

**TWENTY-FIVE YEARS OF GUARDIANS - WHERE NEXT?**  
**NAGALRO April 28 2009.**  
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## **INTRODUCTION**

It was on May 27 1984 that the Guardian ad Litem and Reporting Officer service was formally established in England and Wales. By this date each local authority was required to set up a panel whose members could be called upon to act in four types of pre Children Act 1989 public law proceedings-care proceedings, access proceedings, parental rights resolutions, adoption and freeing for adoption. The new service was up and running but where exactly had it come from, why was it necessary and who were these new panel members?

## **HISTORY OF THE DEVELOPMENT OF THE SERVICE**

### **Phase One.**

The seeds of the service had been sown ten years earlier in 1974 when Maria Colwell died having been starved and beaten by her stepfather. She had been looked after by her aunt and uncle for five years and was seven when she was returned home at her mother's request. The application to discharge the care order was not opposed by the local authority and crucially there was nobody to ask Maria if she felt safe to go home. The committee of enquiry into the care and supervision in relation to Maria Colwell stated that:

*'had the views of an independent social worker been available to the court, they would have had the assistance of a second opinion which might, or might not, have endorsed the conclusions in their [the social worker's] report'<sup>1</sup>*

The need for an independent representative for the child in care proceedings was formally recognised in the Children Act 1975 but only implemented in stages. After November 1976, it was possible to appoint a guardian ad litem for the child, but only in unopposed revocation of care proceedings, which were thought to pose the greatest risk to the children concerned. Lists of those willing to act as guardians were held by local Probation departments. However s64 of the 1975 Act which provided for the appointment of a guardian in opposed care proceedings had to wait another 9 years until 1984. In the vacuum created by the lack of implementation, concerned solicitors began to seek independent evidence and instruct independent social workers, the first phase of the service's development.

The crux of the problem for solicitors was the representational anomaly which made the child and the local authority parties to care proceedings, leaving the parents unrepresented. In parental rights resolutions the situation was reversed: the parents and the local authority were parties, leaving the child without representation.

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<sup>1</sup> The Field Fisher Report, Report on the Committee of Enquiry into the care and supervision provided in relation to Maria Colwell. (1974) HMSO. Para.227

My experience in representing children as an ISW and then a guardian, started one morning in 1978 when a frantic solicitor at the Vauxhall Law Centre in Liverpool rang me up. He was representing six children aged between 4 and 15. The local authority had taken them all into care, they were all in different placements, both parents had disappeared, two of the older ones had already run away and the hearing was in a week. He had rung me because he had heard I had the necessary qualifications and had recently moved to Liverpool and so had no history with Liverpool Social Services. Fools rush in where angels fear to tread. What I discovered about the position of these children in the course of that case and in the course of the cursory ten minute hearing that determined the outcome for them, shaped the rest of my professional career, and I suspect it was the same for many others like me.

In response to the increasing demand for independent reports generated by solicitors representing children, the National Association of Mental Health (MIND), the Register of Independent Advisers (TRIAL), the National Council of One Parent Families (NCOPF), Family Rights Group (FRG), Justice for Children, the South Bank Group and Independent Representation for Children in Need (IRCHIN) - NYAS's predecessor organization - all established panels of experienced child care social workers willing to prepare independent reports. In 1981 there were moves to establish a National Independent Social Work Advisory Service (NISAS) but these plans never came to fruition. However between 1980 and 1984 there was a proliferation of networks around the country and it was these networks that laid the foundations of the guardian service. Concern centred on the lack of accountability of local authorities acting in loco parentis, the level of state intervention into family life, particularly the poor and disadvantaged and the administrative rather than judicial procedures for the assumption of parental rights and the termination of access to children in care.

Clearly one solution was to provide children with effective separate independent social work and legal representation by implementing s64 and 65 Children Act 1975. Pressure for the formal establishment of the Guardian service manifested itself as a grass roots, child centred, practice driven movement in which ISWs started from the position of the child they represented, supported each other, forged close interprofessional links with children's solicitors, set up regulatory mechanisms and campaigned for the changes to law and policy which would make a difference to the lives of the children they were seeing. If all of that sounds attractive, there were also substantial drawbacks. ISWs were not popular with their local authority colleagues. Questioning the local authority view of what was in an individual child's best interests was a new phenomenon. The prevailing fallacy was that because local authorities had a statutory responsibility to act in the best interests of children, their view of what was best in an individual case was by definition right and should not be open to challenge. Feelings ran high. ISWs supported each other by going to court in twos to provide support and the 'no coffee, find your own way out syndrome' became a familiar feature of visits to social services departments.

