Department for Education

Ministry of Justice

A brighter future for Family Justice

A round up of what's happened since the Family Justice Review

Contents

Joint Ministerial foreword

When the Family Justice Review reported in November 2011, it made for difficult reading for all those with responsibility for the family justice system.

The Review found a system that was failing the vulnerable people it was supposed to be serving, characterised by incoherence, distrust between agencies and a lack of leadership. This was causing huge, unnecessary delays, with the average care case in the county courts taking over 60 weeks – 'an age in the life of a child' in the words of David Norgrove.

In the Government's response in February 2012 we agreed with the vast majority of what the Review had found and, along with the majority of agencies working in the system, accepted that radical action needed to be taken. Since that response, the family justice system has undergone a revolution. Reforming family justice and child protection was and is a priority for the Government and we are pleased to present this publication which sets out the significant progress that has been made.

Building a brighter future

The clearest representation of the radical reform which has taken place is the introduction of the single Family Court. The old system, where applicants to court had to work out which one of the three tiers of court they should apply to, and which court had the geographical jurisdiction to deal with it, characterised the inefficient processes that plagued family justice. The idea of a unified family court had been around for years but there had been little progress on actually making this a reality. We are pleased to have taken this step which will improve the experience for all those who need to go to court.

To help reduce delay, the Children and Families Act 2014 introduced a 26 week limit for care and supervision cases in public law. This may have seemed an ambitious target, but the dramatic reduction in the length of cases we have already seen has proved we were right to be bold in our ambitions.

Children's services clearly play a large part in making sure that the most vulnerable children in our society are properly protected and cared for. We have worked with local authorities and the College of Social Work to improve the guidance available to social workers and share best practice. The role of the Children and Families Court Advisory Support Service (Cafcass) has been crucial in supporting this work and we congratulate them for the 'outstanding' rating they received from Ofsted in April of this year for leadership and governance of the national organisation.

We have also been clear that we want people to resolve their disputes outside the courts wherever possible. Legal aid support remains available for mediation and there is now a statutory requirement for all separating couples actively to consider mediation before they can go to court over children and financial matters. We recognise that some cases will require litigation, but we are firm in our belief that it is better for all those involved if disputes can be resolved without the stressful experience of going to court.

We recognise that this reform has taken place against a backdrop of some major changes to legal aid in private law. The number of people who represent themselves in court has increased since the introduction of legislation which reformed the legal aid system, and we understand the challenges this has created. People representing themselves have always been part of the family justice system and we will continue to monitor the number of these cases in the courts, and the impact this is having. We are working to make sure that those who no longer qualify for legal aid and for whom court remains the only option receive the support and advice that they need to represent themselves.

Finally, we want to pay tribute to all those in the family justice system who have been involved in making change happen. From social workers to judges and lawyers to mediators, reform wouldn't have been possible without everybody working together to make the family justice system better for all of the children and families which come into contact with it.

We also want to thank David Norgrove who has continued the excellent work which he did in leading the Family Justice Review. He has chaired the Family Justice Board since its inception in March 2012. We thank too the President of the Family Division, Sir James Munby, whose contribution to driving through the reforms has been instrumental.

Together, we have come a long way in reforming the family justice system. We are however under no illusion that our work here is done. There is still much more we can do to make the system work better for those who use our courts and other services outside of court. We are committed to continuing to work with you to make family justice better for everybody involved.

Simon Hughes
Minister of State for Justice and Civil Liberties

Edward Timpson
Parliamentary Under Secretary of State for Children and Families

Part I:
Family Justice – a new landscape

1 In 2011 the independent Family Justice Review (FJR), chaired by David Norgrove, found the family justice system was not a system at all and the vulnerable children who were meant to be protected were having their 'futures undermined'. In its final report, published in November 2011, the Review made 134 recommendations to improve the system, in five broad categories: a system with children's needs at its heart, changes to public law, changes to private law, developing the leadership of the family justice system, and the judiciary and wider workforce.

2 In the response, published in February 2012, and the detailed action plan, published in June 2012, the Government accepted and committed to action on the vast majority of the 134 recommendations. The Government's progress against those recommendations is set out at Annex A.

3 On 22 April 2014, the largest family justice reforms for a generation came into effect, firmly putting children at the heart of the system and implementing many of the recommendations suggested by the FJR. The single Family Court became a reality and provisions from the Children and Families Act 2014 were implemented. The result is a vastly different family justice landscape to the one that the Review had found so lacking. This section sets out the key features of this new landscape.

The single Family Court

4 The creation of the new Family Court has established a united court that now deals with the vast majority of family proceedings. Family Proceedings Courts no longer exist and the new single County Court no longer has the power to hear family matters. Families will no longer have to work out which court they should apply to. Instead there is a single point of entry for an application in each local area and each case is allocated to the most appropriate level of judge and to a suitable location.

5 The single Family Court provides simplified processes for families who use the court and for court staff themselves. The court can sit anywhere in England and Wales, providing much greater flexibility than the old system. As all levels of judge, from lay magistrates to High Court Judges and above, can sit in the Family Court there is no need for lengthy delays caused by the transferring of cases between different courts. These simplified processes are helping to create a system with the children's needs at its heart.

Public law

6 When the Review reported in 2011, delays in care and supervision cases meant that proceedings were taking on average 55 weeks[1] to complete. Care proceedings involve the most vulnerable children in society and it was universally recognised that the delays were causing harm and confusion for those involved. Since then, the Government and the wider family justice system have delivered significant and wide-ranging reform that has successfully begun to reduce these delays, with the length of cases during January-March 2014 at 32 weeks.

7 The reforms made in the Children and Families Act 2014 have enshrined timeliness in the law by formally introducing a 26 week time limit for all care and supervision cases. We expect this to further reduce delay and give greater certainty to the children involved. The court can extend the 26 week period for up to eight weeks at a time, where this is necessary in order to resolve the proceedings justly.

Mediation

8 As part of the Government's drive to encourage the resolution of family disputes out of court, where appropriate, there is now a legal requirement for people who wish to take a dispute over children or financial matters to the family court or the High Court to first attend a Mediation Information Assessment Meeting (MIAM). The MIAM is designed to allow people to find out more about family mediation and whether it's right for them. There are exemptions, for example, where there is a domestic violence or child abuse element to the case. To support this, the Government has kept family mediation and legal help for mediation within scope for legal aid. If one party is funded, the cost of the initial MIAM will be covered for both participants.

1 This average is calculated from all cases within the Family Justice system.

Private Law

9 The Children and Families Act 2014 provides for a new Child Arrangements Order which replaces the separate residence and contact orders which previously existed. The new Order aims to alter the perception that one parent is more important than the other by arbitrary terms such as 'resident parent'. The Order returns the focus of these arrangements to the child, rather than the parents. This order has the same enforcement provisions which the previous contact order had.

10 A separate provision on parental involvement, due to be implemented in the autumn, will send a clearer message to parents about the approach which the courts will take to decide on disputed child arrangements. The aim is to encourage parents to be more focused on children and to make it clear that the involvement of each parent in a child's life is the starting point.

Experts

11 The Review recommended that criteria for using expert evidence in family proceedings should be strengthened to avoid the lengthy delays which commissioning and unnecessary or superfluous reports can create. Provisions in the Children and Families Act 2014 and changes to the Family Procedure Rules 2010 mean that expert evidence can now only be ordered where the judge deems it to be necessary to resolve the case justly, and where the information sought cannot be obtained from one of the parties.

Legal aid reform in Private Law

12 April 2013 saw most private family law matters removed from the scope of legal aid for advice and representation. Legal aid remains available where evidence of domestic violence exists or where there are child protection concerns, and has been retained for family mediation.

13 22 April 2014 marked a change in the legal aid fee paid to solicitors in public family law cases. A 10% reduction was made so that fixed fees payable for care cases reflected more closely the amount of work involved in such cases, which has fallen due to the reducing length of public law cases.

14 Prior to that, in December 2013 the Government introduced a 20% reduction in the rates paid to most experts in civil, family and criminal proceedings. Given its fiscal challenges, the Government needed to make sure that these fees represented value for money. These reductions bring the fees into line with fees for other services.

15 Remuneration for family legal aid services was previously based on the tier of the court in which proceedings take place. The implementation of the single Family Court has required alterations to the family legal aid remuneration framework. These changes are intended to be cost neutral and reflect the same payment levels and structure as before.

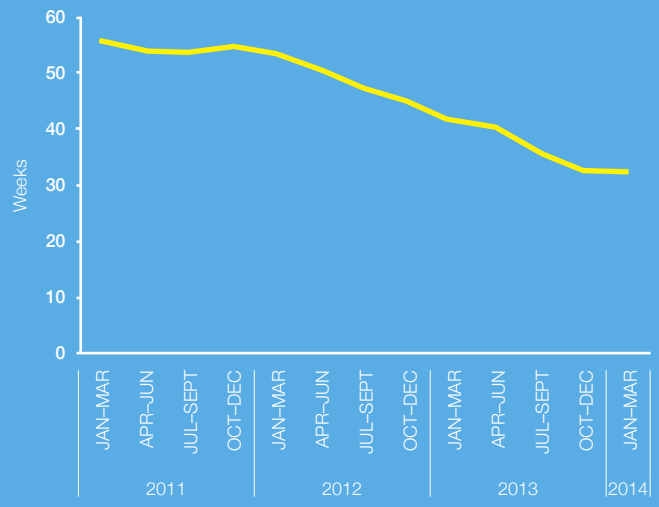
16 The Government is revising the current legal aid Family Advocacy Scheme as a result of the changes to Practice Direction 27A, which reduces the size of court bundles. The introduction of a maximum court bundle size of 350 pages, which is applicable in the majority of cases, will effectively prevent cases from receiving the court bundle 'bolt-on' payments which advocates had received for workload and complex cases. The changes are intended to have no impact on legal aid clients, the level of remuneration paid overall or the legal aid fund, and came into effect on 31 July 2014.

Fees in the Family Court

17 Fees in the Family Court were changed on 22 April 2014 in line with wider fee reform in the civil and family justice system. A consultation period was held from 3 December 2013 to 22 January 2014 which set out proposals to reform fees so that the court user pays for the service provided by the courts, through cost recovery and enhanced fee charging. Part one of the consultation response on the cost recovery proposals came into effect on 22 April.

