Ministry of JUSTICE

Response to Consultation
CP(R) 10/07
December 2008

Family Justice in View

Family Justice in View

Presented to Parliament
by the Lord Chancellor and Secretary of State for Justice
by Command of Her Majesty

December 2008

Cm 7502 £14.35

ISBN: 978-0-10-175022-6

Contents

Foreword

by the Rt Hon Jack Straw MP, Lord Chancellor and Secretary of State for Justice and Bridget Prentice MP, Justice Minister

The protection of those who are vulnerable in society is one of the most important responsibilities of Government. Family courts make decisions that can affect those involved for the rest of their lives. Cases are complex, and those working in the system are dedicated and committed to protecting people and getting the best resolution in often difficult circumstances.

It is critical that not only do the family courts get the decisions right, but also that the public has confidence that they are doing so. In order to have trust in the system, people need to understand how it works. The challenge we face is to raise public understanding of how decisions are made, and awareness of the daily duties of those working within the family courts to deliver the best solution to difficult problems. At the same time, we must protect the privacy of children and families involved in family court cases so they are not identified or stigmatised by their community or friends.

We believe that proposals being presented today will meet this challenge.

We have consulted twice on proposals to improve transparency. We have decided, on the basis of responses to these consultations, conversations with experts and professionals across the field of family justice, and the many letters we have received, to merge these two sets of proposals together to deliver a coherent and coordinated response.

The media will be allowed to attend family proceedings; but the court will have the power to restrict both attendance and what can be reported. We will increase and improve the quantity and quality of information being made available. We will ensure a child cannot be identified, even after the conclusion of a case. And we will allow those involved in proceedings to share information to get the help and support they need. Together, we believe these proposals will meet the public need for better understanding; but also protect the needs and welfare of children and those involved. These final proposals go to the heart of this requirement.

Those affected, directly or indirectly, by a decision in the family courts need to understand the principles by which decisions were made. We believe that the increased and improved information we will make publicly available will support that. Enabling people to *understand* the decisions made about them and their families may help them *trust* that those decisions were the right ones. We hope that access to more information, and confidence that the right decision was made for the right reasons may help the public have confidence this is the case.

Finally, these proposals would allow those who work within the family courts to get the recognition they deserve for delivering a service focussed on protecting the welfare of those involved in family justice, especially children.

Rt Hon Jack Straw MP
Lord Chancellor and
Secretary of State for Justice

Bridget Prentice MP
Minister for Family Justice

Part 1 – Response to Consultation

Introduction and contact details

This document is the post-consultation report for the consultation paper Confidence and Confidentiality: Openness in the family courts – a new approach (CP 10/07).

It will cover:

- The background to the report
- A summary of the responses to the report
- A detailed response to the specific questions raised in the report
- The next steps following this consultation

This document will also cover:

- A review of the previous consultation Confidence and Confidentiality: Improving transparency and privacy in the family courts (CP 11/06 and CP 11/06(R))
- Developments since the last consultation
- The next steps

Further copies of this report and the two consultation papers can be obtained by contacting **Mr Misto Miah Chowdhury** at the address below:

Family Law and Justice Division
Ministry of Justice
Post Point 2.07
102 Petty France
London
SW1H 9AJ

Tel: 020 3334 3114
Fax: 020 3334 3147

Email: family.consultation@justice.gsi.gov.uk

This report is also available on the Ministry of Justice website:
www.justice.gov.uk/publications/cp1007.htm

Alternative format versions of this publication can be requested from family.consultation@hmcourts-service.gsi.gov.uk

Background

The consultation paper "Confidence and Confidentiality: openness in family courts – a new approach" was published on 20 June 2007. It invited comments on:

- Allowing wider disclosure of information by parties;
- Protecting children's identity beyond the end of proceedings; and
- Making things simpler so that, as far as possible, legislation on who may attend and arrangements for family proceedings involving children is readily accessible and easily understood.

We proposed wider disclosure of information by parties so that it would be easier for people to discuss their case and get timely and appropriate advice and support. The general principle is that those involved in proceedings should be able to discuss and share information about their case more widely. We asked a specific question about the principle, and two questions about how court rules might be changed. The first was to specify the purpose of the disclosure rather than what information can be disclosed and to whom it can be disclosed. The second was a question about the onward disclosure of information and its purpose.

The consultation paper also sought views on the protection of children's identity after proceedings had come to an end. Specifically, we proposed legislation to reverse the decision of the Court of Appeal in *Clayton v Clayton*.[1]

The consultation period closed on 1 October 2007 and this report summarises the responses, including how the consultation process influenced the final shape/further development of the policy proposals consulted upon.

A list of respondents is at Annex A.

Summary of responses

A total of 112 responses were received. There were 1,841 visits to the Ministry of Justice website and 3,905 downloads of the document from the website during the consultation period. A further 1,670 vists to the website have been made since the consultation period closed, with 1,841 downloads of the document.

The consultation paper was sent to over 165 key stakeholders, and interested organisations and individuals who had been engaged with the transparency programme previously. This included representatives from the judiciary; other government departments; and legal and charitable professional organisations. The consultation paper was also published on the Ministry of Justice website.

1 [2006] EWCA Civ 878.

Respondents were advised in the consultation paper that all responses could be published or disclosed in accordance with the Freedom of Information Act 2000; the Data Protection Act 1998 and the Environmental Information Regulations 2004.

How responses were analysed

The consultation paper announced proposals on increased information, publishing judgments, limiting access to family courts and other issues and invited views on four questions. We received comments about all aspects of the transparency agenda, not solely responses to the questions posed. This section details responses to the four questions, we will go on later to the further comments. For each of the four questions, respondents were given the option to respond that they (a) Strongly agreed; (b) Agreed; (c) Were unsure; (d) Disagreed; or (e) Strongly disagreed.

Every response to the consultation was counted once. Where a respondent has not *expressly* answered a question, but it has been possible to interpret their views from the written response, that has been counted appropriately. We believe that this accurately expresses respondents' views.

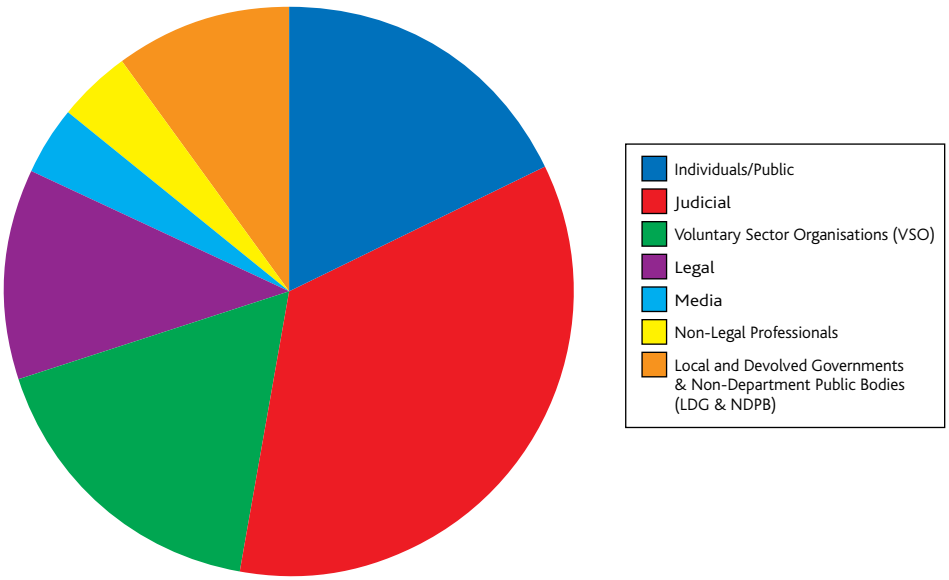
In addition to each of the options, respondents were invited to provide further details on their views, some of which are referred to here. This paper highlights some particular comments from respondents. These are not intended to convey that these responses are valued more than others, but that they make a particularly interesting point or express well a common opinion. We have considered fully all responses from all respondents.

Where a respondent has answered 'Unsure', their response has been counted in the overall percentage of respondents to that question. Where a respondent has not answered the question at all, or we are unsure of their views on the question asked, their response has not been counted in the overall percentage, but their specific comments have been noted and reflected upon as part of the wider consultation exercise. The following table illustrates the number of 'Unsures' and non-responses for each question.

	Unsure (counted as a response)	Percentage unsure	Not answered	Percentage not answered question
Q1	12	11%	12	11%
Q2	8	7%	12	11%
Q3	16	14%	13	12%
Q4	2	2%	11	10%

Groupings and analysis of responses

We received a total of **112** responses to the consultation. We are very grateful to all who took the time to respond. An illustrative presentation of these groups is shown below.