## **Phase Two**

Phase two-the formal establishment of the panels in 1984 was universally welcomed. ISWs did not want an equivocal role. They wanted to be part of a coherent

professional group with proper professional accountability and clear statutory duties and responsibilities in relation to the children they represented.

The statutory recognition of the tandem model as a working synthesis of children's rights and children's welfare - with children's panel solicitors, representing children's rights by acting as children's advocates and children's guardians representing children's best interests- constituted one of the most significant advances in any jurisdiction.

By 1985, a survey by the British Association of Social Workers found that there were 72 panels in England and Wales with a panel membership of approximately 3,500 guardians ad litem and reporting officers.<sup>2</sup> (Scotland had its own curator ad litem system). An immediate and continuing bone of contention was the fact that panels were administered and funded by local authorities who were also parties to the care proceedings, thus compromising the independence of the service and giving rise to a number of convoluted 'arms length' arrangements. One panel administrator found herself sitting in a broom cupboard conveniently sited in a corridor adjacent to the social services department. It had not been easy for local authorities, who were given no extra funding, to liaise with the courts, set up the scheme, recruit, appoint and train panel members and set up complicated and diverse administrative arrangements all within five months.<sup>3</sup>

Initially, many local authorities opted for panels based on reciprocal arrangements between local authorities; this was seen as the most economic arrangement as no money changed hands. However, and this is relevant to today's situation when the service relies heavily on employed FCAs, it was quickly evident that the demands of the expanding service were bearing down too heavily on local authority panel members. By 1986 the:

*'severe resource pressures on local authority panel members had led to their withdrawal from RO/GAL work and a major shift towards using fee attracting RO/GALS'*<sup>4</sup>

It is the mixed economy of employed and self-employed workforce which has formed the backbone of the service, providing the flexibility to respond to peaks and troughs in demand. This flexibility is just as necessary today, at a time when waiting lists are mounting leaving so many children vulnerable and at risk.

### **Phase Three**

The implementation of the Children Act 1989 on October 14 1991 saw the beginning of the third stage of the development of the service. Guardians were to be appointed more often and at an earlier stage in a much greater range of care and related proceedings. They were seen as pivotal to the successful implementation of the Act

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<sup>2</sup> Guardians and Curators ad litem and Reporting Officers. The British Association of Social Workers.(BASW) July 1986

<sup>3</sup> For a detailed account of the development of the GALRO service see- Children's Representation-A Practitioners Guide. Chapter 3 - The Establishment of Panels. Judith E Timms. Sweet and Maxwell.1995

<sup>4</sup> Association of Directors of Social Services/Association of County Councils/Association of Metropolitan Authorities, Panels of Guardians and Reporting Officers. February 1986. P4

which was the statutory expression of a change of culture recognising the paramount importance of the welfare of the child at the centre of the proceedings. As children moved centre stage so did the guardian. The role was defined in the new Manual of Practice Guidance as standing at:

*'the interface between the conflicting rights and powers of the courts, local authorities and natural and substitute parents in relation of the child. The guardian has to safeguard the child's interests, to ensure the most positive outcome for the child. The guardian also has to make a judgement between the potentially conflicting demands of children's rights, children's rescue, the autonomy of the family and the duty of the state'*<sup>5</sup>

Recent events have once again demonstrated the propensity of society to swing between demands for child rescue and rehabilitation, frequently forgetting that rescue and rehabilitation are not mutually exclusive but different points along the same continuum. The increase in numbers of care proceedings following the death of Baby P shows the knock-on impact on social services departments who are put under enormous pressure to police the interface. It also highlights once again the importance and complexity of the guardian's role in holding the balance.

Implementation of the CA 1989 was narrowly preceded by the establishment of NAGALRO. Guardians were centrally involved in the professional discussions about the review of child care law and practice which resulted in the CA 198 and increasingly felt the need for an overarching professional body to combat the comparative isolation of panel members and to provide a forum for the development of policy and practice. Accordingly on the 22 June 1989 Guardians ad Litem from 70 different panels met at the National Children's Bureau and agreed unanimously that a National Association of Guardians ad Litem and Reporting Officers should be set up. A steering committee of 22 members was duly elected to work on the development of a constitution and code of practice. I was a member of that steering committee and remember the excitement and commitment of its members which included Michael Griffiths Jones as its Chair and Sue Cooper. Both went on to serve as Chairs of the Association. The overriding objective of the Association was to *'promote a high quality service to the children we represent'*. That remains just as true today.