Data trends in Family Justice since the Family Justice Review

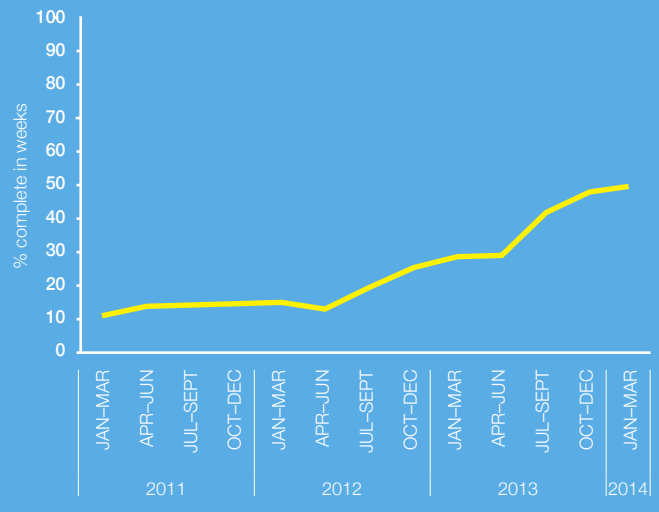
Public law: From application to first full order
Average length in weeks: Care and Supervision cases, England and Wales, January 2011 – March 2014



	Quarter	Average Weeks
2011	Jan-Mar	55.6
	Apr-Jun	54.6
	Jul-Sep	54.4
	Oct-Dec	54.7
2012	Jan-Mar	54.0
	Apr-Jun	51.5
	Jul-Sep	47.6
	Oct-Dec	45.3
2013	Jan-Mar	42.3
	Apr-Jun	41.0
	Jul-Sep	35.9
	Oct-Dec	33.4
2014	Jan-Mar	32.0

The average length of care and supervision cases has dropped from 55.6 weeks to 32 weeks during this period. A reduction of 42.4%

Public law: Proportion of cases completed within 26 weeks
Proportion of Care and Supervision cases completed within 26 weeks, England and Wales, January 2011 – March 2014

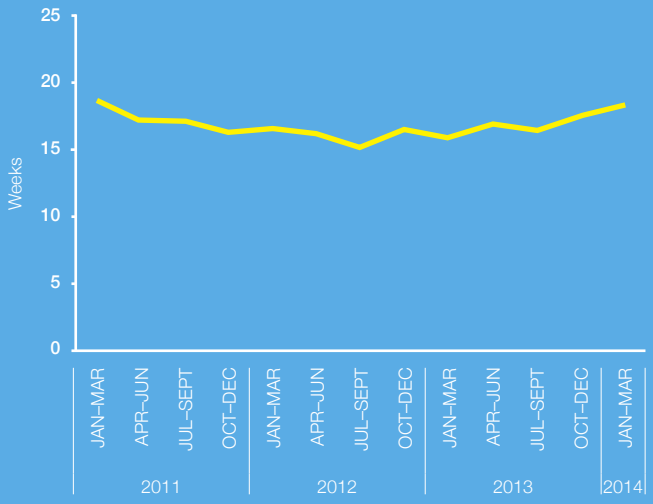


	Quarter	% complete in 26 weeks
2011	Jan-Mar	11
	Apr-Jun	13
	Jul-Sep	13
	Oct-Dec	13
2012	Jan-Mar	14
	Apr-Jun	13
	Jul-Sep	19
	Oct-Dec	25
2013	Jan-Mar	28
	Apr-Jun	29
	Jul-Sep	43
	Oct-Dec	48
2014	Jan-Mar	50

The statutory 26 week time-limit was introduced in April 2014.

Private law: From application to first full order

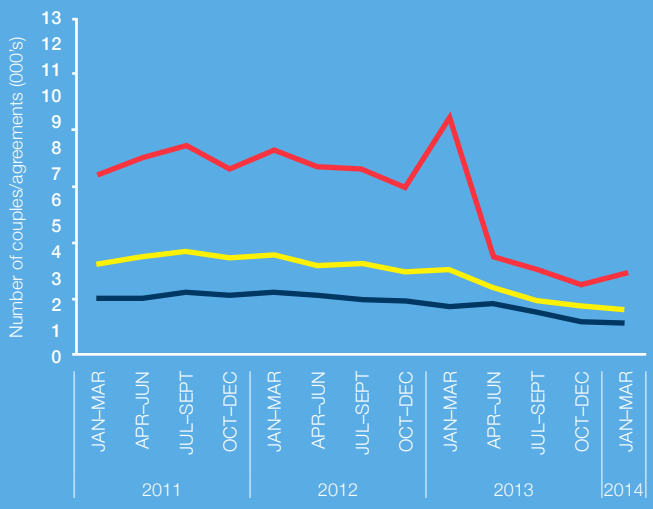
Average s8 case duration to first full order. England and Wales, January 2011 – March 2014



The average length of section 8 private law cases has remained in the range of approximately 15–20 weeks.

Mediation

Number of couples attending publicity funded MIAM, mediation starts and publicly funded mediations reaching full agreement, January 2011 – March 2014



Couples attending publicly funded MIAM
Publicly funded mediation starts
Publicly funded mediation reaching full agreement

The fall in referrals to family mediation following implementation of Legal Aid, Sentencing and Punishment of Offenders Act in April 2013 is thought to be partly due to fewer people visiting solicitors who would in the normal course of events have directed people to attend a Mediation Information and Assessment Meeting (MIAM). Prior to April 2013 attendance at a MIAM was a pre-requisite for clients eligible to obtain public funding for legal representation. The removal of most private law work from the scope of legal aid means that this automatic referral route to MIAMs no longer exists.

Part 2:
Progress against the Family Justice Review recommendations

A system with children's needs at its heart

> 'Through our proposed reforms we will put practical measures in place to ensure children's voices are heard before and during the court process.'[2]

18 The Government recognises that the outcomes from the family courts can shape children's lives. At the heart of the Government's wide-ranging reforms to family justice has been a commitment to improve the experiences of the children involved.

19 In the response to the Review the Government agreed that once it was created, the Family Justice Board (FJB) would lead on the majority of these recommendations.

What we have done

20 Improving information about the family justice system and court process for young people was the first recommendation of the FJR. To support this aim, the role of the Family Justice Young People's Board (FJYPB), originally created by Cafcass in 2006, was expanded to cover the whole of the family justice system in England. The Board consists of around 43 children and young people who have been through or have a keen interest in the family justice system. They are helping to make sure that the work of the FJB is child-centred and child-inclusive.

21 To help improve information for young people involved in the system, the FJYPB has produced a child-friendly glossary of relevant terms and has been involved in the production of child-friendly information for Cafcass Family Court Advisors to give to the child at the beginning of proceedings.

22 The FJYPB are in the process of developing a National Charter for a child-inclusive family justice system. The Board has met with a number of family justice organisations and is seeking to agree specific commitments from each. It has recently completed its first round of Cafcass office inspections and has begun to inspect contact centres accredited by the National Association of Child Contact Centres. A pilot Court review programme is also taking place in York.

23 Inspections and court reviews are carried out by trained Board members who look at the facilities offered to children and young people, making sure they are age appropriate, suitable and safe. This includes examining how feedback is collected. The court reviews also include a discussion with available judges at the court. In both cases, the FJYPB produces a report which is submitted to the other party which rates the facilities and makes recommendations for improvements.

2 The Government Response to the Family Justice Review, p.10 – www.gov.uk/government/uploads/system/uploads/attachment_data/file/177097/CM-8273.pdf

Changes to Public Law

‘ The changes that we will make in public law will mean a family justice system in which delay is no longer acceptable and where the system has a much clearer focus on the child.’[3]

24 Delays in public law were one of the key concerns of the Review. The concern that these delays were having a long term impact on the development of vulnerable children has driven much of the Government’s work since.

25 The Review highlighted that for some children the best way to care for them was protection by state intervention. However this has not been used to excuse the delays that plagued the system. A number of attempts to reduce these delays have been made over the years. The apparent intractability of this problem called for a more radical approach.

What we have done

26 The Government has sought to tackle inefficient systems and processes that have contributed to delay, and to the culture that accepted delay as inevitable.

27 A statutory 26 week time limit was introduced for care and supervision and other Part 4 proceedings by the Children and Families Act 2014. The court has the discretion to extend the proceedings for eight weeks at a time should this be necessary to conclude proceedings justly. The legislation also makes it clear that when drawing up, revising or extending the timetable for a case, the court must have particular regard to the impact this decision may have on the welfare of the child.

28 To assist areas in their preparations for the introduction of primary legislation, a revised Public Law Outline (the pilot PLO) was adopted by all areas between July and October 2013. The pilot PLO was drafted in consultation with the Family Procedure Rule Committee, the Judicial Office, Cafcass, and the Association of Directors for Children’s Services and remained in force until April 2014, providing the basis for areas across the country to achieve the time limit wherever possible in advance of primary legislation being introduced.

3 The Government Response to the Family Justice Review, p.12 – www.gov.uk/government/uploads/system/uploads/attachment_data/file/177097/CM-8273.pdf

29 On 22 April 2014, the Public Law Outline (PLO) 2014 for care, supervision and other Part 4 proceedings came into force. The 2014 PLO incorporated further changes which followed feedback gathered during the pilot, as well as a targeted consultation undertaken by the Family Procedure Rule Committee during November – December 2013.

30 The revised PLO contains a number of measures aimed at improving case management and the 'frontloading' work undertaken by local authorities during the pre-proceedings stage. All judges, magistrates and family specialist legal advisors and social workers received training on the updated PLO. A new application form for care, supervision and other Part 4 proceedings was also introduced alongside the 2014 PLO.

31 The 2014 Act makes further provisions which make sure that the timetable for the case focuses on the child and decisions are made with explicit reference to the child's welfare, and make it clear that, when the court considers a care plan, it should focus on those issues essential to the decision as to whether or not to make a care order. In addition, the Act removes the eight week time limit on the length of initial interim care orders and interim supervision orders, and the four week time limit on subsequent orders, and allows the court to make interim orders for the length of time it sees fit, although not extending beyond the date when the relevant care or supervision order proceedings are disposed of.

32 Average case length has reduced by approximately 20 weeks in the past two years through greater focus and strong case management. The latest figures show the average time for disposal of a care and supervision order is now 32 weeks (January-March 2014) – continuing the downward trend from 55 weeks when the Review reported in November 2011. This is significant progress, but much remains to be done to build on improvements in public law performance to achieve and maintain the 26 week target.

33 The Family Drug and Alcohol Court (FDAC) has extended from London with other FDACs being opened in Milton Keynes and Buckinghamshire. An independent evaluation of FDAC in London found that it was successful in improving outcomes for children by tackling parental substance misuse at an early stage of care proceedings. The President of the Family Division, Sir James Munby, has expressed his strong support for the FDAC approach and has asked Designated Family Judges consider the case for establishing FDACs in their areas, in partnership with local agencies.

The role of experts

34 The Review found that there was excessive use of expert reports, particularly in public law proceedings. This was causing unnecessary delay and there were serious doubts about the value they added. Primary legislation has now restricted the use of expert evidence in proceedings involving children to what is necessary to resolve the case justly. If a court wishes to permit expert evidence in these proceedings, it must now consider the impact of the delay on the child and whether it is possible to obtain the information from parties already involved.

35 Agreed standards for expert witnesses have been developed and were published in a joint Family Justice Council/Ministry of Justice document in November 2013. The Family Procedure Rule Committee is currently considering whether the standards should be incorporated into the family procedure rules and/or practice directions. The Law Society and Family Justice Council have been leading on work to improve solicitors' understanding of how expert witnesses should be used.