- **20** Individuals/ members of the public (making up 18% of responses) *Members of the public and professionals responding in a private capacity*
- **39** Judicial responses (making up 35% of responses) *Made up of individual judges, magistrates or Justice's Clerks, judicial representative bodies, Family Justice Councils and Family Panel/ Courts*
- **19** responses from Voluntary Sector Organisations (VSO) (making up 17% of responses) *Made up of VSOs representing adults and VSOs representing children and young people*
- **13** responses from legal organisations (making up 12% of responses) *Made up of individual practitioners, legal representative bodies and legal advisers (family panels, HMCS, etc)*
- **5** responses from the media (making up 4% of responses) *Made up of professional and representative organisations and journalists*
- **11** responses from Local and Devolved Governments (LDG) & Non-Departmental Public Bodies (NDPBs) (making up 10% of all responses) *Made up of local governments, The Welsh Assembly and various NDPBs*
- **5** responses from Non-Legal Professionals (making up 4% of all responses) *Made up of academics, medical representative organisations, individual medical professionals, trade unions and other interested organisations*

Of the total responses, 48 were from individuals (members of the public, judges, legal practitioners, journalists, academics, medical professionals, etc) and 64 were from representative bodies (of the judiciary, FJCs, courts, VSOs, legal representative bodies, local governments and NDPBs, medical organisations and others).

Summary of views expressed

The proposal that there should be some relaxation in the disclosure rules was widely supported, with some concerns expressed about whether any restrictions would offer sufficient protection for those involved and how new court rules would work in practice.

Disclosure for a purpose was also widely supported but concerns were expressed about the trustworthiness of the individual receiving the disclosed information and worries about what they might do with it. Almost all respondents were concerned about protecting the identity of the children and parties involved.

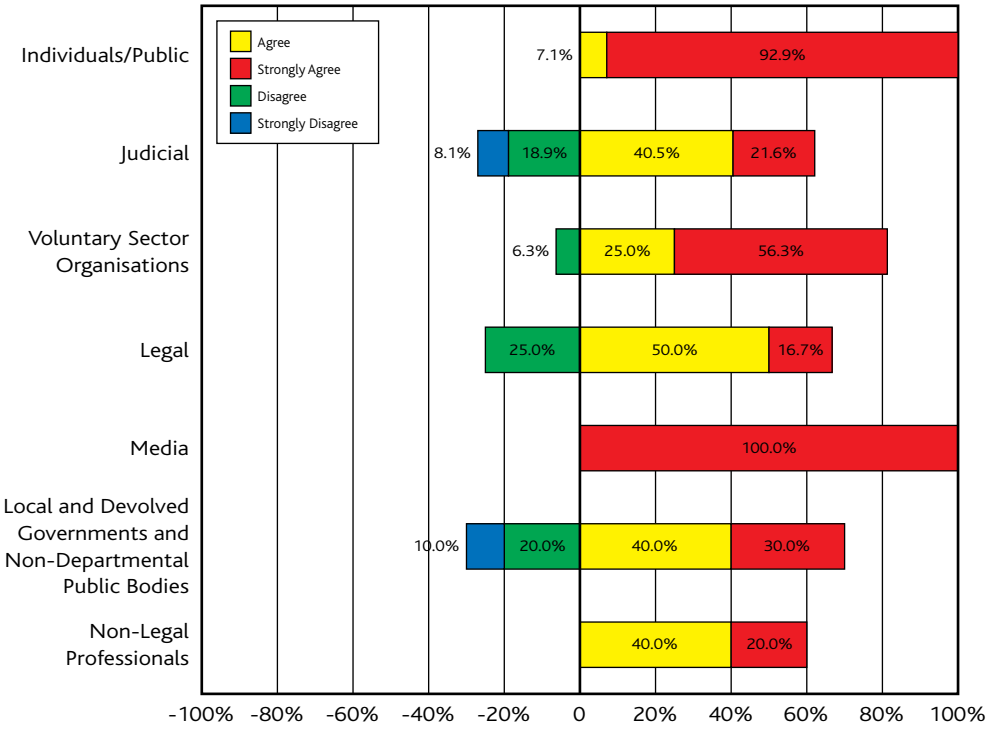
Unlimited onward disclosure had a more mixed response, with a small majority opposed. Again, concerns were about there being no proposed control mechanism. Most strongly opposed were the judiciary and legal professionals. Individuals/the public i.e. those who would most want and need to disclose information were strongly in favour of unlimited onward disclosure for the same purpose.

Responses to specific questions

1. We asked whether the current court rules on disclosure need to be amended to allow for wider disclosure of information in cases involving children and heard in private

100 responses were received to the question (of the total **112** respondents). **70** respondees agreed or strongly agreed with the statement and **18** disagreed or strongly disagreed. **12** respondees did not answer the question, or their feelings were not apparent from their response, and **12** were unsure.

Table 1: Breakdown of responses



The majority (70%) of those who responded to this question were in favour of this proposal. The current rules on disclosure were broadly seen to not be working effectively as conceived in 2005. Several respondents agreed that wider disclosure was appropriate so long as disclosing information was in the best interests of the child and the child's identity continues to be protected, particularly those who may go on to be involved in adoption proceedings.

"Any party to current proceedings should have liberty to seek help and advice from any useful source (other than the media) and to disclose to that source information about their own position in the case. Strict anonymity should be maintained in all other cases, such as reviews for professional or research purposes."

Brethren Christian Fellowship

Some respondents thought that amending the rules would result in the media receiving and publishing information, which is not the case.

"It is a disgraceful breach of human rights that parents can have their child taken away permanently, by a judge in a family court, and that they should then be banned from discussing their grief with their own friends, and telling the public about their feelings, through the media, in an anonymised format."

Ben Leapman, Sunday Telegraph

Most agreed on the principle of changing the current rules, but were concerned about how this would work in practice, and whether restrictions based on the purpose of the disclosure would offer sufficient protection for those involved. Several respondents proposed a monitoring process to follow the lines of disclosure to ensure recipients of information were not in contempt of court. However, many also accepted that the practicalities of running this were disproportionate to the likelihood of success.

In particular, respondents were supportive of the proposal to allow elected representatives to have access to information if the parties wished to disclose to them at any stage in proceedings. Others specified local councillors as requiring access to information:

"Disclosure has to be extended to the group of people who are at the coalface listening day in day out to accusations that social services rely on presenting untruths and misleading statements to court in order to win their case... If those local councillors as corporate parents are not allowed to see for themselves that the process of taking a child from parents is in fact rigorously scrutinised to prevent abuse of power and/or system abuse of children [there will be no confidence in the family court system]."

Trevor Jones, Parents Against Injustice PAIN

The **National Children's Bureau** suggested that clear jargon-free information sheets be produced about disclosure for external parties. However, they emphasised that: "If the right safeguards are in place, opening up the mechanism and opportunities for parties to share information when seeking support could be extremely beneficial to children, young people and their families."

Others, particularly those responsible for the welfare and protection of children had reservations that the proposals would offer sufficient protection:

> "We do not consider that it is possible to disclose information within court proceedings safely with due regard to its highly confidential nature by the use of the criteria of 'purpose' without considering to whom the information will be disclosed... [it will be] open to misuse and abuse by virtue of its wide definition and interpretation... Information as confidential as that which emanates from family law proceedings should only be disclosed, in our view, to a precise person for a precise purpose, as is the current situation."
>
> **The National Youth Advocacy Service (NYAS)**

There were also concerns that the knowledge that wider disclosure was possible would fetter what parties would say in court. **(Calderdale Council Care Services)**

Others welcomed proposals in general, but had more specific concerns. For example, health or psychological reports with very personal detailed information about a vulnerable child at risk should only be disclosable "for the purpose for which it was written". **(British Association for Adoption & Fostering)**

Other academics were concerned that they could be found in contempt of court for using real examples in training or research, saying "such restrictions clearly militate against the training and development of much needed personnel for the family courts and a suitably worded exception should be made for such uses." **(The British Psychological Society)**

Another area where one respondent felt disclosure should be allowed only with the approval of the court was where there are accusations about the behaviour of an adult in relation to a child:

