

NAGALRO PRESS RELEASE**Targets alone will not save children like Baby Peter – they need high quality independent professionals who listen to children****7 May 2009**

“Knee-jerk over-regulation risks masking bad practice, as in Haringey where boxes were ticked but Baby P still died. Compliance must not be confused with competence. Key Performance Indicators must support the core task and not skew it,” Judith Timms OBE said in a hard-hitting speech last week at Nagalro’s reception to celebrate 25 years of the guardian service.

The children’s guardian service, working in tandem with children’s lawyers, provides powerful protection for both the rights and the welfare of vulnerable children in court proceedings but is often overlooked as part of the safeguarding system. Timms described the ‘tandem model’ as “a sophisticated quality assurance tool, specifically designed to ensure the voice of the child is heard”. Sadly Baby Peter, like Maria Colwell whose case led to the creation of the guardian role, never had the court advocacy and protection that he so desperately needed.

Judith Timms warned that this vital service – one of the most significant advances for children in any jurisdiction – should not be undermined by excessive red-tape and legal aid cuts that are driving away highly-trained and experienced guardians and family lawyers. Waiting lists for guardians and Cafcass Family Court Advisers are now at dangerously high levels leaving many children in extremely vulnerable situations.

“The ‘value-added’ of the guardian lies in the independence of their recommendation, untrammelled by any other consideration beyond the welfare of this particular child. One of the greatest assets in any safeguarding system is the person who consistently questions what is happening,” Timms said.

Timms reminded government that the rights of children are not in the gift of any organisation. She described proposals by the Legal Services Commission to remove the power of courts to appoint an independent social work voice for children where judges think it necessary in complex child contact and residence cases as “appearing to be a flagrant breach of children’s Article 6 rights to independent representation under the European Convention of Human Rights”.

At their recent AGM Nagalro members noted that the family justice system has been challenged by many recent developments and yet more are proposed. They unanimously agreed a resolution expressing grave concern about the impact of

these piecemeal changes, both individually and together, on children who are subject to family proceedings.

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Notes to Editors:

1. Nagalro is the Professional Association for Children's Guardians, Family Court Advisers and independent social workers and consultants. The association aims to promote and enhance the quality of practice of those concerned with the independent representation of children's interests before the courts, throughout England and Wales.

2. Judith Timms O.B.E., M.A. (Econ.) is Nagalro's Policy Adviser. She is the founder, a patron and former Chief Executive of the National Youth Advocacy Service. She was a Board member of Cafcass (Children and Family Court Advisory and Support Service) from March 2004 - April 2008 and has many years' experience as a Children's Guardian and Independent Social Worker. Judith wrote the first practice manual for the guardian service in 1992. She is a Hon. Research Fellow in the Faculty of Law at the University of Liverpool, a Vice President of the Family Mediators Association and a former Chair of The British Association of Social Workers. She has also served as a Non-Executive Director on both regional and area Health Authorities. She was appointed O.B.E. for services to young people in June 2000.

3. Judith Timms was speaking at a reception held by Nagalro in London on 28 April 2009 to mark the 25th anniversary of the guardian service. Responsibility for the operation of the guardian service was transferred to Cafcass in April 2001.

4. Children's Guardians are appointed in public law proceedings in the family courts i.e. where Local Authority Children's Services take court action to protect children whom they believe are suffering significant harm within their families, - physical, sexual or emotional abuse. The role developed to give children a voice after the tragedy of Maria Cowell, a seven year old girl whose voice was not heard when the court returned her to mother and step father who murdered her. They are also appointed in adoption proceedings, emergency protection order, and secure accommodation applications. Family Court Advisers also act in private law cases, reporting to the court on children's welfare in relation to contact and residence issues.

5. The full text of Judith Timms' speech will be published in Nagalro's quarterly journal *Seen and Heard* in June 2009.

6. The NAGALRO website can be found at: www.nagalro.com