Changes to Private Law

‘ Supporting families to reach their own agreements.’[4]

36 The Coalition Programme for Government (May 2010)[5] included a commitment to conduct a comprehensive review of family law in order to increase the use of mediation – among other things. Since then, the Government has reinforced its commitment to the promotion of dispute resolution outside court and believes that in the vast majority of cases parents are the best people to make arrangements about their children’s lives when they separate. The reforms that have been made to private law have this belief underpinning them.

What we have done

37 Providing clear and consistent information to parents about their responsibilities when separating was seen as crucial by the Review. The Government has developed the ‘Sorting out Separation’ web app as the principal route for providing such information. It contains information about parental responsibility, factsheets and links to a range of partner organisations, which promote a collaborative approach to separation.

38 Legislative changes have been made to reinforce the importance of children having an ongoing relationship with both parents after family breakdown where this is safe and in the child’s best interests. However, these provisions make clear that the welfare needs of the child remain paramount and that courts must prioritise this when considering the type and extent of parental involvement. In line with the Review’s recommendation on this specific issue, the requirement for grandparents to apply for the leave of the court when making an application has not been changed.

39 To support parents to reach agreements concerning their child’s care, a new parenting plan has been developed. It aims to provide a clear focus on the child throughout the dispute resolution process and help parents improve the way they communicate with each other. It was launched in March 2014 and is available on the Cafcass website.

40 The new child arrangements order provided for in the Children and Families Act 2014 has replaced contact and residence orders. Parents are eligible to apply for this order whether they hold parental responsibility or not. As before, wider family members who meet the specific eligibility criteria may apply for an order with the permission of the court.

4 The Government Response to the Family Justice Review, p.18 – www.gov.uk/government/uploads/system/uploads/attachment_data/file/177097/CM-8273.pdf

5 www.gov.uk/government/uploads/system/uploads/attachment_data/file/78977/coalition_programme_for_government.pdf

41 To support this, where a child arrangements order places a child in the care of a person who is not their parent or guardian, they will also be awarded parental responsibility for the duration of the order. This largely replicates the previous position; the only difference is that where a child arrangements order names a person with whom the child should spend time, the court must consider whether granting parental responsibility would be appropriate. This power has been enacted by amendments to the Children Act 1989 made in the Children and Families Act 2014.

42 The Government has retained the position where no direct link is made between contact and child maintenance. Who a child sees must not be made dependent on who makes financial provision. Children are entitled to receive contact and financial provision and neither parent should deny these to their child.

Mediation

43 To support the culture change required to encourage separating parents and couples to agree children and financial arrangements earlier and with less conflict, a statutory requirement now requires prospective applicants in private children and financial disputes to first attend a mediation information assessment meeting (MIAM) to find out if they are suitable for mediation and to learn about out of court dispute resolution options. The exemptions to attend a MIAM are largely the same as those under the Pre-Application Protocol (PAP). Importantly, if there is evidence of domestic violence or of a risk of domestic violence then the applicant is exempt from a MIAM and may proceed straight to court. Any relevant exemption is declared on the application form by the applicant, their legal representative or by a mediator.

44 To help encourage family mediation, we are working closely with the mediation sector to support the Family Mediation Council as the professional body for family mediators, and to promote family mediation and its benefits to people wishing to resolve disputes. In addition, the Government also asked David Norgrove to chair a short, time-limited mediation Task Force to come up with recommendations to improve the take-up of mediation. The Task Force has now reported and the Government published its response to the recommendations in August 2014 which set out plans to fund the first single session of mediation for both parties if at least one of them is eligible for legal aid. This is in addition to funding for the MIAM for both parties when at least one person is eligible and funding for all mediation sessions and legal help with mediation that is available for anyone who qualifies for legal aid. The first single session of mediation is expected to be implemented in autumn 2014 and will run for a period of three years with six-monthly reviews to assess impact.

The single Family Court

45 The Review made it clear that the existence of different tiers of courts for family matters was confusing for the families who needed to use the courts. In response to this need to simplify the jurisdiction and its supporting systems and processes, the single Family Court was established on 22 April 2014. The Family Court replaced the three tier system of family proceedings courts, county courts and the High Court. All levels of judge can sit in the Family Court, from magistrates to High Court judges and above. As recommended in the Review the Family Court provides designated points of entry for all applicants, removing the confusing process that they previously faced.

46 Applications are now allocated to the most appropriate level of judge. Allocation by a gate keeping team is based on an assessment of a number of factors, such as case complexity, judicial continuity, the need to minimise delay and a suitable location for hearings. As all levels of judge can sit in the Family Court, there is no longer a need to transfer cases between different courts. This will reduce delay and improve continuity for families involved in court proceedings. The Family Court can sit anywhere, but for the most part family proceedings are still heard

in magistrates' courts and the County Court buildings.

47 In setting up the single Family Court, the Government legislated to align the powers of District Judges as recommended by the Review. All types of District Judges sit at District Judge level in the Family Court as long as they have the appropriate authorisation and should be allocated work of the same level whether they are a District Judge of the Principal Registry of the Family Division, a District Judge who also sits in the County Court or a District Judge (magistrates' courts).

48 Although the Family Court has the powers of the High Court and the County Court, the High Court will still hear cases which are the exclusive jurisdiction of the High Court. Cases that become complex and require a High Court judge to hear them but are not reserved to the High Court will no longer need to be transferred to the High Court. They will remain in the Family Court but be heard by a High Court judge. This should reduce delay.

Developing the leadership of the family justice system

‘Through our proposed reforms our aim is to create a coherent and effective system which draws on the expertise which all parties bring to it and which delivers effectively for users.’[6]

49 The Review was damning in its assessment of the family justice system. In fact it argued that it was barely a system at all. The Government has now sought to build a system centred on children and based on strong partnerships between all the organisations involved. This was led by the establishment of the Family Justice Board in March 2012 and the subsequent creation of Local Family Justice Boards across the country.

What we have done

50 The Government sponsorship of the Children and Families Court Advisory and Support Services (Cafcass) was transferred from the Department for Education to the Ministry of Justice in April 2014. This move supports the Review recommendation to bring court social work functions closer to the court process.

51 The Review, chaired by David Norgrove, recognised the need for improved leadership and coordination of family justice. The Family Justice Board was established in 2012 and brings together senior figures from the core organisations within the family justice system who have the authority to make executive decisions and deploy resources. Since its inception the Family Justice Board has been instrumental in brokering culture change across the family justice system and driving through radical reform.

52 Local Family Justice Boards were set up in 2012 and are required to examine local processes and report to the Family Justice Board through the Performance Information Sub Group (PISG). The PISG is responsible for driving the Board’s work to improve system performance nationally. The PISG oversees the delivery at local level by the Local Family Justice Board’s of the Family Justice Board’s agenda, driving forward local-level performance improvement. The Family Justice Board is required to publish an annual report which tracks the Board’s progress over the past financial year against a number of agreed key performance measures (KPMs). The first report was published for the financial year 2012–13. The second report for the period 2013–14 is published alongside this document.

6 The Government Response to the Family Justice Review, p.25 – www.gov.uk/government/uploads/system/uploads/attachment_data/file/177097/CM-8273.pdf

The judiciary and wider workforce

> ‘Through our proposed reforms we will develop a more competent and capable workforce.’[7]

53 As the Government stated in its response to the Review, the wide range of organisations and individuals involved in the family justice system have to be able to work together to provide the service that families and children need.

What we have done

54 Senior judges, including designated family judges have received leadership and management training since December 2012. This training focuses on relationships and family leadership as well as the specific judicial skills for leading court centre teams. From March 2014 all new judiciary in leadership positions must now attend leadership training run by the Judicial College.

55 A range of measures have been introduced to help improve judicial continuity in family proceedings, an issue that the Review found was crucial to improving the system. Guidance issued by HMCTS and agreed by the Master of the Rolls and the President of the Family Division requires local arrangements to be put in place between court officers and the judiciary to make sure that judicial continuity is applied to all relevant cases. Supporting documents to the Public Law Outline, including the President’s Guidance on Judicial Continuity and Deployment extends the requirement for continuity to specialist legal advisors and magistrates.

56 Specific training in the reforms has been delivered to all judges with public law tickets. The Judicial College prepared training materials for legal advisors and magistrates, and this has been delivered across England and Wales.

Children’s services

57 The Government is providing £8m of funding to the Virtual Staff College to design and organise professional development opportunities for those in principal and senior leadership positions in local authority children’s services. Directors of children’s services will be able to access peer mentoring and assistance to address large scale system wide challenges in the furtherance of better service delivery and greater impact on outcomes.

7 The Government Response to the Family Justice Review, p.28 – www.gov.uk/government/uploads/system/uploads/attachment_data/file/177097/CM-8273.pdf

58 Research published by Judith Masson in 2013 'Partnership by Law?' showed that, used appropriately, the 'Letter Before Proceedings' can be very beneficial. In some cases they may divert cases from proceedings all together. After extensive advice and consultation, the Government has advised that local authorities will issue parents with one of two letters depending on the urgency of the case. If it is not urgent, a pre-proceedings letter stating that proceedings are likely and inviting discussion will be sent. If the authority considers that proceedings are required immediately, a letter of issue will be sent.

59 To improve links between the courts and the independent reviewing officer (IRO), and between the guardian and the IRO, a good practice protocol has been developed. Cafcass, the Independent Reviewing Officer Managers' Group and the National Association of Independent Reviewing Officers in collaboration with the Department for Education worked together on the guidance which sets out the respective roles of Cafcass officers and IROs in care proceedings. The Association of Directors of Children's Services have endorsed the protocol as good practice and have urged all local authorities to use it in their proceedings work.

60 The Government commissioned the College of Social Work to develop a short curriculum guide on knowledge and skills relevant to care proceedings aimed at higher education institutions, local authorities and others involved in delivering CPD training for social workers. This guide was published in May 2013 and is available on the College of Social Work's website. We are also considering how the recommendations from Martin Narey's review of social work education, published in February 2014, can be taken forward.

The court service

61 HMCTS and the judiciary have worked with colleagues across Government to design and implement effective case management processes in both private and public law. Improving the way public law proceedings are supported and progressed is a primary business objective of HMCTS. The agency has increased sitting day resources, improved its management information and case management tools (responding to specific recommendations in the Review), and implemented a targeted performance improvement plan, which is led and delivered by individual HMCTS regions. An HMCTS Director also chairs the Performance Improvement Sub Group of the Family Justice Board.

62 The Review recommended that justices' clerks should have the flexibility to conduct work to support judges in the family court. The Government has legislated to allow justices' clerks to perform functions in the family court including dealing with uncontested divorce cases. The new rules were agreed by the President of the Family Division and will help to free up time of judges to focus on more complex cases.

