

WRITTEN MINISTERIAL STATEMENT

MINISTRY OF JUSTICE

Family Justice

The Lord Chancellor and Secretary of State for Justice (Kenneth Clarke, QC):

My right honourable friend the Secretary of State for Education and I will today lay before Parliament the Government's Response to the Family Justice Review. The Family Justice Review offered an extensive set of recommendations on how to reform the family justice system. We offer our gratitude to all of the Panel members, and in particular to the Chair, David Norgrove, for their dedication, creativity and hard work. The range and boldness of its recommendations offer a significant opportunity to improve the resolution of disputes in the best interests of children and their families.

In the first place, I wish to address the issue of shared parenting. This is a sensitive issue with strong opinions on both sides of the debate. The Review rejected any legislative provision in support of shared parenting. Instead, it offered a range of recommendations, focused on education and parenting agreements, to help promote shared parenting – we will be taking these forward.

However, many people continue to have concerns about the proper recognition of the role of both parents by the Courts. The Government accepts the need to clarify and restore public confidence by 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 avoid the pitfalls of the Australian experience, in particular that a meaningful relationship is not about equal division of time, but the quality of parenting received by the child.

The debate over shared parenting, however, must not be allowed to delay the implementation of the many other changes recommended by the Review. As the Review made clear, the family justice system is under great strain. It is a system, characterised by distrust and delay. We must begin to work immediately on tackling these problems.

In public law, where the state intervenes to take children into care, our overriding priority must be to reduce significantly the unacceptable level of delay that currently exists. The average care case now takes 55 weeks and many take much longer. This delay, in practice, means months of uncertainty for a child, trapped in a difficult situation and with little stability in their life. This cannot continue.

We have already announced our intention to legislate, as soon as parliamentary time allows, for a 6 month time limit on care and supervision proceedings. This will send a

powerful and unequivocal message that the current level of delay is unacceptable. It will also provide a focal point for the broader changes to the system.

This 6 month limit will not be achieved without fundamental changes to the way the system works. We will be introducing a number of other changes to create a more efficient and coordinated system. These changes include refocusing the courts on the core issues within the local authority care plans, removing duplication between the courts and adoption panels scrutinising cases already before the courts and ensuring that expert reports are only commissioned where they are essential to the case.

In private law, we are determined to provide a procedural framework that will support separating couples to resolve their disputes more reasonably and more quickly, without the need to resort to litigation in court, where it is possible to do so. To do this we will legislate to make attendance at a Mediation Information and Assessment Meeting compulsory for a person wishing to make an application to court in certain private law family proceedings unless a limited number of exemptions apply.

We will also work to make specialist parenting programmes available to separating parents earlier, rather than waiting until they come to court. At the same time, we have begun to work across Government to create online support which can provide the range of information that separating couples need and will consider 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 including grandparents.

The Review was also clear of the need to create a more coherent system, characterised by trust and coordination between the different Courts and agencies involved. As the first step towards this, we will create a Family Justice Board to provide greater leadership and co-ordination across delivery agencies nationally and locally and prepare the system for the changes to come.

This Family Justice Board will bring together key departments, delivery bodies, local authority representatives and the judiciary into a single forum to oversee the delivery of family justice. Its priority will be on driving improvements in the system's performance, with a focus on greater cross-agency coherence, tackling variations in local performance and making progress against the 6-month time-limit for care cases. Additionally, the Board will be tasked with driving the cultural change which is essential to transforming the family justice system. This will include better quality and more integrated training and increased information sharing across agencies. We will also bring court social work closer to other courts services by transferring Cafcass to the Ministry of Justice.

Taken together, these steps represent a significant agenda for change. We are convinced that through this agenda we can transform the family justice system, improving the lives of thousands of children and families.

The document is also available online at <http://www.justice.gov.uk/publications/corporate-reports/moj/2012/family-justice-review-response.htm>