report is on the website. The Committee will be leading the Council's response to the consultation on the Public Law Family Fees.

Diversity

The Committee continues to be involved with the implementation of the Forced Marriage (Civil Protection) Act 2007 and will be leading the Council's response to the consultation on the Relevant Third Party. It is also working with Sue McGaw on diversity aspects of Parenting Assessments. A glossary for interpreters is now on the FJC website and the booklets for parents with learning disabilities involved in public and private law proceedings are currently being translated into a number of languages. The Committee also intends to convene a forum of various community groups to discuss their needs and identify their priorities.

Domestic Violence

The group has recently reformed with new membership. It held its first meeting on the 17th January in Doncaster and identified the impact of the amendments to Part IV of the Family Law Act 1996 contained in the Domestic Violence Crime and Victims Act 2004, the impact of legal aid reforms on DV cases, victims of Domestic Violence who have no recourse to public funds and the availability of Perpetrator programmes as being some of the main issues it will wish to consider. The Council has submitted written evidence to the Home Affairs Select Committee on Domestic Violence and the Chair gave oral evidence to the Select Committee.

Education and Training

The Committee is continuing to gather information for a mapping exercise to show the interdisciplinary education and training of new entrants to relevant professional disciplines within the family justice system. Once the mapping exercise is complete the Committee will look at how it can engage with those professional bodies that would benefit from a more interdisciplinary approach.

Experts

The Committee has continued liaison with the FPRC on the new Family Procedure Rules, including updating the questions in letters of instructions to Experts. The Chair represents the FJC on the implementation board for the CMO's report. It has also been working on a new system for the administration

of experts undertaking mini pupillages with High Court Judges and PRFD District Judges and on the protection of Experts in family proceedings.

Money and Property

The Committee is monitoring the progress of the Child Maintenance Bill through parliament and continues to lobby the Law Commission to consider reform of s25 of the MCA 1973. It will also be working on good practice guidelines for Financial Dispute Resolution Appointments.

Voice of the Child

The Committee has continued to work on its paper on Enhancing the Participation of Children and Young People in Proceedings, and hopes to publish this soon to stimulate discussion upon how best to involve children and young people who want to be involved in court proceedings relating to them. The Committee has also continued to engage with a group of young people in Birkenhead, seeking their views on these and other issues. The Committee is exploring ways of expanding its capacity to engage with similar groups.

11. Questions from Observers

The observers were offered the option to submit questions to the Council

Harry Sear – Chairman of Luton and South Beds family panel. Member of Bedfordshire Local FJC

- Regional and central FJC has voiced and continues to voice grave concerns over new arrangements for public Family Law Legal Aid since the beginning of 2007 but there is no sign of government taking any notice of us. Are FJCs being used as part of the 'consultation culture'? In that the Government of the day wishes to be seen to be listening to everyone but behind its public face intends to take notice of no-one....Unless of course votes are involved.

Penny Williams – Central Herts Family Panel

- The Hertfordshire Family Proceedings Court User Group is concerned at the effect on the running of courts of fixed fees that a reducing number of legal firms are prepared to do legally aided work. What is the view of the Family Justice Council? Does it have evidence of similar impacts elsewhere?

Answer

The FJC has made detailed submissions on the proposed changes in legal aid in family proceedings ('Response to the legal services commission consultation on funding Children's care cases' (May 2007) and 'Response of the Council to the legal services commission further consultation paper on the Family fee schemes' (April 2007) both available on the FJC Website). We were pleased that the Government did appear to respond to some of the submissions made by the FJC and other interested

organisations (such as the Association of Lawyers for Children, Resolution and the FLBA) as to the structure of the fixed fees and they made changes which provide a more rational scheme (In care cases by, for example, taking advocacy out of the scheme; a more sensible balancing of the fixed fees for children and adults; an earlier escape of twice the fixed fee not three times the fixed fee; in private law proceedings by delaying the introduction of fixed fees for representation at court).

However, it is of grave concern to the FJC that the Government does not accept our main concern namely that the present level of remuneration, overall, is insufficient to retain practitioners. Although strong representations have been made by the FJC and a number of other organisations in this respect, these appear to have had no impact on the Government. The FJC is acutely aware of the impact of the failure to fund the scheme adequately – experienced solicitors are leaving legal aid work and those who remain are often not able to provide services for all those who need them. Those of us who work in the family justice system know how complicated and important the cases are and how cases are taken forward more quickly and sensibly with experienced practitioners. It is a source of great concern to us, as to others, that we have not so far succeeded in getting this message across.

The impact of the fixed fees will not be felt by most firms until later in the year because cases are paid for in arrears. It is likely that we will see more and more firms leaving family legal aid or delegating work to less experienced fee earners. Firms which continue to do legal aid work may reduce the amount of legal aid work they do.

