



Llywodraeth Cynulliad Cymru
Welsh Assembly Government

WRITTEN STATEMENT BY THE WELSH ASSEMBLY GOVERNMENT

Title: Family Justice Review

Date: 30 June 2010

By: Gwenda Thomas , Deputy Minister for Social Services

In January, I made a statement¹ announcing plans for a review of the Family Justice System to be undertaken by an independent Panel supported by senior representatives from the Ministry of Justice, the Welsh Assembly Government and the Department for Education.

David Norgrove, chair of the Panel, has now been asked to build on his preliminary work in this area and undertake a comprehensive review of both public and private law cases.

In public law this means looking at how the courts, with other agencies, manage cases involving children and the public care system. In private law this means looking at contact and residence disputes between family members and will include considering how to increase the use of mediation when couples break up, and how best to provide greater access rights to non-resident parents and grandparents.

The Review will also examine the processes involved in granting divorces and awarding ancillary relief, but will not extend to the law as it relates to the grounds for divorce or the amounts of ancillary relief that should be awarded. A copy of the full Terms of Reference is attached at Annex A.

¹ <http://wales.gov.uk/about/cabinet/cabinetstatements/2010/100120fjr/?lang=en>

The Panel is today launching their call for evidence and wishes to hear from children, families, professionals and representative groups involved in the family justice system. A series of questions have been posed to frame responses and these are attached at Annex B.

Family Justice Review – Terms of Reference

The Secretaries of State for Justice and Education and the Welsh Assembly Government Minister for Health and Social Services have commissioned a review of the family justice system in England and Wales.

The following guiding principles have been identified which are intended to provide a framework within which the review's work should be undertaken:

- The interests of the child should be paramount in any decision affecting them (and, linked to this, delays in determining the outcome of court applications should be kept to a minimum) :
- The court's role should be focused on protecting the vulnerable from abuse, victimisation and exploitation and should avoid intervening in family life except where there is clear benefit to children or vulnerable adults in doing so :
- Individuals should have the right information and support to enable them to take responsibility for the consequences of their relationship breakdown :
- The positive involvement of both parents following separation should be promoted :
- Mediation and similar support should be used as far as possible to support individuals themselves to reach agreement about arrangements, rather than having an arrangement imposed by the courts :
- The processes for resolving family disputes and agreeing future arrangements should be easy to understand, simple and efficient and be transparent both to those involved and wider society :
- Conflict between individuals should be minimised as far as possible :

The review should assess how the current system operates against these principles and make recommendations for reform in two core areas: the promotion of informed settlement and agreement; and management of the family justice system.

Specifically, this will include examination of the following issues:

- The extent to which the adversarial nature of the court system is able to promote solutions and good quality family relationships in private law family cases and what alternative arrangements would be more effective in fostering lasting and positive solutions :
- Examination of the options for introducing more inquisitorial elements into the family justice system for both public and private law cases :
- Whether there are areas of family work which could be dealt with more simply and effectively via an administrative, rather than court-based process, and the exploration of what that administrative process might look like :
- How to increase the use of mediation when couples separate as a preferred alternative to court processes :
- How to promote further contact rights for non-resident parents and grandparents :
- Examination of the roles fulfilled by all of the different agencies and professionals in the family justice system, including consideration of the extent to which governance arrangements, relationships and accountabilities are clear and promote effective collaboration and operational efficiency. This will include looking at the roles carried out by Cafcass in England and by Cafcass Cymru.

The review will be conducted by a Panel, comprising independent representatives and senior representatives from Ministry of Justice, Department for Education and the Welsh Assembly Government (as relevant for devolved matters).

In examining these matters the Panel will be required to obtain and consider the views of key stakeholders, including children and families, the judiciary, family lawyers, Cafcass practitioners and social workers. The review will also be expected to engage in wide consultation, to draw on relevant family justice research studies and literature, consider available qualitative and quantitative data and take into account international comparisons.

The review should take account of value for money issues and resource considerations in making any recommendations. Recommendations should be costed and have regard to affordability.

A final report setting out the Review's findings is expected to be submitted to the Secretary of State for Justice, the Secretary of State for Education and the Welsh Assembly Government Minister for Health and Social Services in 2011.