

On Tuesday, 30th November The All Party Parliamentary Group on Family Law and The Court of Protection (“The Group”) invited members of the Family Justice Review Panel to talk about their work to date and what they felt the family law landscape might look like in the near future.

The meeting was held in the House of Commons and guest speakers for the evening were David Norgrove, Chair of the Family Justice Review Panel, Baroness Ritchie and John Coughlan, both of whom are also Panel Members for the Review. Chair for the evening was John Hemming MP, who is the chair for The Group.

Weather conditions being what they were, David Norgrove unfortunately found himself at the mercy of his train which had been delayed, but bravely sought his way to the Palace of Westminster and arrived only a short time after the meeting began. In order to start the meeting promptly, John Coughlan began the presentation by explaining the Review’s approach and the emphasis they hoped to place upon their analysis, by focusing on the experience of those people who work within the family justice system as well as the personal experience of the families who had used the system itself.

Mr Coughlan went on to explain that the Review was also looking at other jurisdictions similar to England and Wales with a view to finding initiatives that worked, whilst being culture sensitive to what may or may not suit Britain and also looking to learn from other countries’ findings in relation to what was considered less effective. Having explained that the Review Panel had been asked to take account of value for money and the challenges the system faced in relation to resources, he went on to explain that the Review would be carried out in two phases: an interim report which was due in March or April of next year and a final report in Autumn.

Starting with a look at public family law, Mr Coughlan explained that the Review was keen to work in conjunction with the Munro Review to try to explore the issues surrounding child protection and ultimately offer solutions to perceived problems, which past reviews seemed to stop short at. Mr Coughlan went on to say that the call for evidence had been very successful and that a greater percentage of fathers had submitted material in comparison to mothers, which Mr Coughlan felt, was of interest. Mr Coughlan highlighted the fact that the Review was still analysing the tremendous amount of information it had received and so was not in a position to comment yet on any findings but he did indicate that there were several themes emerging from the evidence: strong views on the core responsibilities of the system in relation to the welfare of the child, a keen desire to protect The Children Act 1989 which many feel is a powerful ally in preserving a child orientated focus, the strains on both the public and private family law sector in relation to resources and practice as well as the families who find themselves within the system and feel an enormous amount of stress and that more should be done to prevent families from finding themselves entangled in the court process in the first instance.

Mr Coughlan suggested that the evidence showed people found both the private and family law sectors confusing and complicated and that more could be done to improve this. Evidence on the private family law side leaned in favour of more mediation as an alternative to court but that care needed to be taken when thinking about its effectiveness and not following a fad or fashion for the sake of the trend as well as considering how easy it would be to make this process a growing part of the system both financially and also in terms of its efficiency in dealing with highly stressed families.

The evidence also showed, Mr Coughlan explained, that the professionals working within the system were in the main deeply committed to their jobs and went over and above the call of duty but that the steady increase, particularly in public family law work was undermining that effort. Regarding possible solutions, Mr Coughlan said that there appeared to be evidence to suggest there may be other ways forward to make the system more efficient but that effectiveness also needed to be part of the equation so that cost cutting did not undermine quality of work.

In relation to private law, Mr Coughlan told the guests that there was a clear interest in having better information to allow people to resolve their problems independently of the court system but also to make the system easier to access for those families and individuals who felt they needed the support of the courts. The issue of better assessments also has made its way into the evidence before the Review, including the use of [triage](#) and the concern surrounding the enforcement of orders. Mr Coughlan's final point on private family law related to the possibility of simplifying the divorce process, although the Review was aware this would be controversial aspect of their work, but felt it important to explore.

In public family law, he said, the key lines of enquiry were less but arguably more complex in themselves and expressed the view that the levels of hostility, akin to a battleground was an issue that needed to be looked at and to consider whether there were any real differences between an adversarial and inquisitorial process and how much our current system took from each, if at all. Care planning was a large issue in the evidence they received, which highlighted the concern over whether local authorities should have more input in the detail and less control given to the courts. The range and nature of orders was also being considered, to see if our current set were appropriate, or too many and what could be learned from other jurisdictions. The element of permanence in the system would also be explored as it is more formal in England than elsewhere and an analysis of how evidence is made available to the courts would also be undertaken by the Review.

