

The Family Justice Review was commissioned to review the family justice system in England and Wales with a set of guiding principles (set out on page 190) against which the system should be assessed. The first principle was that "the interests of the child should be paramount in any decision affecting them."

The review was asked to make recommendations for reform in two core areas: the promotion of informed settlement and agreement; and management of the family justice system

The interim report was published at the end of March 2011 and the final report is expected to be published in the autumn of 2011.

"The legal framework of family justice in England and Wales is strong... but family justice is now under huge strain. Cases take far too long and delays are likely to rise much more. Children can wait well over a year for their futures to be settled. This is shocking. And too many private law disputes end up in court." (Foreword)

"An effective family justice system is needed to support the making of these complex and important decisions. It must be one that:

- provides children, as well as adults, with an opportunity to have their voices heard in the decisions that will be made;
- provides proper safeguards to ensure vulnerable children and families are protected;
- enables and encourages out of court resolution, when this is appropriate; and
- ensures there is proportionate and skilfully managed court involvement.

(Executive Summary para. 5)"

"There are complicated and overlapping organisational structures, with a lack of clarity over who is responsible for what. There is no clear sense of leadership or accountability for issues resolution and improving performance..."

There is an almost unbelievable lack of management information at a system-wide level, with little data on performance, flows, costs or efficiency available to support the operation of the system."

(Executive Summary para. 13)"

Towards a Family Justice Service (Chapter 3)

1. Do you agree with the proposed role that the Family Justice Service should perform?
2. Ensuring that a child's voice, wishes and feelings are central to the Family Justice Service is crucial. What would you recommend as the crucial safeguards to enable this to happen?
3. Do you agree that children should be offered a choice as to how their voice can be heard in cases that involve them, including speaking directly to the court?
4. Do you agree there should be a single family court?
5. Do you agree that the changes we have proposed to the judiciary – including greater continuity, specialisation and management – will lead to improvements in the operation of the family justice system?
6. Do you agree that case management principles, in respect of the conduct of both private and public law proceedings, should be introduced in legislation?
7. What changes are needed to the culture and skills of people working in family justice and how best can they be achieved?
8. Do you have any other comments you wish to make on our proposals for system management and reform?

Public law (Chapter 4)

9. Do you agree with our proposals to refocus the role of the court?
10. Do you think a six-month time limit, with suitable exceptions, for all section 31 care and supervision cases should be introduced? What should those exceptions be?
11. Do you agree that the Timetable for the Child should be strengthened? What are the elements that need to be taken into account when formulating it?
12. Do you think our approach to the strengthening of judicial case management is correct?
13. What criteria should be used in the decision whether or not to appoint experts? And should the judge draft the letter of instruction?
14. Under a proportionate working system, what are the core tasks that a guardian needs to undertake in care proceedings?

15. Could there be a greater role for other Dispute Resolution Services in support of the public law court process?

16. Do you have any other comments you wish to make on our proposals for public law?

Private law (Chapter 5)

17. Do you agree there is a need for legislation to more formally recognise the importance of children having a meaningful relationship with both parents, post-separation?
18. Do you agree with the proposals to remove the terms 'contact' and 'residence' and to promote the use of Parenting Agreements?
19. Do you agree that there should be a requirement to consider Dispute Resolution Services prior to making an application to court?
20. Do you agree with the processes we outline for the resolution of private law disputes?
21. Which urgent and important circumstances should enable an individual to be exempt from the assessment process for Dispute Resolution Services?
22. What do you think are the core skills required for mediators undertaking an assessment?
23. Is there any merit in introducing penalties, through a fee charging regime, to reflect a person's behaviour in engaging with Dispute Resolution Services, including the court?
24. Do you have any other comments you wish to make on our proposals for private law?

Implementation

25. Do you have any comments about how these proposals might best be implemented?

The recommendations are attached as Annex 1.

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