



Llywodraeth Cynulliad Cymru  
Welsh Assembly Government

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## WRITTEN STATEMENT BY THE WELSH ASSEMBLY GOVERNMENT

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**Title: Family Justice Review**

**Date: 20 January 2010**

**By: Gwenda Thomas, Deputy Minister for Social Services**

As part of my role as co-chair of the National Family Justice Board, I have agreed with the Lord Chancellor and Secretary of State for Justice (Jack Straw MP) and the Secretary of State for Children, Schools and Families (Ed Balls MP) a review of the family justice system in England and Wales.

The family justice system involves life changing decisions for many thousands of children and their families each year at a cost to the taxpayer of over £800m. There have been some important elements of reform in recent years. But we need to be certain that the system, as it is currently set up, supports parents as fully as possible in establishing and maintaining a co-operative approach to agreeing future arrangements when relationships break down, and does not unwittingly cause additional stress at what will already be a difficult time. It is also important to ensure that valuable court time is focused on protecting the vulnerable from abuse, victimisation and exploitation and that the system is being managed as effectively as possible.

The review will be conducted by a panel, comprising four representatives independent of UK and devolved Government and senior representatives from the Ministry of Justice, Department for Children, Schools and Families, and the Welsh Assembly Government..

The review will be asked to make recommendations in two core areas: (1) what steps can be taken to promote informed settlement and agreement; and (2) whether improvements need to be made to the way in which the family justice system is managed.

It will be guided by the following principles:

- The interests of the child should be paramount in any decision affecting them (and, linked to this, delays in determining the outcome of court applications should be kept to a minimum)
- The court's role should be focused on protecting the vulnerable from abuse, victimisation and exploitation and should avoid intervening in family life except where there is clear benefit to children and vulnerable adults in doing so
- Individuals should have the right information and support to enable them to take responsibility for the consequences of their relationship breakdown
- Mediation and similar support should be used as far as possible to support individuals themselves to reach agreement about arrangements, rather than having an arrangement imposed by the courts
- The processes for resolving family disputes and agreeing future arrangements should be easy to understand, simple and efficient
- Conflict between individuals should be minimised as far as possible

Copies of the full terms of reference are attached at Annex A.

The review will have an impact on families in Wales and CAFCASS CYMRU whose primary functions are to safeguard and promote the welfare of children involved in Family Proceedings and give advice to any court about applications made to it.

Members will recall that on 9 December 2009 the National Assembly for Wales considered the recommendations of the Health, Wellbeing and Local Government Committee's Report on the Children and Family Court Advisory and Support Service Cymru (<http://www.assemblywales.org/bus-home/bus-chamber/bus-chamber-third-assembly-rop.htm?act=dis&id=157038&ds=12/2009>).

We have asked for the review panel to provide a final report to respective Government leads in 2011.

## Family Justice Review – Terms of Reference

The Secretaries of State for Justice and Children, Schools and Families and the Welsh Assembly Government Minister for Health and Social Services have commissioned a review of the family justice system in England and Wales.

The following guiding principles have been identified which are intended to provide a framework within which the review's work should be undertaken:

- The interests of the child should be paramount in any decision affecting them (and, linked to this, delays in determining the outcome of court applications should be kept to a minimum)
- The court's role should be focused on protecting the vulnerable from abuse, victimisation and exploitation and should avoid intervening in family life except where there is clear benefit to children or vulnerable adults in doing so
- Individuals should have the right information and support to enable them to take responsibility for the consequences of their relationship breakdown
- Mediation and similar support should be used as far as possible to support individuals themselves to reach agreement about arrangements, rather than having an arrangement imposed by the courts.
- The processes for resolving family disputes and agreeing future arrangements should be easy to understand, simple and efficient
- Conflict between individuals should be minimised as far as possible

The review should assess how the current system operates against these principles and make recommendations for reform in two core areas: the promotion of informed settlement and agreement; and management of the family justice system.

Specifically, this will include examination of the following issues:

- The extent to which the adversarial nature of the court system is able to promote solutions and good quality family relationships in private law family cases and what alternative arrangements would be more effective in fostering lasting and positive solutions
- Examination of the options for introducing more inquisitorial elements into the family justice system for both public and private law cases
- Whether there are areas of family work which could be dealt with more simply and effectively via an administrative, rather than court-based process, and the exploration of what that administrative process might look like

- Examination of the roles fulfilled by all of the different agencies and professionals in the family justice system, including consideration of the extent to which governance arrangements, relationships and accountabilities are clear and promote effective collaboration and operational efficiency

The review will be conducted by a Panel, comprising four independent representatives and senior representatives from MoJ, DCSF and the Welsh Assembly Government (as relevant for devolved matters). The Panel will be assisted in its work by an expert consumer and stakeholder group, made up of experts from across the family justice system, academics and consumer specialists. Membership of the Panel and Advisory Group will be approved by Ministers.

In examining these matters the Panel will be required to obtain and consider the views of key stakeholders, including children and families, the judiciary, family lawyers, Cafcass practitioners and social workers. The review will also be expected to engage in wide consultation, to draw on relevant family justice research studies and literature, consider available qualitative and quantitative data and take into account international comparisons.

The review should take account of value for money issues and resource considerations in making any recommendations. Recommendations should be costed and have regard to affordability.

Following examination of available research and evidence, the Review Panel is expected to report the likely timeframes for moving Review forward within a three-month period following the Review's announcement. A final report setting out the Review's findings is expected to be submitted to the Secretary of State for Justice, the Secretary of State for Children, Schools and Families and the Welsh Assembly Government Minister for Health and Social Services in 2011.