The key theme of work progress and development would also be a part of the Review, with Mr Coughlan stressing that an ongoing development process would be helpful to the professionals in the system with a view to ensuring enduring competence in the system. Mr Coughlan then finished his presentation and passed the discussion to the floor.

The audience, having made an enormous effort to brave the bad weather conditions, offered some very insightful questions to the Review Panel. [Stephen Cobb](#), Chairman of the Family Law Bar Association went on to ask the Panel about the Review's remit on budgetary considerations how this measured up against the recent [Green Paper on legal aid](#) and the impact the radical proposals would have on private family law, for both the users and the professionals inside the system and with regard to judges having to deal with more litigants in person. David Norgrove answered the question by explaining that as the two projects were working in tandem it would not be possible to note until much later how similar if at all, the conclusions of the Review would be to the Green Paper in question.

A representative for [Rights Of Women](#) then asked the Panel what they thought about the effectiveness of mediation when considering the issue of domestic violence and aggressive partners and having to then sit with these partners in such an environment. Mr Norgrove replied by

explaining that he felt mediation would not be inevitable in such cases and that mediators in the main felt the same way.

Lord Listowel, Treasurer for the [All Party Parliamentary Group for Children](#) then asked the Panel if they would consider the White Paper, "[Options for Excellence](#)", when looking at the care system and having first line managers who are given the necessary training to strengthen the workforce and to allow families to build the confidence they need to move forward. Mr Coughlan agreed with Lord Listowel and re-iterated the need for the Review to look at taskforce issues.

There were several more questions that evening, ranging from issues surrounding mediation, to listening to the children in the court process as raised by Jenny Clifton of the [Childrens Commissioner](#); and questions surrounding contact centres and specifically whether the Review Panel had visited any. (The answer was no and the Panel then pledged to visit contact centres to get a better understanding of the severe resource issues faced by these centres. Several centres are now supported centres run by volunteers who find that as more and more supervised centres close down due to lack of funding, their lives are being endangered as they take on more demanding families without the necessary training as they are not professionals but kind hearted helpers). There were also concerns raised by both fathers and mothers at the shocking ways in which the system treated families and children in particular.

As the evening was drawing to a close, John Hemming then reminded the audience that we would soon be ending the evening's debate, despite the desire for the floor to continue engaging the Panel. Final comments were invited by John Hemming and these ranged from guests expressing their concerns over status issues in relation to social workers and why they were more highly regarded than psychologists despite a less complete training, to Lord Listowel offering a timely reminder about the Review considering the notion of building the confidence of families through social work and other expert assistance, the hope that the Review would consider equal parenting and that ultimately the Review may only be well received if it takes into account those issues which concern the public, such as transparency. On this point, which garnered a lot of interest, Baroness Deech considered the extent of the problem by observing, as she put it "the huge well of unhappiness in the room" and was herself aware through the deluge of letters she received that there were concerns. Baroness Deech suggested a Public Bill to tackle some of these issues and asked the Review how it hoped to achieve anything meaningful without looking at the law.

Of equal concern was the Review Panel's admission that their remit did not cover the issue of transparency but the Panel's closing comments suggested that they would try to push the boundaries of their remit as far as possible to try and address the issues that were deemed by the public to be significant and worthy of analysis.

Mr Coughlan concluded by thanking the audience for their questions and comments which he felt were very useful and sought to reassure the guests that the Review Panel understood the nature of the problems before them and were still eager to receive yet more evidence.

Baroness Ritchie felt that it was helpful to hear individual cases as they brought to life the reality of the system but was surprised that no one directly focused on Cafcass that evening.

David Norgrove also went on to say that the session had been extremely useful and that although the remit of the Review suggested that private family legislation would not be looked at, this would not deter the Panel from considering primary legislation at least. Mr Norgrove ended his final thoughts by observing the very complex nature of human emotion and that such issues were very difficult to deal with but they hoped to gain a better understanding of how to improve the system by looking at other countries around the world.

Thanks are due in large part to the healthy number of guests who came to the event, despite the icy conditions and the imminent possibility of being accosted by grumpy students and thank you also to the Panel Members who were also not deterred by the odds. It made for a fantastic evening and one which hopefully has given the Review Panel some serious food for thought.