Recommendations Annex

This annex sets out the progress that has been made against all 134 of the Family Justice Review recommendations. For ease of reference they have been grouped under the same headings as they were in the Government response to the Family Justice Review.

It is split into 3 sections:

1 Completed recommendations
2 Outstanding recommendations
3 Long term or not taken forward recommendations

No.	Family Justice Review Recommendation	Progress
The child's voice		
1	Children and young people should be given age appropriate information to explain what is happening when they are involved in public and private law cases.	The Family Justice Young People's Board (FJYPB) has produced a child-friendly glossary of terms. It has also helped produce child-friendly information for family court advisors to give the child at the beginning of proceedings.
126	Children and young people should be given the opportunity to have their voices heard in cases that are about them, where they wish it.	The Government has made the commitment that from the age of 10, children and young people involved in all family court hearings in England and Wales will have access to judges to make their views and feelings known.
3	The Family Justice Service should take the lead in developing and disseminating national standards and guidelines on working with children and young people in the system. It should also: i) ensure consistency of support services, of information for young people and of child-centred practice across the country; and ii) oversee the dissemination of up to date research and analysis of the needs, views and development of children.	The FJYPB are in the process of developing a National Charter for a child-inclusive family justice system. Individual commitments are being drawn up with appropriate organisations. The FJYPB also carry out inspections of Cafcass offices and National Association of Children Contact Centres (NACCC) accredited contact centres. A pilot court review programme has begun in York.
4	There should be a Young People's Board for the Family Justice Service, with a remit to consider issues in both public and private law and to report directly to the Service on areas of concern or interest.	The FJYPB is a group of around 43 children and young people who have been through the family justice system or who have an interest in children's rights and the family courts. Originally created by Cafcass in 2006, the Board was established to help the organisation remain focused on children and young people. Its success was recognised by the Family Justice Review and the Board was expanded to cover the whole family justice system in England. The Board's remit is to help ensure that the work of the Family Justice Board is child centred and child-inclusive.
5	The UK Government should closely monitor the effect of the Rights of Children and Young Persons Measure (Wales) 2011.	The UK State Party's fifth periodic review report to the UN Committee responsible for the UN Convention on the Rights of the Child, which was submitted in May 2014, includes details of the Rights of Children and Young Persons (Wales) Measure 2011. The Measure only fully came into force from May 2014 when it was extended to require Welsh Ministers to have due regard to children's rights whenever they exercise any of their functions. Regular contact with the Welsh Assembly Government will continue as part of the ongoing UNCRC reporting process.

The Family Justice Service		
6, 7, 8, 11	A Family Justice Service should be established, sponsored by the Ministry of Justice, with strong ties at both Ministerial and official level with the Department for Education and Welsh Government. As an initial step, an Interim Board should be established, which should be given a clear remit to plan for more radical change on a defined timescale towards a Family Justice Service. There should be strong central and local governance arrangements for the Family Justice Service. The roles performed by the Family Justice Council will be needed in any new structure but they will need to be exercised in a way that fits with the final design of the Family Justice Service (and Interim Board). A duty should be placed on the Family Justice Service to safeguard and promote the welfare of children in discharging its functions. An Annual report should also set out how this duty has been met.	Following extensive consideration, it was decided that a Family Justice Service was not a necessary element of family justice reform in the current context. The Family Justice Board (FJB) was set up to improve the performance of the family justice system and to ensure the best possible outcomes for children who come into contact with it. The Board's central remit is to drive improvements in system performance, provide leadership and improve cross-agency working. The FJB has an independent Chair who was initially appointed following an open competition. The Chair is accountable to both the Justice Secretary and Education Secretary, including through a set of Key Performance Measures (KPMs). These KPMs are monitored closely by the Performance Improvement Sub Group (PISG), a Board established to drive performance improvements across the Family Justice System. The PISG oversees a network of 44 Local Family Justice Boards (LFJB), who provide quarterly reports of their progress. The judiciary are independent observers on both the FJB and the LFJBs. The independent Chair has just been reappointed for a further two years. The Family Justice Council has been transformed into an independent advisory group to the FJB (and is one of its three sub-groups) and operates as a critical friend providing it with expert advice from an inter-disciplinary perspective. The overall aim of the FJB is framed in terms of supporting the delivery of the best possible outcomes for children. The FJB reports annually to the Education and Justice Secretaries. Its annual report is also made publicly available.
14, 15	The Family Justice Service should coordinate a system wide approach to research and evaluation, supported by a dedicated research budget (amalgamated from the different bodies that currently commission research.) The Family Justice Service should review and consider how research should be transmitted around the family justice system.	MoJ have developed a co-ordinated family justice research programme with other Government Departments and the academic community. MoJ has also set up a virtual group of academics and practitioners who are consulted as needed to support and develop our research programme. MoJ produce a family justice research bulletin which summarises relevant research in this field. The bulletin is circulated to family justice practitioners and the judiciary. The latest edition and any future bulletins will be made publicly available on the MoJ Website.

Judicial leadership and Culture		
16, 17, 18, 19, 20	A Vice President of the Family Division should support the President of the Family Division in his leadership role, monitoring performance across the family judiciary. Family Division Judges should be renamed Family Presiding Judges, reporting to the Vice President of the Family Division on performance issues in their circuit. Judges with leadership responsibilities should have clearer management responsibilities. There should be stronger job descriptions, detailing clear expectations of management responsibilities and inter-agency working. HMCTS should make information on key indicators for courts and areas available to the Family Justice Service. Information on key indicators for individual judges should be made available to those judges as well as judges with leadership responsibilities. The judiciary should agree key indicators. Designated Family Judges (DFJs) should have leadership responsibility for all courts within their area. They will need to work closely with Justices' Clerks and family bench chairmen and judicial colleagues.	After consultation between the government and senior judiciary it was decided that it was not necessary to implement recommendation 16. Instead the judiciary will deliver any necessary leadership changes within the existing legislative framework. On 13 November 2013 Mrs Justice Pauffley DBE was appointed as the Senior Family Liaison Judge, with immediate effect, for a 3 year term, by the President of the Family Division, following consultation with the Lord Chief Justice, Lord Thomas of Cwmgiedd. For the time being, this is in addition to her role as the Family Division Liaison Judge for London and Thames Valley. After consultation between the government and senior judiciary it was decided that it was not necessary to implement recommendation 17. Instead the judiciary will deliver any necessary leadership changes within the existing legislative framework. The job description for Designated Family Judges (DFJs) was completed and published in January 2012. Job Descriptions for the Family Division Liaison Judges (FDLJs) have also been completed. DFJs receive a quarterly digest of HMCTS performance statistics and access to the data held on the Care Monitoring System. Information from HMCTS is shared regularly with the Family Justice Board and is used to monitor performance against their Key Performance Measures. Leadership and management training has been delivered and reinforced to the senior judges from December 2012. This training was planned and delivered in conjunction with colleagues in HMCTS and the magistrates, focused on these relationships and on generic as well as judicial skills for leading court centre teams.

21, 22, 23, 24	The judiciary should aim to ensure judicial continuity in all family cases. The judiciary should ensure a condition to undertake family work includes willingness to adapt work patterns to be able to offer continuity. The President of the Family Division should consider what steps should be taken to allow judicial continuity to be achieved in the High Court. In Family Proceedings Courts judicial continuity should if possible be provided by all members of the bench and the legal adviser. If this is not possible, the same bench chair, a bench member and a legal adviser should provide continuity.	Supporting documents for the Public Law Outline include the President's Guidance on Judicial Continuity and Deployment. This extends to specialist legal advisers and magistrates. Guidance issued by HMCTS and approved by the Master of the Rolls and the President of the Family Division requires local arrangements to be put in place between the court listing officers and the judiciary to ensure that judicial continuity is applied to all relevant family cases as a matter of urgency. This guidance is annexed to and supports the President's Guidance on Judicial Continuity and Deployment. Since 22 April 2014, High Court judges sit as judges of the Family Court for most cases and so are covered by the same approach to judicial continuity as the rest of the Family Court. Having taken the advice of HMCTS and the magistrates, the Guidance on Judicial Continuity and Deployment issued by the President of the Family Division provides the following: 'Wherever possible, the court which resumes the hearing shall be composed of the same lay justices as dealt with the previous part of the hearing; alternatively continuity is to be provided by at least one of the lay justices (preferably the chairman) as well as the legal adviser who is the case manager for the proceedings'.
25, 26	Judges and magistrates should be enabled and encouraged to specialise in family matters. The Judicial Appointments Commission should consider willingness to specialise in family matters in making appointments to the family judiciary.	Some magistrates already sit exclusively in the family jurisdiction. Ministers are considering including questions on this issue in a consultation to be published later this year. The Judicial Appointments Commission (JAC) select on merit and candidates have to meet set criteria which will specifically include family law in order to be selected for appointment. During the planning of selection exercises, family requirements are considered working closely with Family Division Liaison Judges, HMCTS and the JAC.

Case management

28	HMCTS and the judiciary should review and plan how to deliver consistently effective case management in the courts.	HMCTS and the Judiciary have worked with colleagues across government to design and implement effective case management changes for children's cases in public law and private law. These have resulted in amendments to the Practice Directions supporting the Family Procedure Rules. The new Public Law Outline 2014 (PD12A) and the new Child Arrangements Programme (PD12B) were implemented on 22 April 2014.

The courts

29, 30, 32, 33	A single family court, with a single point of entry, should replace the current three tiers of court. All levels of family judiciary (including magistrates) should sit in the family court and work should be allocated according to case complexity. The roles of District Judges working in the family court should be aligned. The Family Division of the High Court should remain, with exclusive jurisdiction over cases involving the inherent jurisdiction and international work that has been prescribed by the President of the Family Division as being reserved to it. All other matters should be heard in the single family court. High Court judges should hear the most complex cases and issues.	The new Family Court came into being on 22 April 2014. All levels of judiciary, including magistrates can sit in the Family Court. Work is allocated to the different levels of judges of the Family Court in a number of ways. Those types of applications that are to be gate-kept, including all applications under the Children Act, are allocated by a gate-keeping team who decide which level of judge the case should be dealt with on the basis of a number of factors which include complexity, continuity, delay and location of the child. Cases allocated to District Judge level can be dealt with by any District Judge as long as they are authorised to hear that category of case. Locally, cases will be allocated to the correct judge, and the experience and expertise of the district judges will be a factor in allocation decisions. (32&33)The single Family Court deals with all family cases with the exception of the existing classes of case already reserved to Judges of the Family Division. These cases will continue to be issued and considered in the High Court. While all other family cases will be heard in the Family Court, the most complex will receive the consideration of a High Court Judge sitting in the Family Court.

31	There should be flexibility for legal advisors to conduct work to support judges across the family court.	The Government legislated to enable justices' clerks and their assistants to assist any level of judge of the Family Court. It also legislated to authorise justices' to carry out certain functions of the court such as dealing with uncontested divorce applications.
38	HMCTS and the judiciary should review the operation and arrangement of the family courts in London.	The President of the Family Division has agreed a new structure for the management of family work in London with HMCTS. This has involved the creation of a Family Court for central, west and east London each led by a Designated Family Judge.

