

Family Justice Board statement

Priorities for the family justice system

1. The family justice system exists to safeguard vulnerable children and adults, and to act in the best interests of the child at all times. Our success depends on effective, timely coordination across a wide range of agencies, an everyday challenge that has been greatly exacerbated by the Covid-19 pandemic.
2. Increasing numbers of children have experienced delay to the court proceedings in which major decisions will be made about their lives. We are acutely aware of the impact this has on their identity, mental health and wellbeing, on top of the range of additional challenges which led to their involvement in proceedings.
3. As a Board, we have agreed a programme of prioritised action that will tackle the immediate pressures and deliver the longer-term reforms that are needed to ensure the most vulnerable children and families are prioritised and the future system is designed around their needs and runs smoothly.
4. This note summarises the priorities that we have identified for attention and have tasked the Family Justice Reform Implementation Group to coordinate and oversee. Details of our specific priorities for public and private family law are outlined within specific reports issued alongside this statement.

Context

5. Children within outstanding cases are experiencing greater delay as the family justice system has long been struggling with caseloads. The timeliness of care proceedings has deteriorated in recent years, and private law applications have grown by around a quarter since 2014. This has had a lasting impact on vulnerable children who are awaiting decisions that will define their future, and on the wellbeing of staff across the system.
6. System capacity has been further – and profoundly – challenged by the outbreak of Covid-19. The response within the system has been nothing short of extraordinary – from local authority social workers and Cafcass/Cafcass Cymru officers maintaining family contact through a blend of ‘in person’ and remote visits, to the national implementation of virtual court proceedings by HMCTS, legal professionals and the judiciary. These efforts, and the careful triaging of activity, ensured that work and support continued with the most vulnerable people.
7. We recognise and pay tribute to the dedication and tireless effort of professionals across the sector. We know that you are dealing with caseloads that are far higher than before, and that your work is made so much more challenging in the current context. We have already taken a number of steps to try to alleviate pressure within the system:
 - Since the outbreak of the pandemic, a national cross-sector Covid-19 recovery group has met frequently to coordinate the system response;

- HMCTS has recruited approximately 900 additional support staff across all jurisdictions, with currently around 700 further appointments sought;
 - Approximately £3.5m additional funding has helped Cafcass increase staffing levels to respond to record levels of open cases;
 - A programme of recruitment to increase judicial capacity is ongoing.
8. Whilst additional resources are essential to stabilising the system, we know that further measures are needed urgently to address the immediate challenges posed by the pandemic and entrenched, longer term issues. The measures that we are focusing on as priorities to pursue are set out below.

Immediate recovery priorities

9. In **private family law**, we need to focus initially on delivering interim measures to increase the efficiency and flexibility with which applications are dealt and progressed. The first priority must be the pursuit of immediate changes to alleviate the backlog of cases growing in ways which ensure risk is identified and the most urgent cases seen first.
10. These changes include, for example, the courts adopting more collaborative case management planning during gatekeeping, or embedding the temporary flexibilities afforded by Practice Direction 36Q over the management of Child Arrangements applications. There has been significant innovation and learning from the ways in which local courts have responded and these are now being shared through regional networks so that the measures that are easiest to implement and have the greatest impact can be introduced everywhere, tailored to local circumstances.
11. In **public family law cases**, the Board recognises that the immediate focus must remain on ensuring that the children, young people and families who are most severely impacted by delay stemming from Covid-19, are prioritised. There is an immediate need to ensure cases with serious child safeguarding risks are taken to court and heard in a timely manner, and collective action is needed to progress permanence decisions and find ways to manage the most complex and contested hearings in a way that is just.

Longer term reform plans

12. **Private law** – the Family Justice Reform Implementation Group will continue developing a programme of pilot projects to test a revised Child Arrangements Programme, to deliver an earlier gateway to court which offers families a more rounded assessment of the needs of children and their families, and an improved offer for non-adversarial problem solving. Those cases that proceed to court would be offered a differentiated approach to adjudication, dependant on need, with more effective case management and review, in line with the findings of the President’s Private Law Working Group and the Expert Panel on Harm in the Family Courts.
13. Work to design this reform programme is underway now, and further information will be cascaded in due course. A guiding objective of these longer-term reforms will be to ensure that the system continues to put children and families first.

14. **Public law** –the system needs to be ready to support all vulnerable children and adults who depend upon it, and the greatest need is to ensure that those who need support and safeguarding receive it at the right time. Where appropriate, pre-proceedings work and the extended family network should be used. The priority should be to renew existing good practice within the Public Law Outline and implement a system-wide leadership focus on practice improvement.
15. These recommendations re-state and re-emphasise the statutory and regulatory requirements and good practice. All reform in this area must continue to have the best interests of children and families at its heart, and lead to improved outcomes for children.

Coordinating delivery – a national, regional and local approach

16. The task of addressing the profound challenges facing family justice needs to be a genuinely shared endeavour. The system is complex and multi-faceted, and no single organisation can deliver the changes that are needed in isolation. The Family Justice Reform Implementation Group - comprised of leaders from across the system – will be accountable to the Family Justice Board for overseeing delivery of our priorities.
17. Pressures and challenges prevalent in one part of the country will be different from those elsewhere – a prescriptive central plan will never recognise and accommodate this regional variation. In recognition of this, the Implementation Group is finalising the regional and local arrangements that it will adopt to ensure the activities of greatest potential impact in different parts of the country are pursued. Local Family Justice Boards are uniquely well positioned to ensure that priority actions respond to the most pressing local and regional challenges and will have an essential role to play.
18. We will share further information about the national, regional and local delivery arrangements in early January 2021.

Issued with the endorsement of Family Justice Board members and observers

December 2020

Family Justice Board membership

Name	Organisation
Alex Chalk MP	Parliamentary Under Secretary of State at the Ministry of Justice (co-Chair)
Vicky Ford MP	Parliamentary Under Secretary of State at the Department of Education (co-Chair)
Jacky Tiotto	Chief Executive, Cafcass
Nigel Brown	Chief Executive, Cafcass Cymru
Richard Goodman	Her Majesty's Courts and Tribunals Service
Ian Walker	Association of Directors of Children's Services
Andrew Christie	Chair of Adoption Leadership Board
Albert Heaney	Director, Social Services, Welsh Government
Melissa Case and Nicola Hewer	Directors, Family and Criminal Justice Policy, Ministry of Justice
Julia Gault	Deputy Director, Family Policy, Department for Work and Pensions
Isabelle Trowler	Chief Social Worker for Children and Families
Yvette Stanley	National Director, Social Care, Ofsted
Jake Morgan	Head of Children's Services, Association of Directors of Social Services Cymru

Sir Andrew McFarlane, President of the Family Division, sits on the Family Justice Board as an observer, as does a representative from the Family Justice Young People's Board.