It is important that those who are involved in working in the family justice system should continue to inform the LSC and the Government how serious the problem is. It is vital that the local FJCs and other organisations continue to provide information (supported, where possible, by evidence) about the impact on local services of the recent changes.

On behalf of the LSC Sara Kovach-Clark said that there had been no significant withdrawal from Legal Aid and that the commission had let an additional 89 contracts in public law. She said that the Commission did not dismiss concerns that had been expressed and they continued to monitor events.

The Family Justice Council tries to balance its work between responding to consultations that are issued with other work that it wants to take forward.

It is intended that a formal questionnaire will be sent out to Local Family Justice Councils, shortly, to gather the necessary information.

Question:

J. Ritchie McGladdery

- Would the Council consider recommending that the Courts appoint a designated family friend who, acting under the Direction of the Court, could bring about much faster and much better contact interaction within the separated family?

Answer

Whilst the question specifically refers to appointing a 'designated family friend' the Council would propose that the most appropriate route for a court to take would be either to 'recommend' or 'refer' to mediation. A recommendation retains the voluntary nature of mediation; however, there is practice and research in place in England regarding the use of direct referrals to mediation from court in entrenched cases. The research indicates that referral to mediation, either voluntarily or under the direction of the court, could, in many cases, bring about the desired 'faster and much better contact interaction within the separated family'. In particular, in entrenched cases, mediation can help to address the polarisation that is often in place once cases have reached court.

A mediator has the appropriate training, skills and experience that would be needed in such cases along side the considerable quality assurance brought about by the LSC funding of eligible cases. A mediator would be more appropriate than a 'designated family friend' and as such the FJC would, alongside the move towards alternative dispute resolution, support such a development. A Family Assistance Order could also go some way to meeting this need.

Mr. McGladdery added that the increase in divorce would create an extra workload and that there were good people who could help. He felt that sometimes having a neutral person could be detrimental and that there were good people available who could help to resolve problems. District Judge Mornington said that without family members many more children would be in care and she often used their assistance to facilitate contact.

- Would the Council consider instituting a system for monitoring on a regular basis the progress and the longer term outcomes of significant cases?

Answer:

The FJC is in favour of research on the operation of the Family Justice System to establish who uses the family courts, in what circumstances and for what purposes and the ways in which the FJS is operating. Some of this research should include follow up studies as have been undertaken for the MOJ by Liz Trinder on in court conciliation and by Carol Smart on contact disputes. It would not favour the focusing on a narrow group of significant cases, because this would not produce generalisable data, because there is unlikely to be agreement about which cases are significant, and because it would be difficult to undertake research ethically if those involved in specific cases were required to participate.

Question:

Eileen Pereira – Surrey Family Mediation Service. Member of the Surrey Local FJC

Family mediation has been recommended by the National Audit Office (report March 2007) as an alternative to court resolution of family matters, being less stressful and costly both to the clients and the public purse than litigation. What is the National Family Justice Council doing to promote family mediation, which a separate process to that offered by CAF/CASS, in that it is a privileged process to those, going through our family courts?

Answer:

The Family Justice Council has been taking various actions in relation to mediation in the last year. Some of the action is directly related to mediation and some action is alongside those other members of the Family Justice Council who are there to help in the resolution of family matters.

The Chair has made a number of speeches which have referred to mediation, including at the Cambridge Resolution AGM and at the Family Mediators Association AGM.

Beverley Sayers is very keen to keep the awareness of the benefits of the mediation to the forefront of the National Family Justice Council. She is continuing to press for a rule change to help ensure that privately funded litigants are given the same opportunity as publicly funded litigants to consider mediation prior to issue of proceedings, although there is limited progress to date. It is hoped that the FJC will take a lead in such a change, although there needs to be clarity. Sarah Kovach-Clarke said that figures from the LSC showed that in approximately 60% of cases, clients who go to an assessment meeting for suitability for mediation, go on to have mediation. Of those who attend mediation, 66% reach a successful conclusion. The figure is the same whether only one party or both parties are publicly funded.

If all cases had the same opportunities for mediation, there would need to be a big investment of resources which would need to be justified by a high take up of mediation.

Following concerns expressed by mediators and solicitors to the proposed LSC fee scheme, the Family Justice Council issued a press release expressing its concern regarding the potential adverse impact on mediators and solicitors, and consequently in the access to justice. This has been followed up with an ongoing active dialogue with the LSC in Family Justice Council meetings, to develop a clearer understanding of the impact of the new proposals. The LSC have now commenced a collection of data exercise regarding the impact of the new fee scheme.

Eileen Pereira informed the Council that locally mediation schemes had been very successful with 50% of cases agreeing to meet, 70% agreeing to mediation and 80% success rate.