Workforce		
45	There should be a system of case reviews of process to help establish reflective practice in the family justice system.	Local Family Justice Boards examine local processes and report to the national Family Justice Board.
46, 47, 48, 49, 50	The Judicial College should review training delivery to determine the merits of providing a core judicial skills course for all new members of the judiciary. The Judicial College should develop training to assist senior judges with carrying out their leadership responsibilities. The Judicial College should ensure judicial training for family work includes greater emphasis on child development and case management. The Judicial College should ensure induction training for the family judiciary includes visits to relevant agencies involved in the system. There should be an expectation that all members of the local judiciary including the lay bench and legal advisers involved in family work should join together in training activities.	The Judicial College is designing a modular e-learning programme for all new professional judicial office holders to introduce them to the 'business of judging'. This will complement their face to face induction training and should be available from autumn 2014. Revised face to face judicial skills seminars are currently available from the new prospectus for existing experienced members of the judiciary. The magisterial training committees have agreed that parts of the judicial skills seminar should be adapted for use when the work programme allows. Family Panel Chair leadership training is well established and delivered directly by the Judicial College to newly appointed Family Panel Chairs. An additional two day programme for every Designated Family Liaison Judge and Designated Family Judge in family leadership and management skills was designed by the Judicial College with the family modernisation team in the Judicial Office. This was delivered in two stages in December 2012 and April 2013. All new leadership judiciary now attend leadership training, run at regular intervals by the College. This commenced in March 2014. The Judicial College already delivers training on case management and child development, but this is being reviewed and made more targeted in the light of the FJR. All private law ticketed professional family judiciary, a number of family panel chairmen and lead legal advisers have been trained on the private law reforms, with an emphasis on case management. The training packs for magistrates and legal advisers have been published on the College Learning Management System. The Judicial College Learning Management System has been launched and contains a family e-library for appropriate papers. Arrangements for visits are the responsibility of the individual judges to arrange locally, and reasonable but necessary expenses for such visits will be paid locally. The Judicial College prepares training materials for legal advisers and magistrates which are delivered locally by family legal advisers trained in delivery skills by the college. The materials expressly encourage trainers to invite members of the local judiciary to contribute to the training events. The annual Family Panel Chairmanship courses for magistrates include a session led by the DFJ and the justices' clerk to encourage symbiotic working and training. The November 2013 leadership and management training event for senior family judiciary included contributions from the family proceedings courts in the continuing discussion on the development of the single family court and changes in the PLO to ensure that all family roles are considered.

54, 55, 67	The Judicial College should ensure induction training for new family magistrates includes greater focus on case management, child development and visits to other agencies involved in the system. The Judicial College should ensure legal advisers receive focused training on case management. Different courts take different approaches to case management in public law. These need corralling, researching and promulgating by the judiciary to share best practice and ensure consistency.	Magistrates complete the National Training Programme (previously MNTI) and are assessed against a series of competences. This includes induction, consolidation and chairmanship training. The current family training courses already include case management but they are being reviewed and refocused in the light of the FJR. Given that this training is Judicial College material delivered locally by HMCTS, to ensure consistency, information on child development would need to be by way of an approved summary of recent research. The Judicial College's new Learning Management System will be available to magistrates who have computer access and contain an e-library where approved research and other materials can be made available. The College is discussing with the DfE the sharing of links to the research material offered to social workers. (Visits to other agencies are dealt with at 49 above). The magistrates' induction programme, run over a nine month period, by the Judicial College already has a considerable focus on case management. Those already advising in family cases will have received the same training on case management as the judiciary, albeit delivered locally by colleagues who have attended the judicial training and been trained as trainers by the Judicial College on the materials used by the judges, adapted to be relevant to the work dealt with by magistrates. Specific training in the reforms has been delivered to the 770 judges with public law tickets. The Judicial College has prepared training materials for legal advisers and magistrates, (adapting the materials from the judicial events to ensure consistency) and trained the trainers on the materials. This has been delivered across England and Wales.
51, 52	The President's annual conference should be followed by circuit level meetings between Family Presiding Judges and the senior judiciary in their area to discuss the delivery of family business. Designated Family Judges should undertake regular meetings with the judges for whom they have leadership responsibility.	The President's conferences are arranged so that there is an opportunity for the Family Division Liaison Judges to discuss circuit matters with all DFJs over an extended period as family business issues arise in discussion. Circuit conferences are designed to deal with local business issues as well as matters of more academic interest. The job description for DFJs provides for this. Training events also take place to further enhance this.
56	Solicitors professional bodies, working with representative groups for expert witnesses, should provide training opportunities for solicitors on how to draft effective instructions for expert evidence.	The Law Society and the Family Justice Council have led work to improve solicitors understanding of how to work with expert witnesses.

57, 58, 59	The College of Social Work and Care Council for Wales should consider issuing guidance to employers and higher education institutions on the teaching of court skills, including how to provide high quality assessments that set out a clear narrative of the child's story. The College of Social Work and Care Council for Wales should consider with employers whether initial social work and post qualifying training includes enough focus on child development, for those social workers who wish to go on to work with children. The Children's Improvement Board should consider what training and work experience is appropriate for Directors of Children's Services who have not practised as social workers.	The College of Social Work produced a curriculum guide in May 2013 on care proceedings and related skills and knowledge for higher education institutions local authorities and others involved in delivering training for social workers. DfE-funded research on child development and the impact of delay – Decision-Making Within a Child's Timeframe – has been promoted by the College of Social Work via its website and its Principal Social Worker networks. In February, Sir Martin Narey published his review of initial social work education. This identified child development as a key area of knowledge which social workers need to demonstrate on completion of their degree. The review also identified a central role for the College of Social Work in shaping and reforming social work education and training. A Government programme of work is now underway to consider the Narey recommendations and how they are best taken forward, and the Chief Social Worker is considering the question of essential social work knowledge and skills for front-line workers.A consultation was launched on 31 July 2014 seeking views on this. It closes on 9 October 2014. It can be found at: www.gov.uk/government/consultations/knowledge-and-skills-for-child-and-family-social-work The DfE is providing £8m of funding to the Virtual Staff College to design and organise professional development opportunities for those in principal and senior leadership positions in local authority children's services and for other senior leaders working in the leadership, management and delivery of services for children, young people and families throughout England. Directors of children's services will be able to access peer mentoring and assistance to address large scale system wide challenges to improve service delivery and to make a greater impact on outcomes.

Public law – The role of the courts		
60, 61, 62	Courts must continue to play a central role in public law in England and Wales. Courts should refocus on the core issues of whether the child is to live with parents, other family or friends, or be removed to the care of the local authority. When determining whether a care order is in a child's best interest the court will not normally need to scrutinise the full detail of a local authority care plan for a child. Instead the court should consider only the core or essential components of a child's plan. We propose that these are: i) planned return of the child to their family; ii) a plan to place (or explore placing) a child with family or friends; iii) alternative care arrangements; and iv) contact with birth family to the extent of deciding whether that should be regular, limited or none.	The Government agreed with these recommendations and all the reforms being made to public law proceedings support this. The Government has legislated, through the Children and Families Act 2014, to refocus the court's attention on the elements of the care plan that are essential to the decision about permanence (see response to recommendation 62 below). Furthermore, the Public Law Outline 2014 (PLO 2014) – issued in April – has placed greater emphasis on less volume but more analytical evidence to be provided in support of the local authority's application to court, which will further ensure that the court focuses on the issues and analysis most pertinent to their decision. The Government has legislated, through the Children and Families Act 2014, to refocus the court's attention on what is essential to the care decision. Section 15 of that Act provides that, when considering a care order, a court is required to consider the permanence provisions of the care plan (these are the provisions setting out the long-term plan for the upbringing of the child concerned), but is not required to consider the remainder of the plan. This provision will focus the court on those issues necessary to enable the court to decide whether it would be in the best interests of the child to make a care order. It doesn't prevent the court from scrutinising the detail of the care plan if it feels that it is in the best interests of the child to do so. However the expectation is that the court will not need to do this in most cases and in these cases it will be for the local authority to ensure that the care plan meets the needs of the child. To support improvement of the consistency and quality of social work evidence, Cafcass and the Association of Directors of Children' Services have worked in partnership to develop a Social Work Evidence Template, national use of which will be encouraged by the FJB.
63	Government should consult on whether section 34 of the Children Act 1989 should be amended to promote reasonable contact with siblings, and to allow siblings to apply for contact orders without leave of the court.	Following consultation revised statutory guidance was published in February 2014: www.gov.uk/government/uploads/system/uploads/attachment_data/file/279693/Looked_after_children_contact_with_siblings.pdf

Public law – The relationship between courts and local authorities		
64, 66	There should be a dialogue both nationally and locally between the judiciary and local authorities. Local DFJs and the Directors of Children's Services/Directors of Social Services should also have a relationship and meet regularly to discuss issues. The revised Working Together and relevant Welsh guidance should emphasise the importance of the child's timescales and the appropriate use of proceedings in planning for children and in structured child protection activity.	The importance of regular dialogue between local authorities and their local judiciary has been repeatedly highlighted in messages out to the system and via training (provided to local authorities and the judiciary) for implementation of the revised PLO. The establishment of LFJBs has provided a forum to support and encourage links to be made. The revised Working Together guidance was published in March 2013. It states that 'They [practitioners] should act decisively to protect the child by initiating care proceedings where existing interventions are insufficient.'

