

## **INTRODUCTION FOR THE SUMMARY OF THE FAMILY COURT REPORTS**

### **Introduction**

This year sees the introduction of the first ever reports from the family jurisdiction of the County Court. They are written jointly by the Designated Family Judge and the Director of each Region. They include statistics relating to the business of each Care Centre and its outlying courts. Each has been asked to set out a true and fair view of the business of the court over the year ending 31 March 2006.

There are 54 Care Centres in England and Wales. Designated Family Judges are assigned to Care Centres and they have the responsibility of the outlying County Courts with Adoption, Divorce and family jurisdictions. 7 Designated Family Judges have responsibility for 2 Care Centres and their outlying courts and some have provided combined reports rather than producing them separately.

### **Statistics**

I am very grateful to all contributors because I realise the burden of producing these reports. Enormous efforts have been made to produce the performance figures. The statistical information provided is as accurate as is currently possible from a base not previously geared to providing statistics. I would have liked to have included figures on the performance of Family Proceedings Courts, but it has not proved possible because the Family Proceedings Courts do not have appropriate systems to collate the required figures. I have asked for steps to be taken to provide suitable Family Proceedings Court data for next year's report.

The information provided on judicial availability in each area, showing the names of those authorised to hear the various types of family work, location and family sitting days sat, varies from report to report. Some provide the sitting days in family work, some have not done so because of absence of reliable data. The list of Judges may or may not be accurate as at publication, because some Judges will have been promoted, some retired, and others may have relinquished their authorisation. The list is as accurate as is possible at the time of publication.

### **The Aim of the Report**

Since becoming President in April 2005, I have visited various Care Centres around the country to enable me to produce a strategy for the effective working of the Family Justice System over the next 3 years. In the light of the recent Judicial Resources Review and the limited resources available, the aim of the Family Court Reports is to help identify the areas which require assistance, in order to improve the day to day running of the family courts. They will help identify two necessary measures:

1. How to institute and push forward the policy of 'cascading down' within the Unified Administration, as recommended by the Judicial Resources Review and accepted by the senior judiciary so that cases are heard at the lowest level appropriate to deal with them. This is necessary to relieve the pressure on the High Court judiciary whose work load is increasing and whose numbers are capped, as well as to reduce delays within the system.
2. Greater flexibility in distributing work between the family judges in the County Court (who are also at full stretch and themselves overtaxed) and the under-used family Magistrates in the Family Proceedings Courts, where there is plenty of spare capacity in most regions and a Magistracy eager to perform.

So far as the substance and procedures of the proceedings themselves are concerned, my aims are to reduce delays and to improve the process in Public Law care and Adoption Proceedings and Private Law Proceedings concerning children. The content of the Reports from year to year will enable the progress of these aims to be measured.

### **Resources**

My aims and the recommendations of various government reviews fall to be implemented against a background of increased stringency in the provision of resources for the justice system generally, and the requirement, imposed indirectly by the Treasury through the Department for Constitutional Affairs (DCA), for Her Majesty's Court Service (HMCS) to manage within a capped budget, while also contributing to the deficit in the legal aid budget.

### **Public Family Law**

Overall, there has been an increase in Public Care cases over the past 12 months and an increase in the total number of Public Law Orders (including Care and Supervision Orders). Since implementing the Case Management Protocol, figures in the past year have shown that more cases are being dealt within the 40 week target. Unfortunately, the increase in Public Law cases has not been matched by the allocation of judiciary in some areas and the impending cuts in judicial sittings days due to financial constraints will have a considerable impact on the figures in the next reporting year.

### **Adoption**

The implementation of the Adoption and Children Act 2002 with its new approach and procedures is likely to be challenging for the professionals initially coming to grips with the new legislation and regulations this year. One of the Designated Family Judges writes in his report *'the large amount of foreign adoptions is having a detrimental effect on our adoption figures as these cases usually require more directions hearings and longer delays due to the complexity of the cases and possible need for documents to be translated'*. The change from freeing orders to placement orders will mean that such proceedings are likely to be linked to care proceedings at an earlier stage. Some courts are now familiar with the new rules and some have identified that they require more time to develop a greater familiarity with the changes. One judge comments *'Court staff is labouring with difficulties relating to software, which is only in course of being updated to take account of the new Act. Also there is sometimes a tension between the desirability of achieving targets and the need to deal sensitively with parties, for example, patience in obtaining parental consent'*. I understand that there is a delay by the IT contractors in Familyman to adapt to the changes of the Adoption Legislation and I am concerned about the extra pressures this has on Adoption staff. I have notified this concern to Ministers and HMCS.