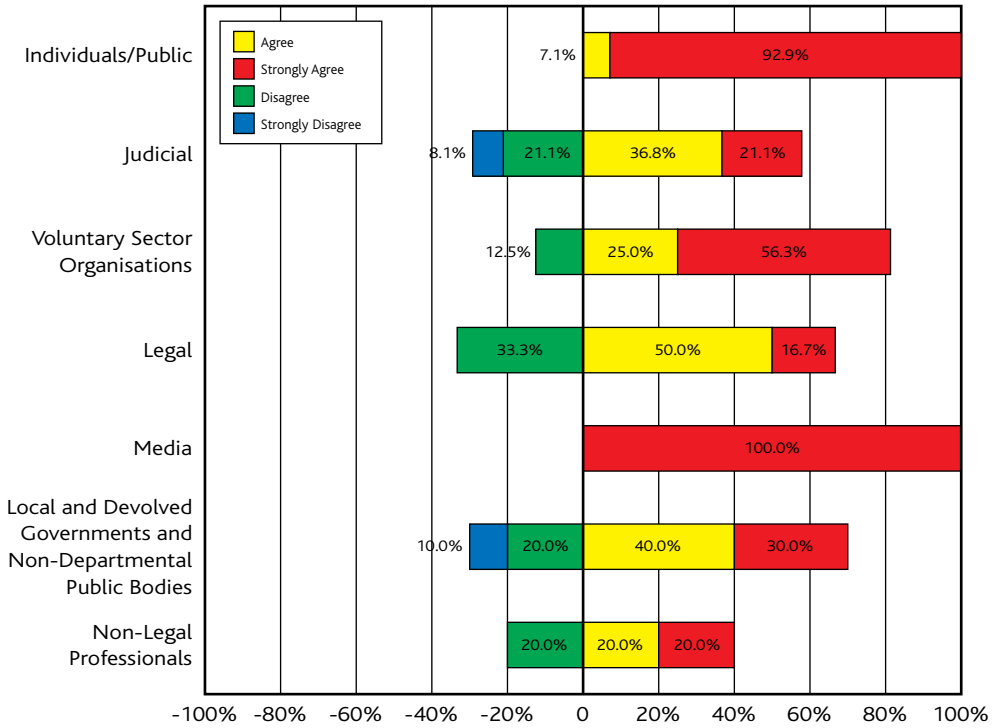
> "Social workers and/or Cafcass should be able to pass information to other professionals, for example social services in the relevant area, so that they are able to consider whether child protection issues arise. To avoid injustice this information should not be given without the agreement of a court."
>
> **One Parent Families/Gingerbread**

2. We asked if people agreed with the statement that court rules should be amended to concentrate on the *purposes* for which the information is disclosed rather than *to whom* the information is disclosed

100 responses were received to this question. **71** respondees agreed or strongly agreed; and **21** respondees disagreed or strongly disagreed. **12** did not answer the question, or their feelings were not apparent from their response and **8** were unsure.

Many respondents conflated their responses to questions 2 and 3 in their comments (see breakdown to question 3 below). *In general*, people tended to agree that the current rules on disclosure were overly complicated and restrictive (particularly for MPs, advisers, inspectors, etc.); that the rules should change, and that the idea of amending the rules in line with purposes could be an option. *However*, there was significant resistance to amending the rules to allow unlimited onward disclosure. Allowing disclosure for particular purposes was not felt to provide sufficient restrictions to protect parties and children.

Table 2: Breakdown of responses for Question 2



With the exception of the media, almost all respondents felt that there should be some limitations on disclosure, in addition to purpose, to protect identity of the children and parties involved, and the information disclosed by them for support and advice. There were concerns about the broader sharing of "salacious, sensational or titillating evidence" "getting into the wrong hands" and inaccurate information being disclosed.

> "Concentration only upon purposes would effectively permit wide dissemination of what may be highly sensitive material without the knowledge, let alone agreement, of those whose private lives are exposed... the child has no right to object to disclosure, nor will they have any means of knowing what has been disclosed."
>
> **Council of Her Majesty's Circuit Judges**

The **Welsh Assembly Government** was particularly concerned that if disclosure was allowed whilst proceedings were ongoing, it could "lead to interference in the case (e.g. elected representatives could put pressure on other agencies such as local authorities or CAFCASS Cymru, which may have an effect on the case."

Some wholly supported the proposal:

> "A focus on the purpose of disclosure will facilitate justifiable disclosure to third parties... whilst minimising the risk of any frivolous or vexatious disclosure. It would also give the opportunity for the court to explain where the boundaries lie and why."
>
> **South Devon Family Proceedings Panel**

However, most respondents who supported this proposal qualified their response with warnings of caution to ensure the identity of parties and the child involved will continue to be protected, and that the court should be clear when disclosure is not permitted. Many felt it was also necessary to specify to whom the information could be disclosed:

"There needs to be restrictions on who could receive information, and what those receiving the information will do with it."

Welsh Women's Aid

"Although the purpose of the disclosure is relevant, so is the identity – and trustworthiness – of the individual to whom the disclosure is made."

British Association for Adoption and Fostering

"Any moves to widen the parties to whom information can be disclosed or to broaden the types of information that can be disclosed, increase the risk that confidential information will be disclosed inappropriately."

Adoption UK

Others thought that further consideration was required for parties to properly understand who they can disclose to, for what purpose, and that the list should be expanded rather than reduced:

"The purposes for which the information could be shared need to be carefully defined so that there is clarity for anyone involved in a family case who wishes to disclose information to another party. Ideally the existing categories of "purposes for which information can be disclosed" should not be reduced, but clarified and expanded where appropriate."

Crown Prosecution Service

In particular, **One Parent Families/ Gingerbread** proposed that disclosure rules be widened to allow Citizen's Advice Bureaus to receive information, and strongly recommended that: "there should be some clarity around whether parties are permitted to disclose information on a public internet forum, blog or website, even if they are using these means to seek advice."

Many felt that the proposals on limitations might be difficult to enforce and understand:

"It is difficult to define the boundaries of a purpose... the extension of the use of disclosure for purposes is likely to be fraught with difficulty."

North Yorkshire Legal Services

The **Association of Lawyers for Children** suggested that the court needed to consider these issues at the commencement and conclusion of proceedings.

Several organisations were unsure about our proposals, and wanted a further consultation opportunity when the solution had been fully thought out. This view was particularly emphasised by the National Youth Advisory Service (NYAS), the National Children's Bureau (NCB) and the Family Justice Council.

All of the media respondents specified that the media should be allowed to receive information:

> "Under whatever disclosure formulation is adopted, the court rules should be amended to allow direct or indirect disclosure to individual journalists and media organisations and, in appropriate circumstances, disclosure to the public."
>
> **Society of Editors**

Others were clear that disclosure should be allowed to a wider group of people, but not the media:

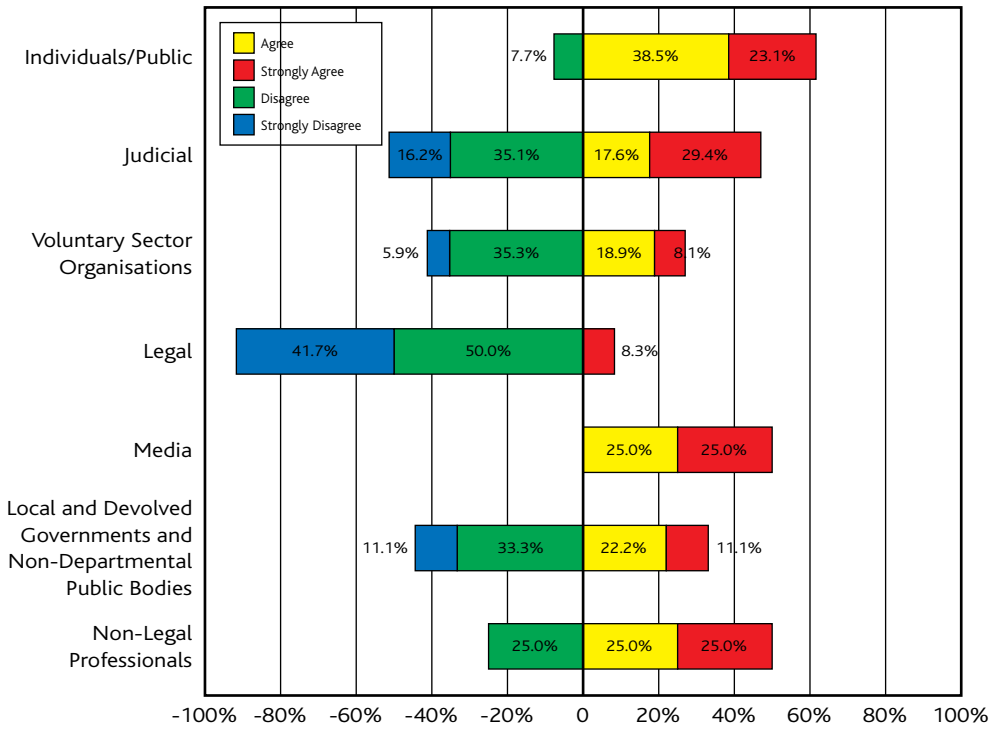
> "We agree, on the understanding that "the purposes for which the information is disclosed" are shown to serve the specific furtherance of the child's wishes and welfare. This stipulation must be strictly maintained, and should not be relaxed for any pleas that wider disclosure is 'in the public interest'."
>
> **Brethren Christian Fellowship**

There was an element of overlap between these proposals and our earlier suggestion of allowing the media to attend proceedings. The **High Court Judges of the Family Division** were very clear that "neither the media nor any other person admitted to the hearing should be entitled to ask to be shown or take copies of any of the written evidence or the court file."