Case Management		
68, 69, 70, 71	Government should legislate to provide a power to set a time limit on care proceedings. The limit should be specified in secondary legislation to provide flexibility. There should be transitional provisions. The time limit for the completion of care and supervision proceedings should be set at six months. To achieve the time limit would be the responsibility of the trial judge. Extensions to the six month time limit will be allowed only by exception. A trial judge proposing to extend a case beyond six months would need to seek the agreement of the Designated Family Judge/Family Presiding Judge as appropriate. Judges must set firm timetables for cases. Timetabling and case management decisions must be child focused and made with explicit reference to the child's needs and timescales. There is a strong case for this responsibility to be recognised explicitly in primary legislation.	(68 & 69) The Government has legislated, through section 14 of the Children and Families Act 2014, to set a statutory time limit of 26 weeks for court proceedings under Part IV of the Children Act 1989. The PLO – the Practice Direction which sets out the case management process for care and supervision cases – was revised and updated in April 2014 following a pilot running from 1 July 2013 to April 2014 to prepare for the reforms. To support the revised PLO, agencies and stakeholders have adapted their systems and processes. As a result, average case durations have continued to fall. To reflect recent legislative changes and to support more efficient local authority practice, the Government has issued updated statutory guidance: Court orders and pre-proceedings'. www.gov.uk/government/uploads/system/uploads/attachment_data/file/306282/Statutory_guidance_on_court_orders_and_pre-proceedings.pdf The guidance now includes a dedicated chapter on pre-proceedings practice to assist local authorities in their early work with families and preparatory work for proceedings. A suite of on-line learning materials for social workers illustrating the changes was launched on 23 July. The materials – funded by DfE and developed by Research in Practice will support improvement in the consistency and quality of the evidence social workers submit to the court, in particular through dissemination of a new Social Work Evidence Template. The Template was developed jointly by ADCS and Cafcass, quality assured by the judiciary and recommended for national use by the Family Justice Board. The materials can be found at: http://coppguidance.rip.org.uk/social-work-evidence-template/#evidence_tmplt_learning Section 14 (3) of the Children and Families Act requires that when drawing up, revising or extending a timetable for a case, the court must have particular regard to the impact which the timetable (or a revision to the timetable) would have on the welfare of the child. The PLO 2014 also makes clear that a timetable for proceedings, in alignment with the timetable for the child, must be established early in a case.
72, 73, 76, 78	The Public Law Outline provides a solid basis for child focused case management. Inconsistency in its implementation across courts is not acceptable and we encourage the senior judiciary to insist that all courts follow it. The Public Law Outline will need to be remodelled to accommodate the implementation of time limits in cases. The judiciary should consult widely with all stakeholders to inform this remodelling. New approaches should be tested as part of this process. The judiciary led by the President's office and local authorities via their representative bodies should urgently consider what standards should be set for court documentation, and should circulate examples of best practice.	(72 & 73) All judges, magistrates and family specialist legal advisers have received training on the PLO, which makes clear that the new processes must be followed. In advance of the introduction of the 26 week time limit, the PLO was substantially revised; streamlining what was required for the court process and encouraging consistency. All key agencies and stakeholders were involved in this process and adapted their systems and processes to support the PLO requirements as necessary. The Judiciary, MOJ and HMCTS have worked together to issue standard format templates for common directions and orders, which are compatible with HMCTS IT.

74	The requirement to renew Interim Care Orders after eight weeks and then every four weeks should be removed. Judges should be allowed discretion to grant interim orders for the time they see fit subject to a maximum of six months. The courts' power to renew should be tied to their power to extend proceedings beyond six months.	Section 14 (4) of the Children and Families Act 2014 allows the court the discretion to grant interim orders for the length of time they see fit, though any interim order will cease to have effect once the care or supervision proceedings themselves have been disposed of. Parties will retain their existing rights to apply to the court for the discharge of an order or for a variation of the terms of an order. This change will help reduce administrative burdens placed on court staff and help to increase efficiency in the system.
75	The requirement that local authority adoption panels should consider the suitability for adoption of a child whose case is before the court should be removed.	This requirement has been removed by the Adoption Agencies (Panel and Consequential Amendments) Regulations 2012. The Explanatory Memorandum can be found at: www.legislation.gov.uk/uksi/2012/1410/pdfs/uksiem_20121410_en.pdf The policy intention of the Regulations is twofold: firstly, to reduce delay in the adoption process so that children will be able to be placed with their prospective adoptive families earlier than is currently the case. No case will be referred to an adoption panel where an application for a placement order under section 21 of the Act is required. Secondly, to remove duplication since both adoption panels and courts undertake a full assessment of the evidence. However, adoption agencies' decision-makers will still need to fulfil their role in considering whether particular children should be placed for adoption.

Local Authority Practice

77, 94, 97	Pre-proceedings work has value and we encourage use of the 'Letter Before Proceedings'. We recommend that its operation be reviewed once full research is available about its impact The benefits of Family Group Conferences should be more widely recognised and their use should be considered before proceedings. More research is needed on how they can best be used, their benefits and the cost Proposals should be developed to pilot new approaches to supporting parents through and after proceedings	Research published by Judith Masson in 2013 (Partnership by Law?) showed that, used appropriately, the Letter Before Proceedings can be very beneficial, including diverting cases from proceedings in some instances. In the light of this research, as part of the Government's revisions to statutory guidance (Court Orders and Pre-Proceedings) the Government consulted extensively with a working group of experienced practitioners on the formal pre-proceedings process – including the Letter Before Proceedings – to review whether changes were needed. Following public consultation, the guidance now clarifies this process to ensure that local authority practice is consistent. In line with extensive advice and consultation, the Government has advised that local authorities will issue parents with either a pre-proceedings letter, stating that proceedings are likely and inviting discussion, or a letter of issue where the authority considers that proceedings are necessary immediately. Revised templates for both have been included as annexes to the guidance document. Judith Masson's research also showed some positive benefits of Family Group Conferences (FGCs) and recommended that local authorities always consider their potential 'as far as practicable and consistent with the child's interests and the parents' wishes.' The Government has provided funding to the Family Rights Group (FRG) to promote the use of FGCs pre-proceedings and roll out an accreditation system. The Government has also worked with FRG to ensure that the need to involve the wider family early in pre-proceedings and through the court process is explicit in the Court Orders and Pre-Proceedings statutory guidance and the annexes (Pre-Proceedings flowchart and Letters Before Proceedings – see below). FGCs were looked at in the context of interventions available to local authorities for families on the edge of care in the DfE-commissioned research on Parental Capability to Change. However there is currently limited evidence available to prove the long-term effectiveness of FGCs.

		All local authorities must have a Family and Friends policy which is published on their websites. There are a number of LFJBs which have developed pre-proceedings protocols, some of which require an FGC as an integral part of case management. DfE have strengthened wording on identifying issues that may affect parents' capacity to conduct legal proceedings in the revised Court Orders and Pre-proceedings guidance. There is a significant programme of work underway, involving 70 local authorities, to promote the use of specialist family interventions in areas such as Multisystemic Therapy and Functional Family Therapy. Funding is being provided to the Family Drug and Alcohol Court which supports substance misusing parents through proceedings. The Government have also recently published DfE commissioned research on parenting capability, produced by the Childhood Wellbeing Research Centre (CWRC), which considers different types of parenting interventions, including those provided during or post-proceedings. This will support local authorities in deciding what support is appropriate for parents on the edge of or in care proceedings. www.gov.uk/government/uploads/system/uploads/attachment_data/file/330332/RR369_Assessing_parental_capacity_to_change_Final.pdf
78, 79, 80	Local authorities should review the operation of their Independent Reviewing Officer service to ensure that it is effective. In particular they should ensure that they are adhering to guidance regarding case loads. The Director of Children's Services / Director of Social Services and Lead Member for Children should receive regular reports from the Independent Reviewing Officer (IRO) on the work undertaken and its outcomes. Local Safeguarding Children Boards should consider such reports. There need to be effective links between the courts and Independent Reviewing Officer and the working relationship between the guardian and the Independent Reviewing Officer needs to be stronger.	Guidance is already available on the role of the Independent Reviewing Officer (IRO). DfE Ministers have written to all Directors of Children's Services (DCSs) reminding them of their responsibilities in relation to caseloads. The national IRO Managers' Group is continuing to monitor this issue. DCSs and Lead Members receive reports from the IRO annually updating on progress and issues. In order to strengthen these communications and to ensure that practice is consistent, the IRO Managers' Group has produced a good practice template to assist IROs in completing these reports. This has been disseminated by the group to the IRO network for promotion in local authorities. The template states that reports, when sent to the DCS/Lead Member, should be copied to the Chair of the Local Safeguarding Children Board so that the Board can retain an overview of local IRO practice and scrutinise issues as appropriate A good practice protocol has been developed by Cafcass, the IRO Managers' Group and the National Association of Independent Reviewing Officers (NAIRO), in collaboration with the DfE, sets out the respective roles of Cafcass officers and IROs in preparation for and during care proceedings. The Association of Directors of Children's Services has endorsed the protocol as good practice and urged that all local authorities use it in their care proceedings work.

Expert Witnesses		
81, 82, 84	Primary legislation should reinforce that in commissioning an expert's report regard must be had to the impact of delay on the welfare of the child. It should also assert that expert testimony should be commissioned only where necessary to resolve the case. The Family Procedure Rules would need to be amended to reflect the primary legislation. The court should seek material from an expert witness only when that information is not available, and cannot properly be made available, from parties already involved. Independent social workers should be employed only exceptionally. Judges should direct the process of agreeing and instructing expert witnesses as a fundamental part of their responsibility for case management. Judges should set out in the order giving permission for the commissioning of the expert witness the questions on which the expert witness should focus.	Section 13 of the Children and Families Act 2014 specifically requires the court to have regard to: any impact on the welfare of the child; that the evidence is necessary to assist the court to resolve the proceedings justly; what other expert evidence is available (including pre proceedings); the impact of allowing expert evidence on the timetable and duration of the case; and the questions the court would require the expert to answer. The primary legislative requirements are further addressed in secondary legislation through Rules and Practice Directions.
83	Research should be commissioned to examine the value of residential assessments of parents.	Research on residential parenting assessments was commissioned from the Childhood Wellbeing Research Centre. This was published in July 2014 and can be found at: www.gov.uk/government/publications/residential-parenting-assessments
85	The Family Justice Service should take responsibility for work with the Department for Health and others as necessary to improve the quality and supply of expert witness services. This will involve piloting new ideas, sharing best practice and reviewing quality.	Agreed standards for expert witnesses have been developed and were published in a joint Family Justice Council/MoJ document in November 2013. The Family Procedure Rule Committee has been invited to consider whether the standards should be incorporated into the family procedure rules and/or practice directions. In addition the Legal Aid Agency will consider whether compliance with the standards should be part of legal aid contracts.

Representation of Children		
91	The tandem model should be retained with resources carefully prioritised and allocated.	The revised PLO has seen a better front-loading of cases, to ensure a proportionate and safe involvement for the Guardian.

Alternatives to conventional court proceedings		
96	The Family Drug and Alcohol Court in Inner London Family Proceedings Court shows considerable promise. There should be further limited roll out to continue to develop the evidence base.	The Family Drug and Alcohol Court (FDAC) has made a number of positive differences and an independent evaluation of FDAC found that it was successful in improving outcomes for children by tackling the substance misuse of parents at an early stage of care proceedings. Parents who had been through the FDAC system were more likely to stop their substance misuse than those in ordinary care proceedings, meaning that fewer children were taken into care. When parents were unable to control their substance abuse, FDAC made swifter decisions to find children a permanent alternative home. The results of a further follow up evaluation were published in May 2014. Another FDAC has been set up in Milton Keynes in partnership with Buckinghamshire in July 2014, and the FDAC team has also supported Gloucestershire in setting up an in-house model which reflects the FDAC approach. The President of the Family Division, Sir James Munby, has expressed his strong support for the FDAC approach and has asked Designated Family Judges to considering the case for establishing FDACs in their area, in partnership with local agencies.