The first general meeting of the Association was held on April 2 1990. Guardians had to be proactive in taking and running with the raft of new provisions and court rules and, in that sense, took ownership of a wider responsibility to be guardians not only of individual children but also of the principles of children's rights to be heard in court proceedings affecting them and to be afforded the safeguard of independent representation. This wider sense of responsibility was illustrated in 1992, when guardians from Cornwall and the Isles of Scilly successfully challenged the right of the administering local authority to set a prescriptive limit on the time a guardian could spend on any one case. The Cornish guardians set up a judicial review fund and asked colleagues round the country to contribute. The action was supported by Guardians nationwide and the strength of feeling attached to the case, and the importance attached to the principle of independence, may be judged by the fact that a

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<sup>5</sup> Manual of Practice Guidance. Ibid p3

national whip round raised enough money from guardians' own pockets to bring the Judicial Review to a successful conclusion.<sup>6</sup>

This strong collective ethos was again demonstrated in September 2001 when NAGALRO mounted a second successful judicial review challenging CAFCASS's decision to offer fixed fee contracts on the grounds that it threatened guardian's independence and professional ability to safeguard the best interests of vulnerable children. Mr Justice Scott Baker found that CAFCASS had acted unlawfully in relation to its commitment to offer both employed and self employed contracts and in offering fixed fee contract.<sup>7</sup>

## **Phase Four**

Continuing concerns about the administration of the service by local authorities and the conflicts of interest that engendered led to the establishment of CAFCASS as a Non Departmental Public Body (NDPB) in April 2001 and took us into the fourth stage of the service's development and up to the present day. The service was established as a NDPB rather than a Government Agency in order to give it the necessary organisational and perceived independence. The new unified service brought together 59 GALRO panels and panel managers, the probation department's divorce court welfare service organised through 54 area probation committees and the children's work of the Official Solicitor's department.. In March 1998, there were an estimated 1,011 guardians in England and 58 in Wales. Of this total of 1,069 149 (14%) were local authority employees; 5 were probation officers restricted to adoption cases, 72 were employees of voluntary child care or other organisations and 843 (79%) were self employed.<sup>8</sup>

864 guardians were transferred into the new service in 2001 of which 695 were self employed.<sup>9</sup> It was an ambitious and testing amalgamation which led to an unacceptable rise in waiting lists, the dismissal of the first Chair and Board of CAFCASS by the Lord Chancellor in December 2003 and a transfer of sponsorship department to what is now the DCSF.

The strong sense of collective and individual responsibility formulated around the principles laid down in the CA 1989 and the UNCRC. It was learned on the hoof in a service that has experienced the myriad management systems devised by 72 different local authorities and this goes some way to explaining why there are sometimes tensions and confusions around the precise interface between organizational accountability and necessary professional independence. Unlike the divorce court welfare service the GALRO service did not have a line managed structure. Family Court Welfare Officers acted as reporters to the court and their statutory duties did not include appointing a solicitor and acting as a direct representative of the child. Sometimes this has led to the service being seen as difficult to manage.

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<sup>6</sup> R v Cornwall County Council, ex p Cornwall and Isles of Scilly. Guardians ad Litem and Reporting officer Panel [1] 1.W.L.R.427

<sup>7</sup> NAGALRO v CAFCASS. 1 FLR 255.2001.

<sup>8</sup> Support Services in Family Proceedings-Future Organisation of Court Welfare Services. Consultation paper. DOH, Home office. LCD Welsh Office. July 1998. para. 1.23. p14.

<sup>9</sup> House of Commons. Select Committee on Lord Chancellors Department LCD. Minutes of Evidence. May 22. Q270.

The value however, of this strong collective ethos and the strength of the socio- legal axis with children's panel solicitors in a tandem model formulated around the rights and welfare of children should never be underestimated.

NAGALRO now has in excess of 600 members both employed and self employed who act as FCAs and ISWs in a wide range of public and private law proceedings. They are united by their commitment to the code of practice and to the principles they share. This is especially necessary at a time when the service faces some of its greatest challenges to date.