3. Court rules should be amended to allow unlimited onward disclosure for the same purpose as the original disclosure

As outlined above – there were mixed responses to questions on disclosure. Generally, people felt that allowing unlimited onward disclosure would not provide sufficient protection to the parties or children involved. **99** responses were received. **38** respondees agreed or strongly agreed; and **45** respondees disagreed or strongly disagreed. **13** respondees did not answer the question, or their feelings were not apparent from their response; and **16** were unsure.

Table 3: Breakdown of responses to Question 3



Although the limited numbers of respondents do not really allow broad generalities, the public and voluntary sector organisations supporting adults were the only sub-groups where the majority *supported* the government's proposals. VSOs supporting children were *against* the proposal, as were judicial and legal groups and individuals. The other sub-groups gave mixed views (local government and non-legal professionals).

The **British Association of Social Workers** agreed with the proposal, saying:

> "If disclosure is allowed for specific purposes, it does not make sense to limit onward disclosure where it is necessary to achieve the same purpose. If any information seems to be disclosed onward inappropriately, then the grounds for the challenge are clear – justify this (proposed) disclosure as necessary to achieve the stated purpose."

However, the majority of others indicated that if information was going to be onwardly disclosable it either had to be tracked by the court (although there was some recognition that the court did not have facilities to do so) or the court had to be asked to give permission for each onward disclosure. Indeed, one of the concerns about unlimited disclosure was that it would be "impossible to regulate and to determine where the information will end up." **Family Justice Council**

One of the key reasons we proposed unlimited onward disclosure was to meet the difficulty of a situation where an MP receives information from a constituent about their case. The constituent wants the MP to help them or provide advice, so the MP forwards the information on to the relevant Minister. The Minister in turn wants to find out more information about what has happened perhaps, or seek advice from another Minister. Under current rules, the Minister cannot disclose onwards. While some, such as the NCB, felt that the example was a valid form of disclosure, and the Minister should be able to forward on, others felt that further safeguards would be necessary.

For example, some felt the MP should have to get permission from the court:

> "The Minister receiving information from an MP (or the MP disclosing it to the Minister) should obtain permission of the court. Where onward disclosure is required to help pursue a question of policy or procedure, a case should be made (to the court) as to why such disclosure, which would involve identifying the child, is in the child's best interests. The difficulty, as we perceive it, is the quality of the judgement made by the person disclosing the information on."
>
> **Bar Council**

Others specified that disclosure rules should be broadened for those involved in family proceedings "who feel there has been injustice" to be able to consult and disclose information to their elected representative (**Richard Taylor**).

The **Law Society Children Sub-Committee** said that "Onward unlimited disclosure could have the effect of the child's as well as the families' anonymity not being preserved, negatively impacting on the child's welfare… onward disclosure needs to be specific in purpose to specified classes of individuals as the case may be."

Respondents were concerned about the potential use of information following proceedings where parties are upset and want to lash out at the other party or third parties. Vitriolic outpourings between a party and their close friend or family member are one thing, but the concern is the next stage where the person in receipt of the information wants to do something with it.

"We are alarmed at the prospect of unlimited disclosure. The more information is made available, the more difficult it will be to effectively limit where it goes. Involvement in family cases can arouse strong feelings, and those who feel hurt, angry and/or vindictive, may use information in a damaging way. Children are often the ones who are most hurt by what is revealed. In families where domestic abuse is present there are real risks of disclosure leading to physical harm and further abuse."

National Association of Guardians Ad Litem and Reporting Officers (NAGALRO)

One member of the public was concerned about what unlimited disclosure would be used for, particularly by campaign groups who might have the lobbying power to affect a case:

"One of the consequences of allowing unlimited onward disclosure may be to incite campaign groups to take action against a decision that they do not agree with. However... the different strengths and influences of campaign organisations may unduly affect the impartiality of judges, officials and child welfare groups with the potential to cause miscarriages of justice and subsequent harm to a child."

James Williams

It was generally felt that the proposals were too loose, and the Government was called to make "clear recommendations and guidelines in relation to who the information can be passed to, reasons why this information is being passed and the purpose the information is being disclosed again to another person" **Welsh Women's Aid**.

The key concern seems to be one of control of information, where a long chain of disclosures increases the risk that documents or information would be given to those without the approval or agreement of both parties, or where the recipient of information might interpret the reasons that they have been given the information wrongly and disclose to somebody who should not be in receipt of the information. The feeling, particularly among those who responded on behalf of legal practitioners, was that this was an unworkable solution:

"The proposal for unlimited onward disclosure shows a continued failure to properly recognise the private nature of the information itself disclosed in family proceedings and the right of the individuals concerned to retain proper control over the release of that information... It also fails to properly address the rights of others involved in the proceedings and third parties."

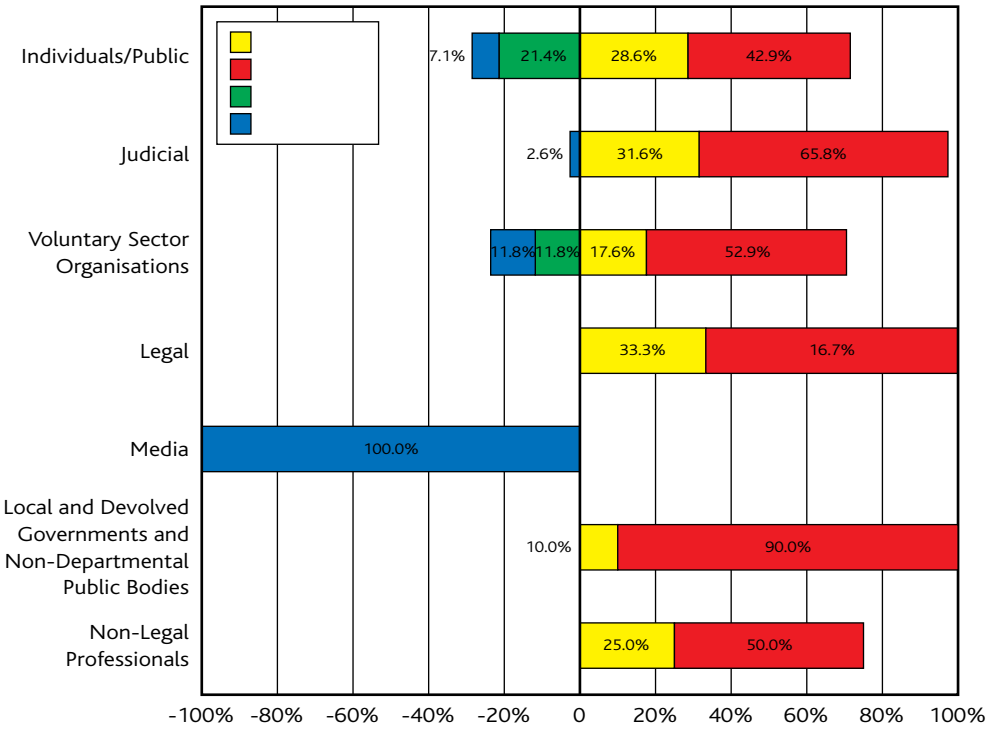
Schillings Solicitors

Again, people emphasised the importance of clarifying *to whom* the information can be given. The need for expanding the family proceedings rules only "highlights the need to keep a tight grip on the list of people to whom such confidential information may be disclosed, without the need to first seek leave from the Judge" **NYAS**.

4. Unless there are welfare grounds to the contrary, the identity of the child should be protected beyond the conclusion of a case.

We received **101** responses. **86** respondees agreed or strongly agreed; and **13** respondees disagreed or strongly disagreed. **11** respondees did not answer the question, or their feelings were not apparent from their response, and **2** were unsure.

Table 4: Breakdown of responses to Question 4



Almost all respondents agreed with our proposals to reverse the effect of *Clayton v Clayton*.[2] The exceptions were the four responses from the media, five voluntary sector organisations representing adults, and one individual judge.

2 [2006] EWCA Civ 878.

"There is no evidence there is any need to reverse *Clayton v Clayton*. That decision has not led to a flood of cases in which children who were involved in proceedings have subsequently been identified... A judge has the power to issue an injunction prohibiting publication of anything which would identify a child in a particular case should he believe it necessary to do so."