Private Law – Making parental responsibility work		
98	Government should find means of strengthening the importance of a good understanding of parental responsibility in information it gives to parents.	The Government's principal route for providing parents with information about issues relating to separation is though the Sorting Out Separation online service. It includes information about parental responsibility, as well as links to factsheets and information developed by partner organisations.
99	No legislation should be introduced that creates or risks creating the perception that there is a parental right to substantially shared or equal time for both parents.	The Parental Involvement amendment made by section 11 of the Children and Families Act 2014 to section 1 of the Children Act 1989 aims to reinforce the importance of children having an ongoing relationship with each parent after family separation, where that is safe and in the child's best interests. The amendment makes clear, however, that this does not mean any particular division of the child's time. In making decisions about a parent's involvement, the court must – as now – have the welfare of the child concerned as its paramount consideration. This measure will be implemented in Autumn 2014.
100	The need for grandparents to apply for leave of the court before making an application for contact should remain.	Eligibility to apply for the child arrangements order mirrors existing eligibility for contact and residence orders. There will be no change with regard to grandparents, who will – as now – require the leave of the court in order to make an application.

101, 102	Parents should be encouraged to develop a Parenting Agreement to set out arrangements for the care of their children post separation. Government and the judiciary should consider how a signed Parenting Agreement could have evidential weight in any subsequent parental dispute.	A new parenting plan has been developed to support parents in reaching agreement about their child's care, following family breakdown. Providing a clear focus throughout the dispute resolution process, it aims to support parents in reaching agreement on key aspects of their child's care, in a safe way, and gives them help on ways to improve the way they communicate with their ex-partner. The plan is available on the Cafcass website and was launched officially in March 2014, in conjunction with OnePlusOne. The Government has considered the role of the parenting plan in court proceedings. The welfare of the child must be the court's paramount consideration; it would therefore not be appropriate for the parenting plan to carry evidential weight in the court's final decision, as it cannot be assumed that such a plan will necessarily reflect the child's best interests. However, the new Child Arrangements Programme makes it clear that the parenting plan is a useful tool for the court to understand which issues have been agreed between parents and which remain in dispute.
103, 104	Government should develop a child arrangements order, which would set out arrangements for the upbringing of a child when court determination of disputes related to the care of children is required. Government should repeal the provision for residence and contact orders in the Children Act 1989.	The Children and Families Act 2014 introduced a new child arrangements order, to replace contact and residence orders. Existing contact and residence orders are now deemed to be child arrangements orders. Parents are eligible to apply for a child arrangements order regardless of whether they hold parental responsibility for the child concerned. Others with parental responsibility will also be able to apply as of right for the order. As is currently the case, wider family members who do not have parental responsibility for the child, and who do not meet the eligibility criteria set out in section 10 of the Children Act 1989 will require the leave of the court to apply for a child arrangements order.
105	Prohibited steps orders and specific issue orders should be retained for discrete issues where a child arrangements order is not appropriate.	The Government agreed with this recommendation and has made no change to these orders.
106	The new child arrangements order should be available to fathers without parental responsibility, as well as those who already hold parental responsibility, and to wider family members with the permission of the court.	As is currently the case, family members who do not have parental responsibility for the child, and who do not meet the eligibility criteria set out in section 10 of the Children Act 1989 will require the leave of the court to apply for a child arrangements order.
107, 108	Where a father would require parental responsibility to fulfil the requirement of care as set out in the order, the court would also make a parental responsibility order. Where the order requires wider family members to be able to exercise parental responsibility, the court would make an order that that person should have parental responsibility for the duration of the order.	The amendments made by the Children and Families Act 2014 to the Children Act 1989 achieve this. In cases where a child arrangements order names the father (or second female parent, where she is the child's legal parent) as a person with whom the child is to live, it must also make an order giving him (or her) parental responsibility. This is not limited to the duration of the order. In cases where the father (or second female parent, where she is the child's legal parent) is named in the order as a person with whom the child is to spend time or otherwise have contact, the court must decide whether it would be appropriate for the father (or second female parent) to have parental responsibility. The amendments made by the Children and Families Act 2014 to the Children Act 1989 achieve this. In cases where a child arrangements order names a person who is not the child's parent or guardian as a person with whom the child is to live, he or she will also be awarded parental responsibility for the duration of the order. If the order names such a person as a person with whom the child is to spend time or otherwise have contact, the court has the power to award parental responsibility to the person(s) concerned if this is appropriate.

109	The facility to remove the child from the jurisdiction of England and Wales for up to 28 days without the agreement of all others with parental responsibility or a court order should remain.	The Government agreed with this recommendation and has made no change in this respect.
110	The provision restricting those with parental responsibility from changing the child's surname without the agreement of all others with parental responsibility or a court order should remain.	The Government agreed with this recommendation and has made no change in this respect.

A coherent process for dispute resolution		
112	Alternative dispute resolution' should be rebranded as 'Dispute Resolution Services', in order to minimise a deterrent to its use.	In terms of public communications the Government has adopted the use of descriptive phrases such as "mediation and other services that can help resolve a dispute instead of coming to court". The amended Family Procedure Rules now use the term "non-court dispute resolution" in preference to ADR.
113	Where intervention is necessary, separating parents should be expected to attend a session with a mediator, trained and accredited to a high professional standard, who should: i) assess the most appropriate intervention, including mediation and collaborative law, or whether the risks of domestic violence, imbalance between the parties or child protection issues require immediate referral to the family court; and ii) provide information on local Dispute Resolution Services and how they could support parties to resolve disputes.	A legislative requirement for prospective applicants in relevant private law (children and financial remedy) proceedings to attend a MIAM was included in the Children and Families Act 2014 and came into force on 22 April 2014. In the MIAM, a trained mediator will assess the couple's suitability for mediation. The mediator will also provide information about mediation and other dispute resolution options and how these methods may support the parties to resolve their dispute.
114	The mediator tasked with the initial assessment (Mediation Information and Assessment Meeting) would need to be the key practitioner until an application to court is made.	This proposal was controversial among mediation providers. A working group considered the proposal and concluded that the role of key practitioner shifts depending on where clients are in the process and signposting/emotional support should already be part of best practice. The Government will keep this recommendation under review when considering changes to the private law system.
115	The regime would allow for emergency applications to court and the exemptions should be as in the Pre-Application Protocol.	MIAM rules were drafted with exemptions which largely retained those under the pre-application protocol, with additions and some necessary consequential modifications. These will be reviewed in the light of how the statutory MIAM is now operating.
118	Judges should retain the power to order parties to attend a mediation information session and Separated Parents Information Programmes, and may make cost orders where it is felt that one party has behaved unreasonably.	On direction to attend a MIAM, it is clear in child arrangement order proceedings that the court can make an Activity Direction and that this can include attendance at a MIAM. The court already has the power to make costs orders.
119	Where agreement could not be reached, having been given a certificate by the mediator, one or both of the parties would be able to apply to court.	Rules made under the statutory MIAM power brought into effect on 22 April 2014 enable a person in relevant family proceedings to apply for a court order having first been to a MIAM, and this is reflected in the application forms (such as the C100 application form for child arrangements orders. Application form(s) (e.g. C100) have been revised to include a declaration by an authorised mediator that a person wishing to make an application has attended a MIAM. Alternatively, the applicant may claim an exemption from attending a MIAM on the court application form.

122	The Family Justice Service should ensure for cases involving children that safeguarding checks are completed at the point of entry into the court system.	The Government is not making any changes to the process by which safeguarding checks are conducted for private family law proceedings. Cafcass will continue to ensure that courts are provided with safeguarding information for the parties involved in the case.
123	HMCTS and the judiciary should establish a track system according to the complexity of the case. The simple track should determine narrow issues where tailored case management rules and principles would apply.	This recommendation was not taken forward. The Family Procedure Rule Committee and the Judge in charge of Family Modernisation both considered the merits of a track system for private law cases. Given that all Children Act cases are now gate-kept and allocated according to set criteria – including complexity – it was agreed that no formal track system was required. The new Child Arrangements Programme (CAP 2014) sets out the case management approach that should be taken in relation to the particular characteristics of any given case.
124	The First Hearing Dispute Resolution Appointment should be retained. Parenting Agreements could also be helpful at this stage. Where further court involvement is required after this, the judge should allocate the case to either the simple or complex track according to complexity.	This was considered by the Family Procedure Rule Committee. The First Hearing Dispute Resolution Appointment has been retained.
125	The judge who is allocated to hear the case after a First Hearing Dispute Resolution Appointment must remain the judge for that case.	The issue of judicial continuity is included in the Child Arrangements Programme (CAP).
129	There should be no link of any kind between contact and maintenance.	The Government agreed with this recommendation and has made no change in this respect. The welfare of the child, not the financial circumstances of either parent, must be the court's paramount consideration in any such decisions.

Divorce and financial arrangements		
131	People in dispute about money or property should be expected to access the information hub and should be required to be assessed for mediation.	Since 22 April 2014, attendance at a MIAM is now required in private law children and financial remedy cases before any court application can be made, subject to exemptions. The Government decided not to take forward the recommendation that people should be required to access an online hub to be assessed for mediation. However, the Government has strengthened online information about mediation, including by working closely in partnership with the Family Mediation Council, whose website has been improved and relaunched to make it easier for people to find mediation services and information about mediation. This sits alongside other work to promote and strengthen the mediation sector.
132	Where possible all issues in dispute following separation should be considered together whether in all issues mediation or consolidated court hearings. HMCTS and the judiciary should consider how this might be achieved in courts. Care should be taken to avoid extra delay particularly in relation to children.	Existing arrangements for family mediation – including publicly funded mediation – already provide for the possibility of all issues mediation. Court proceedings are driven by specific application types with specified fees. It has not been possible to undertake any scoping work on the second part of this recommendation given the complexities of establishing the single Family Court on the basis of the existing single proceedings type framework.

Outstanding recommendations

No.	Family Justice Review Recommendation	Progress
The child's voice		
2	Children and young people should as early as possible in a case be supported to be able to make their views known and older children should be offered a menu of options, to lay out the ways in which they could – if they wish – do this.	The Government has made the commitment that from the age of 10 children and young people involved in family court hearings in England and Wales will have access to judges to make their feelings known. The FJYPB has produced tools for Cafcass Officers to collect the views of children and young people which are now provided alongside Cafcass reports to the judge.
Family Justice Service		
10	Charges to local authorities for public law applications and to local authorities and Cafcass for police checks in public and private law cases should be removed.	The Government's policy is that the costs of the civil and family courts are funded through charges to those who use them. Everyone who wishes to bring proceedings in the family court is required to pay a fee to do so, including public bodies, unless they are eligible for a fee remission. Cafcass continue to conduct Level 1 police checks from their Coventry Office and Cafcass are charged a 69p transaction fee for each check completed. Enhanced checks do currently attract a charge and discussions to resolve this are ongoing.
12	An integrated IT system should be developed for the Family Justice Service and wider family justice agencies. This will need investment.	Work is progressing to establish the case for a Cafcass/HMCTS shared Family Case Management System. Business Analysts have produced High Level Business Requirements and the HMCTS IT Prioritisation Board has agreed that the project should advance to the next stage: MoJ IT have been commissioned to proceed to the feasibility stage. This work will become part of the HMCTS Reform Programme. As an interim measure, work to share data across the DfE, MoJ, Cafcass and Wales is underway. The aim of the project will be to take snapshots of available data in order to inform policy makers on how couples and children progress through the family justice system, and how this affects their outcomes. An interdepartmental working group is now taking this work forward, with the aim of data being shared by the end of 2014.
Judicial leadership and culture		
27	The Judicial Office should review the restriction on magistrate sitting days.	The MoJ is considering including questions on whether the limits on magistrates sitting days should be changed as part of a wider consultation on strengthening the role of magistrates as any changes will impact on other areas of magistrates work.

