



THE FAMILY JUSTICE COUNCIL

Minutes of the meeting held on Monday 24 July 2006

1. Announcements

The Chair welcomed all members to the meeting and in particular, the Council's guest, Patrick Parkinson, the Chair of the Australian Family Law Council.

2. Developments in Family Law in Australia

Patrick Parkinson gave the Council an overview of the recent changes in private family law in Australia. The changes were some of the most radical seen for 30 years and were largely driven by a strong political will for reform. He cited 4 main developments that had taken place:

- The new legislation in private law with a greater focus on shared parenting.
- New procedures, since 1 July, for dealing with issues of contact and residence. The objective was to try and reduce the corrosive effect on children of the adversarial court process by engaging with parents and children at an early stage in the proceedings. The Children's Cases Project had been the subject of the seminar held on 21 July and jointly sponsored by CAFCASS and the FJC.
- The establishment of Family Relationship Centres around the country. These were effectively drop-in centres where people could get advice and as necessary be channelled towards the appropriate agency.
- The integration of the child support system into the social security system.

In discussion, it was agreed that a note of the 21 July seminar would be circulated to Local Councils. Moreover, the Australian reforms would be worth further consideration by the Children in Families Committee and the subject would be tabled for the FJC's January meeting.

3. Minutes of the last meeting and matters arising

The minutes were agreed. The only matter arising was the venue for the FJC / LFJC conference next March which the Council agreed would be held at Woodside, Kenilworth.

4. Progress on the implementation of the Spencer report

The Minister had now approved the FJC's 2006-07 Business Plan. All the other recommendations of the report were being implemented, except for Recommendation 7 on revised Key Performance Indicators, where DCA / HMCS had not yet made any further progress.

5. Terms of reference for the FJC and the Executive Committee

The Council formally agreed the revised terms of reference for the Council and Executive Committee as set out below:-

Family Justice Council

The Family Justice Council aims to facilitate the delivery of better and quicker outcomes for families and children who use the family justice system. The Council's 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 Government and the public need and to advise on reforms necessary for continuous improvement. In particular it will:

- Promote improved interdisciplinary working across the family justice system through inclusive discussion, communication and co-ordination between all agencies, including by way of seminars and conferences as appropriate;
- Identify and disseminate best practice throughout the family justice system by facilitating a mutual exchange of information between local family justice councils and the national Council, including information on local initiatives, and by identifying priorities for, and encouraging the conduct of, research;
- Provide guidance and direction to achieve consistency of practice throughout the family justice system and submit proposals for new practice directions where appropriate;
- Provide advice and make recommendations to Government on changes to legislation, practice and procedure, which will improve the workings of the family justice system.

Executive Committee

Remit: Drafting policy and developing Council projects and expenditure for approval by the full Family Justice Council; and carrying forward such projects in accordance with the full Council's instructions. In particular the Executive will:

1. Receive financial and progress reports from the Secretariat and from Committee chairs
2. Make recommendations on budgets and work strands

3. Make recommendations on suggestions for council expenditure
4. Advise the secretariat on general management questions.

The Council's terms of reference would now be submitted to Ministers for approval.

6. Annual Report 2005-06

Subject to updating some of the content and to any further comments from Council members (to be received by 27 July), the report was now ready for a first proof. The aim was to publish the report in September.

The Council thanked William Arnold for all the hard work he had put in to its production.

7. FJC response to Child Care Review

Rosalyn Proops introduced the paper produced by the Children in Safeguarding Proceedings Committee. This was very much a draft work in progress, but comments from members would be welcome. The next meeting of the Committee would be on 18 September when there would be further discussions on the content and structure of the Council's response. As part of the effort to cascade work to the lower courts and to revise the Public Law protocol, the Committee would also address the following issues, which the President had specifically asked to be covered:

- A firm view on the pre-proceedings checklist
- The date of the first case management conference
- How and to what extent experts should be used at the first Case Management hearings and who they should be.