Press Association

"Protecting the child's identity is often used to protect the identity of professionals as it is argued that in identifying the child the identity of the social workers, paediatricians, etc. involved in the case can also be identified... The public sees this as a way of covering up miscarriages of justice, professional negligence and local authority maladministration and malfeasance... A child or young person wishing to raise a possible miscarriage of justice may not be able to."

PAIN

However, the vast majority of respondees felt that the decision to reverse *Clayton v Clayton* was the right one, with some suggesting that there should be some judicial discretion to allow further reporting if appropriate. Respondents recognised the huge impact that family proceedings has on children, and the need to protect them from any further negative impacts, such as public scrutiny of very personal information.

"The ALC wholeheartedly agrees with the proposal set out in the consultation paper that the identity of the child continues to be protected after the conclusion of proceedings unless there is an order to the contrary."

Association of Lawyers for Children

"The child's identity should always be protected unless there are very good reasons why his identity should be disclosed. There can be very few cases where exposing a child to the media can be justified as in the public interest. The necessity to protect a child in this way may mean protecting the identity of other less deserving individuals, e.g. the abusive parent."

Principal Registry of the Family Division

We are grateful to **Voice of Young People in Care**, who once again brought together a group of young people to discuss the Government's proposals. Their view was that the identity of a child should be protected indefinitely:

"The types of decisions made through family courts has such a profound impact on the lives of those young people involved that, at the very least their identity should be safeguarded beyond the hearing... it would be unfair to apply further stress in relation to whether or not a young person's identity might no longer be protected beyond the hearing."

There was a range of views about how long the protection of the child's identity should last. The three main groups were:

Until the child subject to proceedings reaches 18

"We strongly agree that the identity of children [who are] the subject of proceedings should be protected during each child's minority unless otherwise directed by the court, and the High Court should retain the jurisdiction, using its inherent jurisdiction, to protect children beyond their minorities in exceptional cases. It is desirable that identification should be the subject of decision of the court, where the competing interest of the child, other parties, and the wide public may be balanced, and a reasoned decision given."

Council of Her Majesty's Circuit Judges

Until the child and any siblings from either parent reaches 18

"MoJ should consider situations in certain cases where there could be younger siblings involved."

Welsh Assembly Government

Until and unless the court orders otherwise

"The burden on children of public identification will generally, we believe, not be in their interests, but we support the use of judicial discretion in making the final decision."

NAGALRO

Where a judge does decide to allow for the child's identity to be published on welfare grounds, the decision to do so should be fully explained.

"If the identity of the child is made known then it is essential that the Judge follows guidelines and gives clear, specific reasons on how and why they came to that decision."

Welsh Women's Aid

Conclusion and next steps

Our consultation sought views on proposals to change court rules on confidential disclosure to make them simpler and easier to understand. We aimed to focus on disclosure for carefully defined purposes, while removing some of the restrictions on what information can be disclosed, and to whom. We recognised the very private nature of some information such as that relating to health, personal relationships or finances.

In our first consultation document in July 2006 we set out in Annex B (section 13) the general duty of confidentiality. Every person has a duty of confidentiality where the person knew or ought to have known that the other person could reasonably expect his privacy to be protected. The fact that family proceedings are and will remain private retains the context and framework of the expectation of privacy. Concerns expressed in response to this consultation about the disclosure rules centred on the indiscriminate circulation of private information and a lack of control in onward disclosures.

The changes we made to the rules in 2005 have allowed people to seek advice and support from a range of people, including legal advisers, McKenzie Friends, close family members, medical practitioners (for health care and counselling) and to elected representatives (for advice, to investigate a complaint or raise any question of policy or procedure).

We must keep in mind the distress and upset often felt by those going through family proceedings and their need for assistance and support. However, unless a person or organisation is specified in the rules, parties have to get permission from the court before they disclose information about their own case to them. For example, while parties could talk to a close family member about their case, they are unable to talk to a close friend.

We need to balance one person's right to privacy against another person's wish to share documents or details of court proceedings, which may breach that privacy. Many court documents contain sensitive and personal information – medical records, information about a person's mental health, welfare reports and the like. We need to be alert to how damaging it could be for an individual (or any children involved) if that sort of information were to be disclosed. There needs to be limits on what can be shared with whom for the protection of all involved, particularly children subject to proceedings.

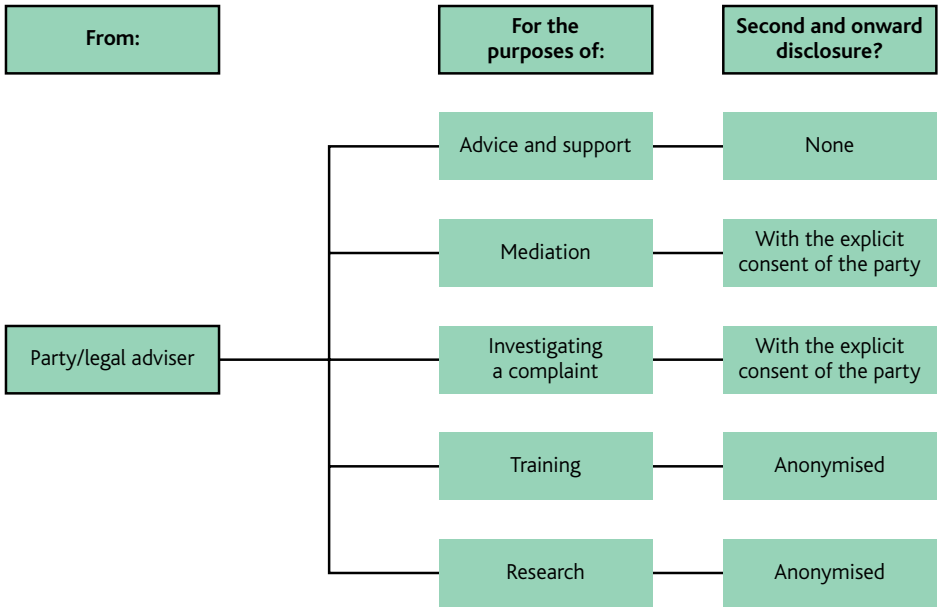
Those going through family proceedings may need help from more than one person or organisation to investigate a complaint or to take forward mediation. Their first disclosure may be to seek advice about what to do or where to go, before they are signposted or passed on to a relevant service. We need to make sure that that they can do this in a simple and timely manner. We believe that the person who should control onward disclosure in these circumstances is the individual who made the first disclosure and that the purpose of the onward disclosure must be the same as the original purpose.

We believe that this sort of approach would allow onward disclosure, for example by an MP for further research into a complaint, but restrict parties or friends of parties from using the information for gossip or slander (which could be construed as support or advice).

The Rules allow for disclosure to be made for the purpose of conducting an approved research project. We do not wish to lose the benefit of research, which contributes to our understanding of family law and its operation. We also want to maintain high standards of the professionals who work in family justice and ensure they have the training benefit of real case examples. Where information has been sufficiently anonymised (so that the individuals involved are not identifiable by any of the information) this would protect the privacy of those involved.

Therefore, the rules will be simplified to allow people to disclose based on the purpose of the disclosure rather than what information and to whom the information is being disclosed to:

- Parties and legal representatives can disclose information for the purposes of advice and support, for mediation and the investigation of a complaint, or, in an anonymised format, for training and research.
- With the consent of the party involved, the person receiving it for the purposes of mediation and investigation of a complaint may onwardly disclose information.
- Information may also be onwardly disclosed, without the consent of the parties involved but in an anonymised format, for training and research.



In taking forward the new proposals on disclosure, the MoJ will work closely with the Family Procedure Rule Committee to amend the disclosure Rules to that effect, and to ensure that the changes are workable and achieve the desired aims.

It is worth highlighting that we are not proposing to make any change to the rules on disclosure for publication or to the public at large. Such disclosure to the media or for publication without express permission from the court will remain prohibited.

Consultation Co-ordinator contact details

If you have any complaints or comments about the consultation **process** rather than about the topic covered by this paper, you should contact Gabrielle Kann, Ministry of Justice Consultation Co-ordinator, on 020 3334 4496, or email her at consultation@justice.gsi.gov.uk.

Alternatively, you may wish to write to the address below:

Gabrielle Kann
Consultation Co-ordinator
Ministry of Justice
7th Floor
102 Petty France
London SW1H 9AJ

If your complaints or comments refer to the topic covered by this paper rather than the consultation process, please direct them to the contact given at page 6.

The consultation criteria

The seven consultation criteria are as follows:

1. **When to consult** – Formal consultations should take place at a stage where there is scope to influence the policy outcome.

2. **Duration of consultation exercises** – Consultations should normally last for at least 12 weeks with consideration given to longer timescales where feasible and sensible.

3. **Clarity of scope and impac**t – Consultation documents should be clear about the consultation process, what is being proposed, the scope to influence and the expected costs and benefits of the proposals.