The courts		
34, 35, 36, 37	HMCTS and the judiciary should ensure routine hearings use telephone or video technology wherever appropriate. HMCTS and the judiciary should consider the use of alternative locations for hearings that do not need to take place in a court room. HMCTS should ensure court buildings are as family friendly as possible. HMCTS should review the estate for family courts to reduce the number of buildings in which cases are heard, to promote efficiency, judicial continuity and specialisation. Exceptions should be made for rural areas where transport is poor.	HMCTS is currently working towards adopting this approach wherever it can. Local plans reflect this requirement, in so far as current resources allow. This will be ongoing for some time and is part of the continuous improvement agenda and HMCTS reform. (35 & 36) Local area plans reflect this requirement, in so far as current resources allow. This will be ongoing for some time and is part of the continuous improvement agenda and HMCTS reform.
Workforce		
44, 53	The Family Justice Service should establish a pilot in which judges and magistrates would learn the outcomes for children and families on whom they have adjudicated. Judges should be encouraged and given the skills to provide each other with greater peer support.	The President of the Family Division is aware of the demands made upon all levels of judiciary including the magistracy in implementing the changes following the Family Justice Review. The suggested pilot would be an additional burden which it has not been appropriate to impose at this stage. The President will review the position at an appropriate time. The issues of peer review by judges and feedback for judges are matters for the Judicial Executive Board.
Public Law – Relationship between courts and local authorities		
65	Local authorities and the judiciary need to debate the variability of local authority practice in relation to threshold decisions and when they trigger care applications. This again requires discussion at national and local level. Government should support these discussions through a continuing programme of analysis and research	Local Family Justice Boards (LFJBs) were set up to bring together representatives from the key agencies in the family justice system to share information, debate local practice and drive improvement locally in tackling delays. In 2013, and to support the public law reforms and the implementation of the revised PLO, the Government provided funding for LFJBs to undertake inter disciplinary training, in consultation with the local Designated Family Judge. This brought together all the key local agencies and stakeholders to ensure that they understood what was required and to identify how they might address any local issues. The Government is supporting local debate through a continuing programme of analysis and research.

Expert witnesses		
86, 87	The Legal Services Commission should routinely collate data on experts per case, type of expert, time taken, cost and any other relevant factor. This should be gathered by court and area. We recommend that studies of the expert witness reports supplied by various professions be commissioned by the Family Justice Service.	The Legal Aid Agency is rolling out a new Client and Cost Management System (CCMS) in 2014/15, which has been designed to collect a much wider range of data on experts funded through legal aid. Management information should be available some months after the rollout is complete. The courts are also now collecting limited information on the number of expert commissioned through CCMS. MoJ Analytical Services has commissioned Coventry University to undertake research into the use of experts.
88	Agreed quality standards for expert witnesses in the family courts should be developed by the Family Justice Service.	Agreed standards for expert witnesses have been developed and were published in a joint Family Justice Council/MoJ document in November 2013. The Family Procedure Rule Committee has been invited to consider whether the standards should be incorporated into the family procedure rules and/or practice directions. In addition the Legal Aid Agency will consider whether compliance with the standards should be part of legal aid contracts.
89	A further pilot of multi-disciplinary expert witness teams should be taken forward, building on lessons from the original pilot.	The Government has decided not to pursue this recommendation at this time.
Representation of children		
92	The merit of using guardians pre-proceedings needs to be considered further.	The evaluation of Coventry/ Warwickshire pre-proceedings pilot was issued in July 2013. Its findings are positive and a further pilot in Liverpool, due for publication later in the year, is anticipated to also show the merits of pre-proceedings work. These findings are assisting other areas in ensuring closer, more effective joint work between local authorities and Cafcass pre-proceedings, and some local areas have developed their own local protocols for early involvement of Guardians. Cafcass continues to become involved in some cases and some strategic issues pre-proceedings, as long as the rationale is agreed between agencies locally and it is affordable.
93	The merit of developing an in-house tandem model needs to be considered further. The effects on the availability of solicitors locally to represent parents should be a particular factor.	This was not taken forward at the time due to the need to reduce waiting times for public law cases. Further consideration may be given over the coming months as the new reforms bed in.
A coherent process for dispute resolution		
111	Government should establish an online information hub and helpline to give information and support for couples to help them resolve issues following divorce or separation outside court.	The Government recognises the importance of supporting separating parents and couples to navigate their way through the range of services available to them. A key aim is to promote collaboration between couples and parents and to minimise the impact of separation on children. The 'Sorting out Separation' online service was launched in November 2012. It is designed to help parents identify their needs and signpost them to trusted information, tools and specialist services. Sorting out Separation is refreshed on an on-going basis to ensure that the information it contains is relevant and up-to-date.

117	Attendance at a Mediation Information and Assessment Meeting and Separated Parent Information Programme (SPIP) should be required of anyone wishing to make a court application. This cannot be required, but should be expected, of respondents.	The requirement to attend a MIAM in relevant family proceedings (unless exempt) is in the Children and Families Act 2014 and was brought into force on 22 April 2014. The Government will undertake further work to look at how MIAMs and SPIPs can be used more effectively together, away from court.
116	Those parents who were still unable to agree should next attend a Separated Parents Information Programme (SPIP) and thereafter if necessary or other dispute resolution service.	A pilot was started by the DfE, with Cafcass extending availability of SPIP to an out of court pathway across England from September 2013 on a trial basis. Evaluation of the pilot will be completed this September and will be submitted to Ministers during the autumn. Ministers will then consider recommendations for whether and how out of court SPIPs should be rolled out nationally and how they could be effectively linked up with mediation.
120, 121	Mediators should at least meet the current requirements set by the Legal Services Commission. These standards should themselves be reviewed in the light of the new responsibilities being laid on mediators. Mediators who do not currently meet those standards should be given a specified period in which to achieve them. Government should closely watch and review the progress of the Family Mediation Council to assess its effectiveness in maintaining and reinforcing high standards. The Family Mediation Council should if necessary be replaced by an independent regulator.	MoJ supported the Family Mediation Council (FMC) to commission work on the Professional Standards Framework which has created a single qualified status, a 'licence to practise' for family mediators, regardless of whether they undertake any of the functions currently requiring qualification or work purely with privately-funded clients. MoJ is now working with the FMC on successful implementation of the Professional Standards Framework. MoJ also plans to review future Legal Aid Agency (LAA) contracts with mediation services to enhance overall service quality and review the implementation of the McEldowney recommendations to explore options for reforming the management and regulation of the mediation sector.
127	The government and the judiciary should actively consider how children and vulnerable witnesses may be protected when giving evidence in family proceedings	The President of the Family Division established a working group in July 2014 to consider actions for children and vulnerable witnesses in family court cases. The interim report has now been published.
128	Where an order is breached within the first year, the case should go straight back to court to the same judge to resolve the matter swiftly. The current enforcement powers should be available. The case should be heard within a fixed number of days, with the dispute resolved at a single hearing. If an order is breached after 12 months, the parties should be expected to return to Dispute Resolution Services before returning to court to seek enforcement.	The President of the Family Division has issued a Practice Direction on the Child Arrangement Programme which includes provisions for the speedier listing of enforcement of child arrangement orders within 20 working days. MoJ and Cafcass are working to develop an enforcement focused version of the Separated Parents Information Programme for implementation in the autumn of 2014.

Divorce and financial arrangements		
130	The process for initiating divorce should begin with the online hub and should be dealt with administratively by the courts, unless the divorce is disputed.	MoJ Digital Services Division is considering the viability of digital divorce applications. However, MoJ has also provided funding to help the Royal Courts of Justice's Citizens Advice Bureau develop 'Courtnav', an online tool that helps individuals, particularly those who are unlikely to be able to afford legal assistance, to fill in their divorce petition and other civil and family forms. HMCTS will be using legal advisers to consider undefended divorce applications from October 2014, following the legislative changes which now allow legal advisers to deal with this work. Provisions to remove the power for the court to consider arrangements for the children on divorce were included in the Children and Families Act 2014.
133	Government should establish a separate review of financial orders to include examination of the law.	The Government is considering the Law Commission's recommendations in respect of matrimonial property, needs and agreements. The Law Commission will then consider enforcement of financial orders in family proceedings. The Government does not intend to carry out a wider review of financial orders in family proceedings at this time.
134	The Ministry of Justice and the Legal Services Commission should carefully monitor the impact of legal aid reforms. The supply of properly qualified family lawyers is vital to the protection of children.	The MoJ and Legal Aid Agency will continue to monitor the impact of legal aid reforms to ensure they support the effectiveness of FJR reforms.

Long term or not taken forward

No.	Family Justice Review Recommendation	Progress
Family Justice Service		
9	The Family Justice Service should be responsible for the budgets for court social work services in England, mediation, out of court resolution services and, potentially over time, experts and solicitors for children.	The Government decided not to proceed with establishing a Family Justice Service.
13	The Family Justice Service should develop and monitor national quality standards for system wide processes, based on local knowledge and the experiences of service users.	The Government decided not to proceed with establishing a Family Justice Service.
Workforce		
39, 40, 41, 42, 43	The Family Justice Service should develop a workforce strategy. The Family Justice Service should develop an agreed set of core skills and knowledge for family justice. The Family Justice Service should introduce an inter-disciplinary family justice induction course. Professional bodies should review CPD schemes to ensure their adequacy and suitability in relation to family justice. The Family Justice Service should develop annual inter-disciplinary training priorities for the workforce to guide the content of inter-disciplinary training locally.	The Government decided not to proceed with establishing a Family Justice Service.
Expert Witnesses		
90	The Family Justice Service should review the mechanisms available to remunerate expert witnesses, and should in due course reconsider whether experts could be paid directly.	The Government decided not to proceed with a Family Justice Service. Work on reviewing the mechanisms available to remunerate expert witnesses has not been taken forward yet, as the Government response made clear that this was a longer term objective following other reforms to the use of experts.
Alternatives to conventional court proceedings		
95	A pilot on the use of formal mediation approaches in public law proceedings should be established.	Encouraging and facilitating the use of mediation in private law disputes remains the Government's priority. This recommendation for mediation in public law proceedings was not taken forward at the time due to the need to reduce waiting times for public law cases. Further consideration may be given over the coming months as the new reforms bed in.