

Evidence submitted by the Greater London Family Panel

INTRODUCTION

1. (a) The Greater London Family Panel (GLFP) welcomes the opportunity to submit a paper to the Constitutional Affairs Select Committee Inquiry into the way in which Courts deal with family cases. This is in addition to a response to "Parental Separation: Children's Needs and Parents' Responsibilities" made on behalf of the Panel by the Legal Committee.

(b) The GLFP comprising some 650 Magistrates commenced in January 2004 and is an amalgamation of the Inner London Family Proceedings Panel sitting at Wells Street, and the 20 Outer London Family Proceedings Courts Panels sitting in 20 different Court Houses throughout London. We are therefore uniquely placed to make representations on the positive contribution of the Family Proceedings Courts to the Family Justice System based on our experiences from both a dedicated family court and from Family Proceedings Courts located in busy multi-jurisdictional Magistrates Courts.

(c) One of the purposes of setting up the GLFP is to support the establishment of regional specialist family centres throughout Greater London with a dedicated staff able to provide court users with daily access and advice. The proposal is for these courts to combine the work of different tiers of court in one location allowing for the listing of work at the appropriate level and for the transfer of work between the tiers as necessary. Responsibility for these proposals has passed from the Greater London Magistrates Courts Authority to Her Majesty's Court Service and timetabling is currently uncertain. In the meantime, we are concerned to improve service delivery, improve outcomes for children and to reduce delay.

(d) The resident District Judge at the Inner London Family Proceedings Court has submitted a paper which we have had sight of.

(e) As stated in our response to the consultation we agree with the legal position described and look to Government to confirm their commitment by legislation and the provision of resources. We therefore confine our submission to case management, court procedures and listing arrangements for private law work. In addition we are mindful of the change in courts administration to HMCS in general and to the aims and objectives for the London panel in particular.

SPECIALISATION

2. (a) Since the introduction of Family Proceedings Courts on the implementation of the Children Act 1989. Magistrates have undertaken multi-agency training and developed knowledge of children's development and needs. The formation of the dedicated court at Wells Street in Inner London in 1997 has enabled expertise to further develop and the workload to increase, with the result that service delivery has improved, delay reduced and there has been a reduction in unit costs. With this in mind the GLFP was set up in order to extend these benefits across London and promote consistency.

(b) Currently throughout the Outer London area, family proceedings work is carried out against a backdrop of busy local Magistrates Courts under pressure from heavy workloads in the Adult Crime Courts and the Youth Courts and where there is a shortage of Legal Advisers and Administrative staff.

(c) We would therefore support initiatives outlined by the DCA to increase specialisation in Family Proceedings Courts and would like to see them put into practice at local court level.

DELAY IN PRIVATE LAW PROCEEDINGS

3. (a) The GLFP is concerned about delays in proceedings in both the County Courts and the PRFD. This varies in different courts. We understand that this is due partly to volume of work and partly due to the delay in the writing of welfare reports by CAFCASS Officers.

(b) Currently, Private Law work can commence either at the FPC level or in the County Court. Due to a preferential fee structure favouring the County Court a high percentage of work commences at that level.

(c) In the longer term, we would propose that all private Law cases should commence in the family proceedings court and be transferred to the county court according to prescribed criteria as is the practice in public law cases. Meanwhile, we propose transfer of appropriate work down to make use of spare capacity in the FPC's. Work is transferred from the PRFD to Wells Street where the flexibility of a large dedicated courthouse enables a high volume of work to be carried out but levels vary in the Outer London Courts where in some areas little or no work is transferred to the family proceedings court. Transfer of work to the family proceedings court would not only make use of spare capacity in the FPC's would free county court Judges to deal with more complex matters.

POWERS OF THE COURTS

4. We refer to Page 2 of our response to the Green Paper on Enforcement which emphasises the differences between the powers available to the FPC and the county court. On occasion a case is transferred to the county court purely to enable that court to make use of its greater powers. This can cause delay. We would suggest that as all courts dealing with Children Act and Family Law Act matters are applying the same legislation, the same methods of enforcement should be available to them.

In conclusion we quote The Hon Mr Justice Munby when giving judgment in *Re D (Intractable Contact Dispute: Publicity) 2004* ". . . In dealing with fast-track cases, even if they have entered the system in the county court, greater use should be made of the skill and expertise of the lay justices and district judges (magistrates) who sit in the family proceedings courts [which] are an invaluable and, at least in private law cases, a seriously under-used resource . . ." (ref. Family Law P 320 May 2004.)

The lay Magistrates on the Greater London Family Panel are committed to providing the best outcomes for the children and families subject to proceedings in the family courts. If required we would be happy to attend and appear before the Select Committee

Margaret Wilson

Chairman

Greater London Family Panel

1 November 2004