

FAMILY LAW COMMITTEE

Minutes of Meeting

12 July 2011

5.30pm at Martineau, No 1 Colmore Square, Birmingham

In attendance

Jane Robson	Birmingham City Council	Chair
Claire Darley	Martineau	Vice-Chair
Chris Allen Jones	George Green	
Vanessa Meachin	St Philips	
Cathy Price	Price Mistry	
Grant Bird	Blair Allison	
Jerome O’Ryan	Birmingham City Council	
Joanna Keene	Garner Canning	
John Akers	BDFM	
District Judge Dowding	Birmingham County Court	

1. Apologies

Mary Kaye; Marie Kilgallen; Fiona Farrell; Zahra Pabani; Philip Barnsley; Marc Saunderson; Stephanie Brown; Karen Moores; Elizabeth Isaacs; Lorraine Bayliss; Mark Mansell.

2. Matters Arising

Jane Robson (JR) outlined that she had received a favourable response from CAFCASS as regards to the attendance by Anna Popovici, Manager for CAFCASS. JR will contact her to invite her to the next committee meeting.

Claire Darley (CD) reporting that we had received confirmation from NRS that they are not able to provide parenting information programmes on a private paying basis.

CD had circulated the committees response to the Consultation Paper dated 30 June and the two protocols which Jerome O’Ryan had provided. CD had also provided a summary of the Court’s opening times for the summer.

3. Response to Family Law Supplement for Birmingham Post

This was acknowledged to be one of the largest supplements that had been circulated by the Birmingham Post and everyone expressed that this was extremely worthwhile and an impressive publication. JR thanked everyone for their contribution to that.

4. Update upon Family Proceedings Rules 2010 relating to Public Law

Jerome O’Ryan (JOR) circulated his notes which it was agreed would be circulated to the Committee and wider community. Judith Mason has a website to publicise her research in particular with delay in proceedings and again, we agreed that we would circulate her website address details for those interested.

The cost of Bundles for the local authority was outlined. In 2010 expenditure on Bundles was £100,000. It was confirmed that a significant amount of expense is owing to the fact that there

are proceedings in the FPC and three copies of the Bundles need to be provided. Whilst this is such a significant expense, it is necessary.

5. **Forthcoming speakers and events following the Family Justice Review**

Justice Minister Jonathan Djanogly, Professor Eileen Munroe and Mr Justice Andrew McFarlane (who is about to be sworn in as a Court of Appeal Judge) in the Autumn. Mr Justice McFarlane has conducted a significant amount of work in connection with the Family Justice Review and we could invite him to address us about that at the next meeting in September 2011. We would therefore need to invite him promptly.

6. **Report to the Ministry of Justice from Birmingham Law Society Family Law Committee**

CD confirmed that a response was caveated was to be the opinion of CD and this has been circulated to all Committee members.

7. **New Members**

Jerome O’Ryan has been co-opted as a member of the Committee. CAFCASS will be invited to attend the forthcoming meeting in September to be co-opted.

8. **Any other business**

General discussion regarding the previous practice of Mediators attending first appointments in Children Act Proceedings. There is a strong need for CAFCASS to engage with parties whilst at Court to make the most constructive use of the time. It was felt that there may be some reticence to engage with parties unless otherwise specifically directed by Court Order which was felt to be a great pity.

It would be helpful if District Judges take a robust approach and invite CAFCASS to engage with parties whilst they are at Court to make best use of the time available.

Mr Justice McFarlane is to attend a Resolution event on 5 October 2011.

8.1 Steps to avoid late adjournments of Court Hearings

Until recently, orders were collected by CAFCASS but this is currently not the case. The matter is being further considered to avoid difficulties arising from apparent non-receipt of orders.

8.2 Email

Discussion of the need for the improvement in electronic communications and the Court’s acceptance of communication by email. There was some issue with regard to compatibility potentially between systems and this was the reason for some District Judge’s reluctance to receive documents by email, however, this does not apply to all members of the Judiciary. Some Judges do accept documents by email but this should not encourage late filing of documents! The practice should be adopted to ensure efficiency of filing.

8.3 Care Orders Discharge Project

A discharge project is being undertaken by Birmingham City Council. It was reported in Ofstead’s report in 2010 that there were a large number of children subject to Care Orders which may need discharging. The local authority has allocated resources to adopt a protocol with CAFCASS and the Court to identify cases to be fast tracked to discharge existing Care Orders.

40 newly qualified social workers have been appointed to undertake this work.

Action Points

- JR to contact Anna Popovici and invite her to attend the next Committee Meeting, to be invited to be co-opted to the Committee.
- Invite Mr Justice Andrew McFarlane to speak at event.

Next Meeting is to be held on 13 September 2011 (although may be subject to change).