4. **Accessibility of consultation exercises** – Consultation exercises should be designed to be accessible to, and clearly targeted at, those people the exercise is intended to reach.

5. **The burden of consultation** – Keeping the burden of consultation to a minimum is essential if consultations are to be effective and if consultees' buy-in to the process is to be obtained.

6. **Responsiveness of consultation exercise**s – Consultation responses should be analysed carefully and clear feedback should be provided to participants following the consultation.

7. **Capacity to consult** – Officials running consultations should seek guidance in how to run an effective consultation exercise and share what they have learned from the experience.

Part 2 – More Openness in Family Courts

Attendance and accessibility

During the course of two full public consultations, views about whether the media should be able to attend family courts have been emotive and strongly split. In the first consultation we argued that the media should be able to attend as a proxy for the public and to provide accountability for a system that was suffering from loss of public confidence. We asked: Should the media be allowed to attend family proceedings as of right, with judicial discretion to exclude where appropriate?

Unsurprisingly, 100% of media representatives who responded agreed with the proposition; 72% of members of the public and 54% of voluntary sector (charities for children, adults or others) organisations that replied also agreed.

> "Without opening up the family court system to outside scrutiny, the current accusations of bias will continue, and if the family law system is truly honest and unbiased then it should be seen to be and not hidden behind closed doors" **Stuart Maskery**
>
> "There is no reason to suppose that mere attendance can cause harm – especially when combined with automatic or discretionary reporting restrictions" **Society of Editors**
>
> "If proper reporting restrictions were imposed on the media in all tiers of court, there will be no threat to the welfare of children... Secrecy is a breeding ground for complacency and injustice... and promotes rumour and speculation which inevitably damage public confidence" **David Pannick QC and fortnightly legal columnist**

Equally emphatic were the groups who generally did *not* agree with the proposal to allow the media into courts: – 73% of judicial responses (58% if the 61 identical responses from a single FPC were taken as one response); 77% of responses from local and devolved government and Non-Departmental Public Bodies (NDPBs); and 78% of responses from legal practitioners or bodies representing them.

Particular concerns with this proposal were that the press would not understand the issues involved in family proceedings; that they would not make decisions about what to report in the best interests of the child; and that the welfare of children, and their identities, need to be protected.

Some typical comments from children's groups and judiciary were:

The National Children's Bureau said: "Any plans for opening up the courts must... keep the child's welfare and protection paramount".

The **High Court Judges of the Family Division** said: "Children of whatever age are, we believe, entitled to as much privacy as possible from intrusion by the media and the public during their formative years."

The **Association of Lawyers for Children** said: "It is the welfare of children and young people that the family justice system exists to prioritise and protect. We forget this at our peril."

However, it is worth highlighting that only a handful overall felt that the media should *never* be able to attend, and only a handful felt that the media should *always* be allowed to attend. Several were concerned that the media would not have the children's best interests and welfare at heart if they were allowed to attend. Children and the groups that represent them said that the judge was trusted to make the right decision on attendance of the media in the interests of the child. They were not alone – 85% of all respondents gave an affirmative answer to the question: **Do you think that the court should be able to exclude the media from family courts if appropriate?**

Although statistically responses to the question whether representatives of the media should be allowed to attend family proceedings were balanced, the nature and strength of the concerns raised by the children we spoke to convinced us of the need to amend this proposal. So, in the last consultation paper we argued that improving confidence should be achieved by increasing the information coming out of family courts. We said that allowing the media in to the family courts as of right would not be consistent with the principle that children must come first.

Since the last consultation we have received over 200 letters from individuals, MPs and constituents around the country who believe that the family courts are not being run with the child's best interests at heart. Consistent with the responses to the consultation document, it is the general public (who are not able to attend on their own account and who mainly receive information through the prism of media reporting) who are calling for the courts to be opened up. Those who work within the family justice system, however, are rightly concerned about the potential harm that unrestricted access to the courts may do to children.

Allowing confidence in the family courts to fall in the eyes of the public is not in the interests of the children who we are working so hard to protect. We have therefore come to the conclusion that we must increase the volume of information available about the family courts **and** open up the courts; but a right of access to proceedings cannot mean an untrammelled right to report anything and in any manner regardless of its impact on the children involved.

We propose to change the law to allow access to the court so that family justice can be seen. The family justice system is not secret, it has nothing to hide, but it does need to be private to safeguard and protect children and their families.

The media have a role to play. Their reporting must be responsible and honest, providing information about the system without endangering the identities or welfare of children. We believe that they could be a positive influence in increasing understanding of the work of the courts.

We can understand that journalists want to run human-interest stories where the parties and children are identified. Journalists have said they want to write the full detailed 'human' story with photos, but the rules limiting reporting are there for the good of children experiencing very difficult situations. While the media will **not** be able to identify parties or the child subject to proceedings, they will certainly be able to discuss in a more informed way how the system works.

Journalists who have attended family proceedings courts have been able to report sufficient outlines of several cases that allow the reader to understand the gist of proceedings but without identifying those involved. The challenge for the media is to report fairly, openly and without any risk to the identities and welfare of those involved.

That said, there is also strong support for the court to be able to exclude any member of the media or anybody else in attendance when they see fit, depending on the case. In children cases, there may be occasions where the child may wish to attend but will not do so if a representative of the media is present, or where the evidence being given is of an indecent nature, making a stressful experience all the more so if it has to be undergone in front of reporters. In non-children proceedings such as domestic violence or forced marriage cases, parties could be at risk if they are identified in court. Some other cases may involve people who lack a full understanding of the significance of the presence of the media such as those with learning disabilities.

Therefore, in the interests of consistency, a limited discretion to exclude in the interests of children, or for the safety and protection of parties and witnesses, including those with learning disabilities, will be provided across all tiers of court. The parties and their legal representatives will, of course, be able to make representations to the court if the media are present and there are reasons why they should be excluded.

Reporting restrictions

In the 2007 consultation, we said that we would make reporting restrictions consistent across all tiers of court for all types of proceeding. This received overwhelming support. There are at least 10 current statutes that set out what the media may or may not report in different types of proceedings, and other ways in which human rights or data protection principles, or principles at common law, may give rise to restrictions.[3] However, the extent of the protections provided by these statutes is in some areas not entirely clear; nor are they comprehensive or particularly comprehensible. We said we would consider the need for simplification of the legislation so that it is readily accessible and easily understood.

The key protection of the child's identity is contained in section 97 of the Children Act 1989, which provides that no person shall publish to the public at large, or any section of the public, any material which is intended, or likely, to identify any child (or their school or address) as being involved in proceedings under the Children Act or the Adoption and Children Act 2002.

Further protection, partly overlapping but in some respects broader, is provided by section 39(1) of the Children and Young Persons Act 1933, which provides that "no newspaper report of the proceedings shall reveal the name, address, or school, or include any particulars calculated to lead to the identification, of any child or young person concerned in the proceedings, either as being the person by or against or in respect of whom the proceedings are taken, or as being a witness therein; and that no picture shall be published in any newspaper as being or including a picture of any child or young person so concerned in the proceedings".

However, in proceedings where children are **not** involved, the reporting restrictions may be much less stringent. For example, there is no specific statutory provision for reporting restrictions for domestic violence proceedings under Part IV of the Family Law Act 1996, including non-molestation orders and occupation orders.

3 See Annex B of the 2006 consultation document – *Confidence and Confidentiality: Improving Transparency and Privacy in Family Courts*.

In proceedings for divorce, nullity and judicial separation (and their Civil Partnership equivalents) Section 1(1)(a) and (b) of the Judicial Proceedings (Regulation of Reports) Act 1926 **permits the publication** of the names, addresses and occupations of parties and witnesses; a concise statement of the charges, defences and counter-charges in support of which evidence has been given; submissions on any point of law arising in the course of the proceedings, and in the decision of the court thereon; and the summing up of the judge and the finding of the jury (if any) and the judgement of the court and observations made by the judge in giving judgement.

One mechanism that would allow the court to restrict reporting indirectly would be to exclude the media from attendance. However, this would not be a satisfactory solution in the long term. The High Court may impose reporting restrictions under its inherent jurisdiction and so could bolster directly the indirect restriction; but the county courts have no such jurisdiction. Furthermore, the power to exclude is not uniform: the High Court and county courts have the inherent power to exclude anybody but parties and officers of the court, but the magistrates' court currently has no such power to exclude.

It is worth noting that *generally speaking* it is not the adult-only cases that result in media scrutiny. However, the key concern with introducing automatic rights of attendance for the media without ensuring an appropriate scheme for reporting restrictions is that violent, distressing and salacious details could be available to the media. Articles relating to domestic violence or forced marriages might be informative for the public, but could name the victims involved or provide identifying personal details. The possibility of such reporting could be to deter victims from coming forward to obtain the protection of the court.

