

THE MAGISTRATES' ASSOCIATION

FAMILY COURTS COMMITTEE

Response to Support for All: the Families and Relationships Green Paper

The Magistrates Association welcomes the opportunity to respond to the Government's Green Paper 'Support for all: the families and relationships green paper'. The Association represents family magistrates sitting in the Family Proceedings Courts throughout England and Wales.

As part of the Green Paper, the Government has announced a Review of Family Justice, this is however separate and will report in 2011. Accordingly, the Family Courts Committee will be responding to the Review in due course.

The Green Paper sets out the government's intentions with regard to families for the future. It outlines expectations of family members and the nature of support to be made available to them to ensure stability within the family. There is acknowledgement of the nature and diversity of the modern family, accepting that the past 20 years have seen a marked change in its make up. The majority of the paper outlines the nature and degree of support with little that impacts upon the work of the Family Proceedings Court (FPC) however there are aspects of the opening sections that have an indirect impact upon the work of the FPCs especially in relation to care and contact arrangements.

There is no clear indication as to where the funding for the projects is to be found or how any co-ordination of services is to be agreed. There is a suggestion that the co-ordination of services is through the use of Information Technology (IT) but this assumes that all parents have access to computers and the relevant skills, which include reading. Outreach is suggested as a way of disseminating information but that depends on the outreach workers being admitted into the home and their advice accepted.

There is no information provided as to the support for parents with Special Educational Needs (SEN) or related disabilities. This latter group frequently appear before the FPC with little understanding of the process or ability to comprehend fully the outcome in regard to their children. Although advocates do their best the nature and complexity of the proceedings and the documentation is not helpful. An emphasis on the use of Plain English *and appropriate translations* and a simplification of forms would be welcomed.

Although denied, within the document there is a sense of "one size fits all," being the approach due in part to the failings identified above.

Although little in the Green Paper has a direct impact on the work of the FPCs the following should be considered in relation to the courts.

Introduction S37 there is a need to simplify the applications for benefits etc. This will enable parents on low incomes to gain the advice needed but of greater importance is the ability to access all the range of benefits and improve family income, the lack of finance being a cause of family stress.

Section 4.30 onwards deals with **Improving the Family Justice System**.

The issue of contact is raised at S4.31 and the use of mediation outside the court is to be supported in order to overcome the trauma and distress of a court order. Magistrates can have a role to play and consideration might be given to relevant training to provide basic mediation. The nature and scope of the review is outlined in S4.32. Compulsory mediation is to be considered

S 4.36, with no indication as to the provider. It is noted that whilst Cafcass is mentioned S4.30 there is no acknowledgement of the current state of the organisation or any suggestion as to how it can be developed to provide the level and nature of support.

The role of grandparents is considered in S4.38 and S 4.39. The introduction of an IT support for grandparents is valuable ensuring that they understand the process and are aware of the support etc available. The intention in S 4.39 in regard to removing the need to apply for leave of the court before making an application for a contact order should be resisted. The need to apply for leave is a useful filter in enabling the courts to assess the intention and ability of the grandparents to give support to the family and especially the grandchildren. The Welfare of the Child is of Paramount importance and consideration must be given to the nature of parenting by the grandparents of children who in turn are the parents of the children under consideration. The notification of all parties of the proceedings can lead to family difficulties and therefore questions need to be asked relating to the nature and quality of care and support from the grandparents and the reasons for their application. There can also be family conflicts between maternal and paternal grandparents which are to be avoided. Magistrates are aware through their experience in the courts that not all grandparents can provide suitable care of grandchildren and applications are rejected. **We strongly oppose the proposal that grandparents should not have to apply for leave to become parties.**

We support the Pilot Drug and Alcohol Court at the Wells Street FPC. With so many young children removed from the care of drug and alcohol abusing parents this court works with three local authorities to rehabilitate parents to enable them to resume care of the children. Based on an American model the court works intensively with parents over several weeks. It is now seeing some successful rehabilitations. The Pilot is being evaluated by Brunel University. We agree that information should be shared and extended.

The acknowledgement of the affect of domestic violence on children is welcome. Although it will have little direct impact on the courts the work of the National Safeguarding Delivery Unit will introduce new safeguarding measures along with an improved strategy to combat violence against women and girls. This could lead to an increase in the work of the FPCs due to any increase in reporting incidents of domestic violence.

In summary this is a carefully prepared consultation document. It aims to support families and through appropriate intervention ensure stability within the family; essential to the well being of children and young adults. Little of the measures outlined have a direct impact on the work of the courts but through the use of targeted intervention, outreach and mediation the family can be strengthened. This in turn could lead to a lessening of the role of the FPC in adjudicating in contact orders and Private Law applications.

8 April 2010