Question:

Charles Kenyon – Families need Fathers

- **Finding of Fact** is becoming common procedure in private law cases. Judges find and annotate specific allegations 'Proved' on a balance of probabilities. One of the factors that FNF observes in judgments is that some Judges declare that they are influenced in their making of a Finding by the attitude and deportment of the parents in court and whilst giving evidence. What training do Judges receive in such an assessment and is it reasonable, in these circumstances, that a finding of 'Proved' be annotated against allegations that are not being pursued by either Police or Social Services?"

Answer

There are cases where it is important for the court to determine contested issues of fact before it can analyse the welfare interests of the child in accordance with the checklist at s1(3) of the Children Act 1989. Those issues of fact frequently include allegations of violence between parents or of sexual, physical or emotional abuse of a child.

The burden of proving an allegation in family cases lies upon the person who makes it. The standard of proof is the balance of probabilities, as set out in the decision of the House of Lords in *Re H and R* [1996] 1 FLR 80

It is by no means unusual for the family courts to make findings upon allegations which are not pursued by the CPS. In criminal cases the higher standard of proof "beyond reasonable doubt" applies. The welfare of a child is not central to any decision by the CPS as to whether a criminal case is brought. Local Authority Social Service Departments are only likely to "pursue" allegations of harm to child in the context of care proceedings. The decision to initiate such proceedings is dependent upon a range of circumstances, of which the credibility of any allegations against a parent is only one factor

The JSB does provide some limited training in the assessments of witnesses. More importantly, the overwhelming majority of family judges have years of experience as practising lawyers in the courts, evaluating the evidence of witnesses on a day to day basis.

The attitude and deportment of parents may, as matter of common sense, influence a judge's assessment of their credibility and perhaps their parenting capacity. Obvious examples would include the mother who turns up in a drunken condition or the father who shouts obscene abuse to his former partner during the hearing. Where such factors have been influential, the judgment should explain why.

Sometimes in a more complex case, the allegations may, for convenience, be set out in a schedule. Nevertheless it would not be sufficient for a court to simply annotate allegations as "proved". Within the FPC there is a requirement for the tribunal to give written reasons for the decision. In the County or High Court the judge is required to deliver a judgment which explains his reasoning process and conclusions. There are processes of appeal if those requirements are not followed.

Mr. Kenyon added that problems can arise when papers are sent to experts for reports without details of the steps by which the allegation was dealt with, preventing experts from taking the matter further. Such papers can cause distress and stigma. There needed to be clarity about the steps taken to look at the allegation. Dr. Glaser said that this was an important point and suggested it should be considered by the Experts Committee of the FJC.

Bearing Good Witness – Note for the Family Justice Council

Background

The Department of Health is committed to reforming the delivery of medical expert evidence in family law cases. The Chief medical Officer's report, *Bearing Good Witness: Proposals for reforming the delivery of medical expert evidence in family law cases*, was launched for a period of public consultation in October 2006. Publication of the report followed some very high profile court cases that called into question the quality of medical expert witnesses in certain types of cases

The report made 16 proposals, the key proposal being that the NHS should establish teams of specialist doctors and other professionals within local NHS organisations, to improve the quality of the medical expert witness service by introducing mentoring, supervision and peer review. The report proposed that each team should be led by a named medical consultant, who would take responsibility for co-ordinating the initial response to instructions and for ensuring that the appropriate health expert was available to contribute to the report and give oral evidence as required. The report also proposed that a commissioning body should be identified to strategically plan and directly commission expert medical witnesses for Public Law Children Act Proceedings.

A summary of responses to the public consultation was published by the Department of Health in July 2007.

Update

The Legal Services Commission (LSC) has now committed in principle to working with the Department of Health to pilot the proposed new commissioning arrangements. A number of existing teams of expert witnesses in NHS Trusts have also indicated their interest in participating in the piloting process.

The LSC has identified an experienced project manager to manage the pilot and a programme of pre-pilot design/feasibility work has recently got underway. This will include the development of model specifications/contracts, standards for accrediting teams and arrangements for evaluating the new commissioning model, and is likely

to take three months to complete. A timetable setting out the full piloting process will be published as soon as possible as this work progresses.

The LSC intends to establish a multi-agency Project Board to oversee the pilot, which will include representation from DH, CAFCASS, Ministry of Justice and the Department of Children Schools and Families. It is anticipated that Board will also include representatives from the relevant NHS Trusts and local authorities involved in the pilot. The Board will be in addition to the Bearing Good Witness Programme Board, Chaired by Dr Simon Tanner, which will be reconvened shortly.

It is not the intention of either the Department of Health or the LSC to create a monopoly for NHS service providers, and the effectiveness of any directly commissioned expert witness services will be measured on their ability to deliver high quality, timely and cost effective expert advice.

In parallel to the development of the *Bearing Good Witness* piloting arrangements, the Department of Health is working on the development of a knowledge, skills and competences framework for medical expert witnesses and an analysis of existing training providers and their ability to deliver training against the requirements of the framework. The intention is to provide the framework and analysis to both existing and prospective teams to enable them to contract directly with providers as appropriate.

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