## **CHALLENGES.**

Today, waiting lists are at dangerously high levels and are increasing in both public and private law proceedings. From April 27 we have an additional responsibility to protect children from unwarranted media attention in the newly opened family courts. We are in the middle of the worst economic recession since 1945 with its inevitable social fall out and in the year of the 60<sup>th</sup> anniversary of the introduction of legal aid, we are seeing it being systematically dismantled across the board, not just in relation to family justice. Individual rights, including the rights of children, seem to be increasingly brokered by the executive and administrative arms of the state with an apparently diminishing regard for the third arm - the judiciary. We are all fighting to salvage what we can for children and families. The pressure on CAFCASS and its front line FCAs is enormous. The spirit may be willing but the flesh can sometimes be weak and the stress overpowering when you are juggling with more cases than you feel you can safely deal with and you are only too aware of the acute vulnerability of the children who are waiting.

### **Role of the Guardian Service in the Wider Safeguarding Agenda.**

The importance of the guardian service as an integral part of the wider safeguarding agenda is underestimated and frequently overlooked. The tandem model is essentially a sophisticated quality assurance mechanism, but its position is too often seen as on the periphery of the overarching safeguarding agenda, rather than at its heart. The need to nurture the service and its diminishing band of experienced practitioners has historically been given too low a profile by the Children's Workforce Development Council. History demonstrates that the strongly developed intrinsic cohesion of the service and its practitioners around a set of professional, practice-driven principles has always been at the mercy of the short term organisational and funding imperatives of the day. The problem has been compounded by the fact that CAFCASS was first bolted onto the LCD (now MOJ) as its sponsorship department and then onto DCSF- seemingly more as an after thought than a service at the centre of their departmental agenda for children and young people.

It is a serious mistake to keep insisting that the service must be made to fit the structures rather than allowing the structure, and in particular the inspection and regulatory system, to facilitate the function of the service. Knee-jerk over regulation of the service with tick box criteria will not only fail to provide an accurate measure of practice but will risk masking bad practice by the imposition of perverse incentives. This was in evidence to a tragic degree in Haringey, where the boxes were all ticked but Baby P still died. In reality, the ticked boxes actually helped to obscure

what was happening to him by stifling the proper exercise of professional responsibility and autonomy that could have saved him. **Compliance should not be confused with competence.** The line management structures introduced with the establishment of generic social services departments in 1971 made it much harder for child care social workers to act autonomously. It undermined the concept of a personal professional responsibility which in turn effectively inhibited the capacity of local authority childcare social workers to act as advocates for children. Contracts of employment bind employees to abide by the overriding policies and procedures of the employing local authority which may be organisationally or resource driven and in conflict with the needs of an individual child. Lord Laming has now recognised the dangers inherent in local authority structures and has recommended that:

*'The General Social Care Council should review the Code of Practice for Social Workers and the employers code ensuring **the needs of children are paramount in both** and that the employers' code provides for clear lines of accountability, quality supervision and support and time for reflective practice. The employer's code should then be made statutory for all employers of social workers'*<sup>10</sup>

There are significant implications of this for CAFCASS and the guardian service which I hope will lead to a constructive dialogue between CAFCASS, NAGALRO, OFSTED, the Judiciary and the Family Justice Council. The Social Work Task Force created in January 2009, has been given the job of comprehensively reviewing frontline social work practice. This is an opportunity to take a long hard look at the dangers of over-regulation and the precise nature of the relationship between quality assurance, safeguarding, professional independence and organisational accountability and what they mean for the role of the guardian.

The establishment of CAFCASS in 2001 removed the conflict of interest arising from local authority administration of the panels, by providing an independent structure for the service. This meant that other parties could perceive the service as independent from the other parties to the proceedings.

The thorny issue, however, is to reconcile the tension inherent in the need to maintain the independence of professional opinion, whilst at the same time maintaining the dual accountability to both CAFCASS and the courts. Guardians appear before the court and are personally appointed by them as independent expert witnesses in their own right and their professional opinion is sought by the court in that capacity. The role dictates that it may not be subsumed within a line management structure. At the same time CAFCASS is responsible to Government for the overall management and standards of service delivery. This has led to difficulties, particularly for those who are self employed but also for those who are employed FCAs. The 'value added' of the Guardian's input lies not in merely being another report to set alongside the local authorities but in the independence and clear sightedness of its recommendation, untrammelled by any other consideration beyond the welfare of this particular child at a crisis in their life .