### **Private Family Law**

The Private Law Programme has been successfully implemented and figures in the Reports which are generally low indicate that efforts are being made to settle cases immediately with an 80% success rate. The Private Law Programme is being rolled out to the Family Proceedings Courts. The Reports show that some courts already have local arrangements and links with CAFCASS to assist at these hearings.

## **Mediation**

Mediation has high success rates and in general is far less expensive than litigation, which involves lawyers as well as expensive judge and court time. One judge states *“In Private Family Law, we have a developed mediation system which is consistent with the aspirations and much of the procedure now contained in national guidance, but which with the use of the mediation services provides locally and excellent service that provides for parties an excellent breadth of expertise devoted to assisting them to resolve their issues.”*

## **CAFCASS**

Generally, there is a very good relationship between the Designated Family Judges and CAFCASS Offices. Allocation of Guardians is taking place generally without delay. One Designated Family Judge comments, *‘there is excellent support from CAFCASS. The Local Authority Legal and Social Services Departments are well staffed and in the vast majority of cases, meet all timetable requirements’*. However, another report mentions *‘CAFCASS have encountered problems with a shortage of staff resources resulting in occasions when reports have been taking up to 16 weeks to complete. It has also meant CAFCASS were unable to take forward their proposed initiative for a Financial Dispute Resolution hearing on suitable cases prior to first directions appointment’*.

## **Local Family Justice Council (LFJC)**

The LFJC is active and well supported. It is the essential two way link to the National Family Justice Council through which there can be effective communication of guidance and concerns in both directions. The LFJC Committees have been set up and each area operating with a variety of disciplines attending. The Committees have been well received on the whole and are helping to address local issues and improve relationships between local bodies.

## **Case Progression Officers**

Case Progression Officers have been introduced at some Care Centres, with responsibility for monitoring and progressing Public Law work in both jurisdictions. The Reports confirm the vital role performed by the Case Progression Officers in ensuring the prompt enforcement of court orders and keeping cases to their timetable. This has also provided better management of listing cases at the pilot centres such as Barnet, Kingston and Croydon.

## **Accommodation**

There are major accommodation concerns at courts such as Blackburn and Chelmsford. These courts are having to cope with considerable difficulties without any hope of changes. The Reports raise other issues, such as poor facilities for vulnerable witnesses; inadequate facilities for people with disabilities; non dedicated waiting areas; and poor facilities for consultation rooms with little or no privacy for the parties and their Legal Advisors. One report states *‘at present, it is disappointing to note that we are unable to offer ‘in court’ conciliation and with insufficient accommodation and lack of judicial time, there is very little prospect of operating a successful scheme in the future’*.

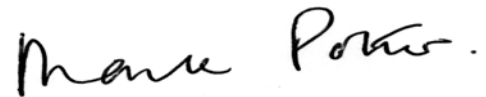
## **IT and Video Links**

The LINK rollout is complete. Some have experienced problems, but others have indicated how useful it has been, particularly in maintaining protocol with other agencies such as CAFCASS to improve on the timeliness of reports. The majority of the Care Centres are fully equipped with video and telephone conferencing units and hearings have been able to take place using such

equipment. Unfortunately, some are not mobile, and this leads to Judges regularly moving courts if they need to use these facilities.

**Staff**

The reports show that the work of the courts could not have been carried out without the deep commitment of HMCS staff to providing proper administrative support to the judiciary. I wish to express my gratitude and thanks to all members of staff for the help and support which they continue to provide.

A handwritten signature in black ink that reads "Mark Potter." The signature is written in a cursive, slightly slanted style.

Sir Mark Potter  
President of the Family Division  
& Head of Family Justice