Since we have decided to open up family proceedings to the media, we consider it essential to bring forward legislation that provides the necessary protection for children and families by preventing certain information from being published without the permission of the court. Children and families need to be confident that their privacy will be protected. **We will revise the law on reporting restrictions as soon as parliamentary time allows.**

Adoption

In our first consultation, we proposed allowing the media access to the family courts but proposed a special exception for adoption proceedings so that the process after a placement order was made remained private. 68% of those who responded to this question agreed adoption should be treated differently and 77% agreed that proceedings should be held in private.

In the second consultation, we announced that adoption would be a special exception. We said the fact of adoption is information for the benefit of the child and it is for them to decide whether to tell anyone. As with other proceedings involving children we were, and are, concerned to ensure that the welfare and privacy of children is protected.

Adoption is the most difficult and life-changing decision a family court can make – permanently removing a child from the birth parents. Looking at the breakdown of the opinions expressed from the first consultation, it is clear that individuals/members of the public were strongly in favour of not giving special treatment for adoption. In the light of the many representations we have received, mostly from individuals or their representatives, we consider that it is right to review whether adoption proceedings could be safely opened up.

Where a child is looked after by a local authority, it will consider the needs of a child that is about to be relinquished for adoption or that is 'looked after', either because the child is being voluntarily accommodated, is the subject of an interim care order under the Children Act 1989, or care proceedings have been initiated. By the second statutory review – the four month review – the local authority will consider the permanence plan for the child, i.e. return home, then permanence outside the family. If it decided that adoption is the plan, the adoption panel is asked to consider whether that plan is right for the child. Where the panel makes a recommendation that the child should be placed for adoption, it may give advice on contact arrangements and whether an application should be made for a placement order.

Where a child is the subject of a care order and the local authority decides that the child should be placed for adoption, the authority may either apply for a placement order or it may place the child for adoption with consent, if the parents are prepared to give their consent under section 19 of the Act. This provides the authority with flexibility and, in the latter case, avoids unnecessary court proceedings if consent is forthcoming. Where there is no care order in place, the local authority may apply for a placement order or make concurrent care order and placement order applications. The latter would give the court the option of making both orders so that the child is still protected should the placement order be revoked, (as the care order will automatically reactivate), or of making a care order instead of a placement order.

Should the court be satisfied that the child is suffering or likely to suffer significant harm, it will make a placement order. This order gives the local authority the power to place the child with approved prospective adopters.

The approved prospective adopters may apply to the court for an adoption order once the child has lived with them for at least ten weeks. Where parental consent has been given under section 19 of the Adoption and Children Act 2002 (the 2002 Act) or where a placement order is in force, the parents may only oppose the making of the adoption order with the leave of the court. Leave will be granted only if the court is satisfied there has been a change of circumstances since the consent was given, or since the placement order was made. Such a change in circumstances might be for example where a parent has recovered from a mental illness, or completed successful drug rehabilitation.

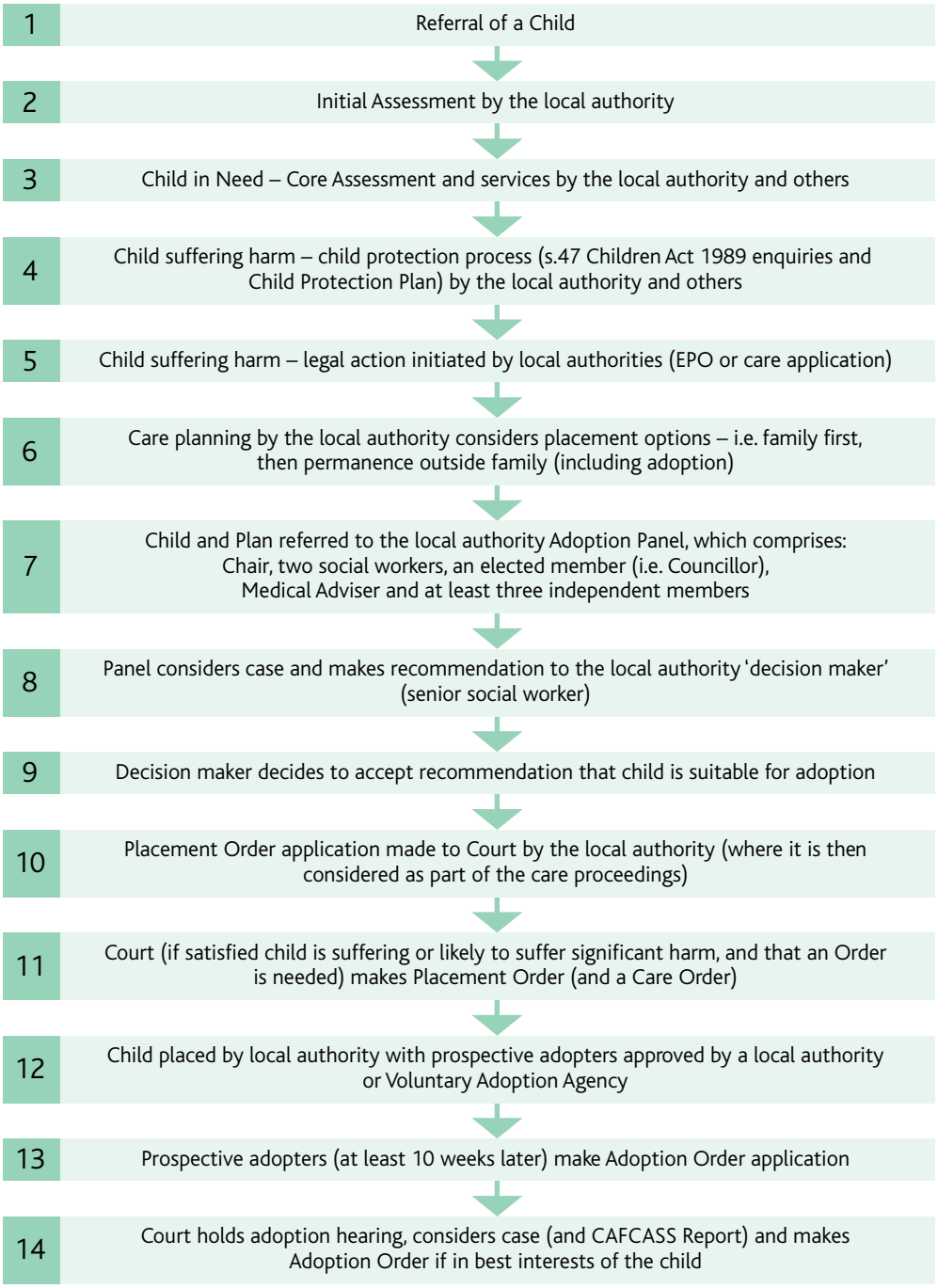
If leave to oppose is not granted, the court will consider whether to make the adoption order, having regard to section 1 of the 2002 Act. Section 1(2) makes the child's welfare the paramount consideration for the court or adoption agency in making any decision relating to the adoption of a child. The court is also to have regard to the welfare checklist at section 1(4). Section 1(6) provides that the court may only make an adoption order where it considers that doing so is better for the child than not doing so. The court must consider all the powers it has under the 2002 Act and the 1989 Act, including the alternative courses of action open to the court.

If leave to oppose the making of the adoption order is granted, the court must decide first whether an adoption order is in the child's best interest. The court must then decide whether or not to dispense with parental consent to adoption.

A child becomes adopted when an adoption order is made. This removes the parental responsibility of the child's parents and passes it to the adopter. In law the child is treated as if he or she had been born to the adopter and they become responsible for looking after the child and for making all the key decisions about them.

A flowchart which sets out the steps of how a child might become adopted from care is on page 36. Where care and placement proceedings are concurrent, step 10 (application for a placement order) may be made soon after step 5 as long as steps 6-9 have been completed.

Given what we have said about providing the court with some discretion to exclude the media in individual cases, and the need for sufficient reporting restrictions in all family cases, **we now wish to seek views on how adoption proceedings could be made more open**. We recognise and accept that adoption cases need some special consideration. For example, there is a clear need to ensure the security of adopters whose identity may be unknown to the birth parents. But we want to consider with our stakeholders what the most appropriate approach would be.