The value of the guardian's report and recommendation will diminish in direct proportion to the extent to which that independence of investigation and assessment is

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<sup>10</sup> The Protection of Children in England - A Progress Report. The Lord Laming. TSO March 2009. Recommendation 31. P89

undermined. It would be seriously counter productive to create a situation in which an individual guardian was not able to take full responsibility in court for the content of their report. Practitioner concerns about the maintenance of professional independence are legitimate and necessary if children are to be properly protected. They are not some delinquent remnant of a pre-CAFCASS culture. One of the greatest assets in any safeguarding system is the person who consistently questions what is happening; who weeds out received wisdoms which have only acquired the status of truth through frequent repetition and who doggedly goes on asking 'Why' long after others have given up. Admittedly, such people may sometimes present challenges to managers and, clearly, all FCAs, whether employed or self employed, should be properly professionally accountable for the work they do. Individualistic or incompetent practice can never be condoned, and this is something which NAGALRO has always made clear. However, the aim must be to deliver high quality services in a culture of mutual respect which values and supports proper professional autonomy - all within a sound framework of supervision and consultation, clearly linked to comprehensive annual appraisal and agreed training and development plans. Any inspection and regulatory mechanism must take into account the complexity of the statutory services that CAFCASS provides and must be clear that the targets and key performance indicators set and measured, support rather than skew the core task.

### **Representation of Children in Private law Proceedings and the LSC Consultation on Family Funding from 2010.**

Children's rights, particularly their rights to have a voice in proceedings which affect them, are also a central part of safeguarding. The persistently poor outcomes for looked after children have once again been demonstrated by the recently published report on Looked after Children from the Select Committee on Children, Schools and Families.<sup>11</sup> The report emphasises the importance of a well trained, fairly paid, well supported work force and stresses the need for children to have more independent support in expressing their views.

Respect for children's Article 12 United Nations Convention on the Rights of the Child (UNCRC) rights, including their right to be heard and to be represented in proceedings that affect their lives, acts as a necessary corrective to what may be necessarily subjective definitions of best interests, vulnerable to distortion by organisational or resource driven imperatives. The welfare checklist in s1 CA 1989 and the requirements of the UNCRC provide a truer and more forensic framework of quality assurance than the more general aspirations of the five outcomes required by 'Every Child Matters'<sup>12</sup>. The advantage of children's rights, including their rights to representation, are that they not within the ownership of any government or organisational body. They are free standing and continue to exist regardless of whether or not we choose to respect them.

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<sup>11</sup> Looked After Children. House of Commons. Children Schools and Families Committee. TSO April 20 2009

<sup>12</sup> Every Child Matters: Change for Children. TSO November 2004



It follows, therefore, that they cannot simply be taken away or doled out according to organisational imperatives with scant consideration for the rights or welfare of the children concerned. Yet the latest LSC consultation document on Family Funding from 2010 does exactly this. It proposes that the LSC pay for legal representation, whilst CAFCASS would provide and pay for all social work input in private law proceedings. It will do this by removing *'all independent social work expertise from scope in Rule 9.5 cases.'*<sup>13</sup>

By putting the responsibility onto CAFCASS, these proposals would directly undermine the discretion of the judiciary to decide which children need separate representation according to the evidence put before it and as set out in the President of the Family Division's Practice direction of April 5 2004. There is not even any pretence that the welfare of the child would be the paramount consideration in deciding which children are to be separately represented. The LSC consultation document states quite clearly that:

*'The requirement of consent allows CAFCASS to gate keep the cases which it takes on and deals with entirely in house and also to ensure that the caseload reflects its High Court caseworker headcount and resources'*<sup>14</sup>

How can this possibly be convention compliant?

The proposal ignores the Presidents Direction which specifically allows for the appointment of NYAS or *'other proper person'* to act as guardian ad litem for the child under the provisions of r 9.5 FPR 1991.

As Lord Justice Wall has said-

*'I have to say quite bluntly that if I, as a judge charged with a duty to resolve an intractable contact dispute, take the view that the children involved need separate representation then I will expect the children to be provided with the service I think they need.'*<sup>15</sup>

Children's rights to separate representation in private law proceedings are still restricted to r9.5 FPR 1991- in spite of the statutory acknowledgement of the need for more, rather than less separate representation in s122 Children and Adoption Act 2002 - the only section of the Act still unimplemented. S64 Family Law Act 1996 which also introduced statutory rights to separate representation for children in private law proceedings was also shelved. Under the proposals the comparatively meagre rights available via the court rules would be substantially curtailed. Solicitors acting as guardians will no longer be able to instruct independent social workers and the numbers of children represented in private law proceedings will be reduced by approximately a third. In the process, the National Youth Advocacy Service's (NYAS's) highly valued specialised socio legal services for children would be simply swept away as collateral damage in a departmental funding split between DCSF and MOJ which is very convenient, very crude, completely ruthless and completely wrong.

