The Right Honourable
David Gauke MP
Lord Chancellor & Secretary of
State for Justice

Bob Neill MP
Chair, Justice Committee
House of Commons
London
SW1A 0AA

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Dear Bob,

NOTIFICATION OF PUBLIC LAW FAMILY PROCEEDINGS TO A PARENT WITHOUT PARENTAL
RESPONSIBILITY

Thank you for your letter on recent press reports concerning Rotherham Council, which raises very
important issues around the notification of public law family proceedings to a parent without parental
responsibility.

As you will be aware, the law as it stands places a child’s welfare as the paramount consideration and
contains no absolute right for any parent to have contact with a child. It gives the courts discretion to
consider the facts and circumstances of each case, including the actions of the parents, and the wishes
and feelings of the child, and any evidence of risk of harm, and to come to a decision in the facts of each
case.

I would like to assure you that the Ministry of Justice takes the matters arising from this case extremely
seriously. Currently, guidance on serving notice to parents without parental responsibility in public law
cases is provided by Practice Direction 12C to the Family Procedure Rules. Lucy Frazer, the Minister
responsible for Family Justice Policy, has already invited the President of the Family Division of the High
Court to consider the case for a potential amendment of the Practice Direction to clarify or better reflect
the law regarding notification in certain proceedings and he has committed to do this. Officials are also
working with stakeholders on options for sending further guidance to councils on the opportunities they
have to seek permission of the courts not to notify a parent without parental responsibility and the
Department will continue to look closely at those issues.

Yours ever,

RT Hon David Gauke MP