1
Referral of a Child
2
Initial Assessment by the local authority
3
Child in Need – Core Assessment and services by the local authority and others
4
Child suffering harm – child protection process (s.47 Children Act 1989 enquiries and Child Protection Plan) by the local authority and others
5
Child suffering harm – legal action initiated by local authorities (EPO or care application)
6
Care planning by the local authority considers placement options – i.e. family first, then permanence outside family (including adoption)
7
Child and Plan referred to the local authority Adoption Panel, which comprises: Chair, two social workers, an elected member (i.e. Councillor), Medical Adviser and at least three independent members
8
Panel considers case and makes recommendation to the local authority 'decision maker' (senior social worker)
9
Decision maker decides to accept recommendation that child is suitable for adoption
10
Placement Order application made to Court by the local authority (where it is then considered as part of the care proceedings)
11
Court (if satisfied child is suffering or likely to suffer significant harm, and that an Order is needed) makes Placement Order (and a Care Order)
12
Child placed by local authority with prospective adopters approved by a local authority or Voluntary Adoption Agency
13
Prospective adopters (at least 10 weeks later) make Adoption Order application
14
Court holds adoption hearing, considers case (and CAFCASS Report) and makes Adoption Order if in best interests of the child

Family Courts Information Pilot

The Family Courts Information Pilot was announced in the 2007 consultation paper. The key objective of the pilot is to identify and weigh up the cost and resource implications of providing more information to those involved in family cases. It will also test whether the new proposals are actually what users of the court want and need.

The pilots will run in three areas identified by the President of the Family Division – **Leeds, Wolverhampton and Cardiff**. The cases falling within the remit of the pilot will primarily be public law cases including those relating to care proceedings, where final orders are made, including those made by consent, in the family proceeding courts (Magistrates Courts), County Courts or the High Court. Some private law cases may also be included: we will encourage judgements to be given for the purpose of publication such as contested residence or contact cases where the issues are in dispute and the outcome is unusual. We are finalising the design of the pilots and hope they will start in Spring 2009.

The pilot areas will for the first time, routinely produce for county court and High Court cases, a written record of the court's decision – i.e. a hard copy of a judgment. Family Proceedings Courts will continue to provide the written reasons, which they are already required to do. For the first time, these anonymised judgments or written reasons will also be placed online.

The judgments or written reasons will be:

- issued to the parties;
- retained on the court file (and possibly the local authority/Cafcass/CAFCASS Cymru files) for the child to access on reaching adulthood, should they choose to do so; and
- made anonymous and published online.

The information we will gather through these carefully designed pilots will allow us to test the process and its benefits to families; and make informed decisions about the routine production of judgments in family proceedings.

We are working closely with key stakeholder groups and members of the judiciary in developing the Family Courts Information Pilots. These pilots have the support of the judiciary for proposals to make more information available to people involved in family proceedings, and to make more information available to the wider public. The pilots will have no effect or influence over judicial decisions, which must remain completely independent.

Publication of anonymised judgments online is intended to improve perceptions of the family court within society. Providing judgments to the parties is intended to help those who have been through proceedings to understand why decisions were reached.

Providing additional information will create some practical issues that we will need to consider. We will be considering these as part of the pilot and before making any decisions about any more far-reaching changes in this area.

Summary of the way forward

The way forward is based on three key principles. None of these principles can work alone to deliver more openness, while maintaining the protection of children and vulnerable adults. Underlying this is the need to provide those involved in proceedings with the support they need.

1. To Improve Confidence

We will:

- Change the law so that the media will be able to attend family proceedings in the courts, unless the court decides otherwise;
- Improve and increase the amount of public information accessible to all who want to know more about the way the courts work and how decisions are made.

And pilot:

- Placing anonymised judgements on-line from some typical family cases from local Family Proceedings Courts and County Courts, so that the public can see how decisions were reached;
- Giving the parties a copy of the judgement at the conclusion of their case so that they have a record of what was decided and why.

The pilot will also look at the practicalities of retaining judgements for children who are the subject of proceedings so they can access it when they are older, should they choose to do so.

2. To protect the interests of children and vulnerable adults

We will change the law so that:

- The court may exclude the media in the interests of children or for the safety and protection of parties or witnesses;
- There will be a consistent set of reporting restrictions to ensure children and families are protected; and that certain information cannot be published without the permission of the court;
- The identity of children will be automatically protected beyond the conclusion of a case, unless the court decides otherwise.

3. To enable more access to support

Information will be shared more widely:

- Parties and legal representatives can disclose information for the purposes of advice and support, for mediation and the investigation of a complaint, or, in an anonymised format, for training and research.
- With the consent of the party involved, the person receiving it for the purposes of mediation and investigation of a complaint may onwardly disclose information.
- Information may also be onwardly disclosed, without the consent of the parties involved but in an anonymised format, for training and research.

These three planks of reform will be developed along different timelines to ensure that there is protection for children at all stages; and that confidence in the family courts may increase over time.

Annex A – List of respondents

List of respondents to Consultation CP10/07 **– Confidence and Confidentiality: Openness in family courts – a new approach**

Adoption UK
Anonymous (1)
Mrs J R Alberry
T H Aldridge
Association of Lawyers for Children
Stephen Balchin
Bar Council of England and Wales Law Reform Committee
His Honour Judge Clifford Bellamy
Bolton Family Panel
Nicholas Botham
Brethren Christian Fellowship
British Association for Adoption and Fostering (BAAF)
British Association of Counselling and Psychotherapy
British Association of Social Workers (BASW)
British Psychological Society
Cafcass
Calderdale Council (Children and Young People's Services)
Calderdale Magistrates Court Family Panel
Cambridgeshire Combined Family Proceedings Court Panel
David Carrier
Howard Charles
Iain Christie
Nora Collett
Council of Her Majesty's Circuit Judges
Crown Prosecution Service
Mr and Mrs Crouch
His Honour Judge Alasdair Darroch
Julie Doughty
District Judges of the Principal Registry of the Family Division
Simon Eades
The Eaton Foundation
Equal Parenting Alliance
False Allegations Support Organisation (FASO)
Families Need Fathers
Family Justice Council
Family Law Society
Family Links International (Flint)
District Judge Michael Friel
General Medical Council

Steve Genovese
Reginald George
Gloucestershire CYPD
Allan Albert Grantham
Greater London Family Panel of Justices Legal Committee
Walter Greenwood
John A Hanson, JP
Paul David John Harrison
Jane Elizabeth Hedley
High Court Judges of the Family Division
HMCS West Mercia (Family Team Manager and Area Legal Manager)
Ruth Jenkins
Ian Josephs
JUMP (Jewish Unity for Multiple Parenting)
Justices' Clerks' Society
Kent County Council
Law Society Family Law Committee
Law Society Children Law Sub-Committee
Ben Leapman
Lord Justice Wall
The Magistrates' Association Family Proceedings Committee
The ManKind Initiative
Stuart Maskery
NAGALRO (Professional Association for Children's Guardians, Family Court Advisers and Independent Social Workers)
NAPO (The Trade Union and Professional Association for Family Court and Protection Staff)
National Children's Bureau
National Youth Advocacy Service (NYAS)
The Newspaper Society
North Nottinghamshire Family Panel Executive
North Yorkshire Legal Services
NSPCC
One Parent Families / Gingerbread
PAIN (Parents Against Injustice)
David Pannick, QC
Press Association
Mark Andrew Quigley
Refuge
Resolution
Royal College of Paediatrics and Child Health
Mrs K Sanchez
Scarborough Magistrates Family Panel
Sharnbit Sangha
Keith Schilling & Miranda Fisher (Solicitors)
Peter Rodney Shires

Society of Editors
South Devon FPC
Sue Stapely
Alan Stears JP
Sussex Central Family Panel **(18 individuals replied)**
Richard Taylor
VOYPIC (Voice of Young People in Care)
Welsh Assembly Government
Welsh Women's Aid
West Yorkshire Family Legal Advisers
James Williams
Women's Aid

Alternative format versions of this report are available on request from the Family Law & Justice Division
e-mail family.consultation@hmcourts-service.gsi.gov.uk.

Printed in the UK by The Stationery Office Limited
on behalf of the Controller of Her Majesty's Stationery Office
ID5805778 12/08

Printed on Paper containing 75% recycled fibre content minimum.

Published by TSO (The Stationery Office) and available from:

Online
www.tsoshop.co.uk

Mail, Telephone Fax & E-Mail
TSO
PO Box 29, Norwich, NR3 1GN
Telephone orders/General enquiries 0870 600 5522
Order through the Parliamentary Hotline Lo-Call 0845 7 023474
Fax orders: 0870 600 5533
E-mail: customer.services@tso.co.uk
Textphone: 0870 240 3701

TSO Shops
16 Arthur Street, Belfast BT1 4GD
028 9023 8451 Fax 028 9023 5401
71 Lothian Road, Edinburgh EH3 9AZ
0870 606 5566 Fax 0870 606 5588

The Parliamentary Bookshop
12 Bridge Street, Parliament Square,
London SW1A 2JX

TSO@Blackwell and other Accredited Agents

ISBN 978-0-10-175022-6

9 780101 750226