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<sup>13</sup> Family Legal Aid Funding from 2010: A Consultation. December 2008 LSC/MOJ

<sup>14</sup> Family Funding from 2010. *ibid.* para.8.27

<sup>15</sup> Lord Justice Wall. Making Contact Work. 15 February 2003.

With the best will in the world, FCAs do not have the spare capacity to take on this volume of extra work and CAFCASS should not be asked to do it at a time when so many children are waiting for a guardian. Nor is it right that they 'gate keep' access to the independent representation they need. This would appear to constitute a flagrant breach of Children's Article 6 (European convention on Human Rights) ECHR rights, namely the right to be represented in proceedings on the same terms as the other parties.

What the LSC either ignore or simply do not care about is that the real collateral damage will be suffered by the children who will continue to be trapped in the revolving door of repeated disputed s8 residence and contact proceedings - in many cases in excess of ten and in some more than twenty. The fact that the LSC data base is not capable of identifying the number of proceedings in which an individual child has been involved demonstrates the weakness of the LSC evidence base and how little thought has been given to the child at the centre of the proceedings. The proposals also ignore the practice evidence of NYAS and CAFCASS, supported by research and case precedent, all of which clearly demonstrate that amplifying the voice of the child in the proceedings through separate representation is both an effective and cost effective way resolving previously intractable disputes.<sup>16</sup> So much for the MOJ's rhetoric about the importance of:

*'Making a reality of children's rights by setting an ambition of well being for every children described in terms of the five outcomes and by setting an expectation that services should work together to promote this.'*<sup>17</sup>

NAGALRO is strongly opposing the proposals in the consultation document on the grounds that:

- they will have a disproportionately negative impact on children and young people who are not even identified as a separate stakeholder group in the document;
- they fail to provide sustainable access to justice for children and young people; and,
- there is no evidence base to support the assumption that too many children are being represented.

Children and young people are the responsibility of every Government department as part of the overarching safeguarding agenda set out in 'Every Child Matters'. The LSC should remember this and take note of Lord Lamings first recommendation as a result of his Progress Report last month following the tragic death of Baby P in Haringey.

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<sup>16</sup> See Rule 9.5. Separate Representation and NYAS. Family Law. Jan 2005. (35) pp 49-52. Fowler E and Stewart S. and CAFCASS Annual Report 2005/6

For a review of research see 'Your Shout too!-A survey of the views of children and young people involved in court proceedings when their parents divorce or separate. Judith E Timms, Sue Bailey and June Thoburn. NSPCC. 2007.

For a review of case precedent see HHJ Clifford Bellamy. Representation and Participation of Children and Young People in High Conflict Cases. Paper to NAGALRO conference. March 16 2009.

<sup>17</sup> Rights and Responsibilities: developing our constitutional framework' Ministry of Justice March 2009, Cm 7577, Para 3.71.

*'First and foremost, the Secretaries of State for Health, Justice, the Home Office and Children, Schools and families must collaborate in the setting of explicit strategic priorities for the protection of children and young people for each of the key front line services and ensure sufficient resources are in place to deliver these priorities'*<sup>18</sup>

This is precisely what the MOJ and the LSC are failing to do. A more constructive way would be for LSC to work with NAGALRO, CAFCASS, NYAS and others, towards early identification of those children who are suffering significant emotional harm through their repeated involvement in highly conflicted residence and contact cases.

The consultation document maintains that *'this is not about cuts; we expect to spend the same under the new scheme as we do now currently'*<sup>19</sup>

If this is really the case then it is astonishing that these proposals should ever have been made.

### **Conclusion.**

Over the last twenty five years, the guardian service has been forged into being out of concern for the situation of children isolated at the centre of the court proceedings which would determine the rest of their lives. It continues to be fuelled by those same concerns. It was maintained and developed by the commitment of its practitioners and honed by the hard work and dedication over what amounts to, for many, a lifetime of service to children. Many of you are in the audience today and I feel privileged to be here to be able to say 'thank you' for everything that you did and continue to do. Think of the hundreds of thousands of children your tireless work and interventions have touched at a crisis point in all those young lives. Each of those children knows what a difference you make. I pay tribute to you all, guardians past, present and future. Thank you.

Judith Timms. April 28 2009

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<sup>18</sup> The Protection of Children in England. A Progress Report. Lord Laming. TSO December 2008. p4.

<sup>19</sup> Family Funding from 2010 *ibid.* Foreword