The recommendations of the Carter review were linked to this and the lawyer members of the Committee would be holding a meeting in August in order to consider its recommendations, as it was important that the Council should respond. There were a number of issues raised by the review, not least the fear that many firms would cease to do publicly funded work, which would have a disproportionate effect on BME firms and BME representation. There was also huge concern that rural areas would be badly affected with advice deserts being created.

The review would be discussed more fully at the meeting of the Children in Safeguarding Proceedings Committee on 18 September in order that a response to the Carter report and to the linked LSC consultation on Fees could be submitted on behalf of the Council by the 12th October.

The question of the process and problems encountered by local authorities in twin track planning following the recent change in legislation was also being considered by the committee and a letter drafted by HHJ Newton would be sent to Local Family Justice Councils to canvass their views.

8. Domestic violence in consent contact order cases

On behalf of the Children in Families committee, Judith Masson presented the draft of the Council's Report to the President, following the recommendation in Lord Justice Wall's report. There had been meetings with a number of organisations to look at the questions surrounding this issue, including what level of risk existed and how this could be assessed. There was other work going on around risk assessment by CAFCASS and ACPO among others which could feed into this work.

At the request of the committee, Resolution had agreed to circulate their members with a questionnaire asking for their experiences and views on consent orders in contact cases where domestic violence was an issue. The return date for these was 1 September. The committee would meet again on 11 September to consider these matters and a further report would be given to the next Council meeting in October.

9. Transparency of Family Courts

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Following publication on 11 July of the DCA / HMCS consultation paper on transparency, the first meeting of the Transparency Committee had been arranged for 19 September. The Diversity committee would also be considering the issues which were particular to minority groups. A report would be submitted to the main Council meeting in October.

The issues for the Council to consider would include:

- Whether it agreed with the analysis contained in the consultation paper;
- Whether the comparisons with British Columbia and New Zealand were appropriate;
- What the costs were likely to be;
- Whether there were particular Children's Rights issues.

Various council members agreed to produce contributions for the draft response by Monday 11 September for the Transparency Committee to consider at its meeting on 19 September. These were as follows:

HHJ Newton: Transcripts of judgments

Professor Judith Masson: Available research

Dr Glaser: General Introductory Work

10. Oral summaries from committee and group chairs

Dartington Conference

It was agreed that diversity would be the main theme of the 2007 conference and that the Dartington Committee would draw up a draft programme.

Money and Property Committee

The key areas which the committee would be considering during the year were:

- A response to the review of the Child Support Agency;
- Pre – nuptial agreements as canvassed in the ‘Supporting Families’ Consultation Paper;
- Responding to the Law Commission paper on the rights of cohabitantes.

Voice of the Child

Although there had been no meeting of the committee, the interim chair had visited a National Youth Advocacy Service (NYAS) event for young people in Birkenhead which had been very instructive. He would be making a further visit on 16 September. The interim chair had written an article for Family Law, which he would circulate to members, who were asked to send any points they would like him to raise at the September NYAS meeting to the secretariat by 8 September.

Diversity

The committee had held two meetings so far, although the first meeting was more of an exploratory session designed to give the members an insight into the work of the Council and to determine priorities. In the event, the main tasks of the committee would be:

- To examine the quality of interpreters and to make recommendations as to accreditation;
- To respond to the Carter Review and the implications of the recommendations on BME representation;
- To examine the use of psychometric testing;
- To feed into the agenda for the Dartington conference.

11. Any Other Business

It was agreed that, in view of the proposed restructuring of the HMCS area boundaries, Local Councils would be canvassed by the Secretariat as to whether the LFJC structure should be similarly changed. There might well be different solutions needed in different areas depending on local circumstances. A report would be produced for the October Council meeting.

The Chair congratulated the secretariat for the excellent work they had done in the comparatively short time they had been in post.

