

Government Response to Family Justice Review

About this Policy Briefing

This Briefing summarises the Government response to the Family Justice Review.

The recommendations of the review were on the whole accepted by the government.

One rejected recommendation was to remove the current court fees paid by the local authority so these remain (currently around £2700 per case). The government is also considering the need to legislate around shared parenting which was rejected by the review.

Useful Links: To view the full response and associated documents, go to our website and follow links to Policy Briefing #53

Relevant timescales or deadlines: Some of the proposals require legislative change - the scope of the changes required will be clarified by April 2012.

By April 2012, the Family Justice Board will be established and detailed work programmes with local authority director representatives and the judiciary will have started.

By April 2013, the government will report on progress in implementing the wider reform programme.

Background

The Family Justice Review published its final report on 3 November 2011. For details of this, please go to our website and follow links to Policy Briefing #47: Family Justice Review - Final Report.

The Government response outlines the difficulties facing the current system noting that case volumes have increased in recent years and are still increasing. The number of children involved in public law applications was 10% higher in the last 12 months than the preceding 12 months. Applications take on average 55 weeks and there are around 20,000 children currently waiting for a decision in public law compared to 11,000 at the end of 2008.

Response

The recommendations of the review were on the whole accepted by the government.

One rejected recommendation was to remove the current court fees paid by the local authority so these remain (currently around £2700 per case).

The government is also considering the need to legislate around shared parenting which was rejected by the review. The statement on the Department for Education website on this issue is as follows:

“Shared parenting for the best interests of the child:

- *The changes in education and the introduction of parenting agreements which the Review recommended will help ensure better recognition of the joint role of parents within wider society.*
- *We also accept the need to clarify and restore public confidence that the courts recognise the joint nature of parenting. We will therefore make a legislative statement emphasising the importance of children having an ongoing relationship with both their parents after family separation, where that is safe, and in the child's best interests. The Government is mindful of the lessons which must be learnt from the Australian experience of legislating in this area, which were highlighted by the Review and led them to urge caution. We will therefore consider very carefully how legislation can be framed to ensure that a meaningful relationship is not about equal division of time, but the quality of parenting received by the child.”*

Key measures to be implemented are:

- The establishment of a new Family Justice Board, accountable to Ministers, made up of senior figures representing the key organisations with a clear remit to improve performance
- Legislation for cases to be concluded within 6 months unless there are exceptional reasons why not
- Consideration of how parenting agreements could be used to emphasise the need for parents to consider how the child can maintain a relationship with other close family members, such as grandparents
- Reduction of expense and delay caused by the excessive use of expert reports, strengthening their quality and ensuring only essential reports are commissioned
- Reduction of the amount of time spent by judges and courts scrutinising care plans, focusing instead on the core or essential components when making care orders
- Bringing court social work closer to other court services by transferring CAFCASS sponsorship to the Ministry of Justice
- Creation of a single family court across England and Wales, with a single point of entry, to simplify the system and make it more accessible for families using the system
- Discretion to be given to judges about the length of interim care orders

- Introduction of an initial assessment around use of mediation in private law cases
- Work to raise the standard of social care practice including the quality and timeliness of social care assessment
- Removal of requirement for cases to be considered by adoption panel prior to any application for a placement order and promotion of more use of concurrent planning and early family finding
- Monitoring of progress of the pre proceedings pilot with CAFCASS to ensure it feeds into related work around social care practise and CAFCASS development.

Contact Us

Kensington House, 50-52 Albany Road, Earlsdon, Coventry, CV5 6JU

info@trixonline.co.uk www.trixonline.co.uk

T: 024 7667 8053

Tri-X-Childcare February 2012

Copyright: The content of this Policy Briefing can be accessed, printed and downloaded in an unaltered form, on a temporary basis, for personal study or reference purposes. However any content printed or downloaded may not be sold, licensed, transferred, copied or reproduced in whole or in part in any manner or in or on any media to any person without the prior written consent of Tri-X-Childcare Ltd.