

# Swansea Civil Justice Centre Family Court Business Committee

Friday 11<sup>th</sup> January 2008

## MINUTES

### PRESENT:-

Her Honour Judge I Parry	Swansea Civil Justice Centre
District Judge Lewis	Swansea Civil Justice Centre
District Judge Singh CBE	Swansea Civil Justice Centre
District Judge P Evans	Swansea Civil Justice Centre
District Judge Peter Llewelyn OBE	Swansea Civil Justice Centre
District Judge Godwin	Haverfordwest County Court
Richard Adamec	Swansea Magistrates' Court
Judith Evans	Swansea Magistrates' Court
Mrs Pam Watton JP	Chair of Swansea/Neath Port Talbot Joint Panel
Mrs Maggie Thomas JP	Chair of Pembrokeshire Family Panel
Lynne Naylor	Swansea Law Society
Sally Ide	CAFCASS Cymru
Michael Holding	Swansea Social Services Dept
Kay Waldron	West Glam Joint Child Care Legal
Trish Jarrett	Neath Port Talbot Social Services
Sue Mason	Swansea Child Contact Centre
Sara Forest	Pembrokeshire county Council
Marilyn Edwards MBE	Swansea Civil Justice Centre
Lee Graham	Swansea Civil Justice Centre

### 1. Apologies

His Honour Judge Richards	Swansea Civil Justice Centre
District Judge Garland Thomas	Neath and Port Talbot County Court
Jim Hehir	Neath Port Talbot Magistrates' Court
Dilys Calder	National Public Health Service
Lynette Evans	CAFCASS Cymru
Dr Jane Watkeys	Swansea NHS Trust

The DFJ welcomed Maggie Thomas, Richard Adamec, Sally Ide and Trish Jarrett to their first meeting.

### 2. Minutes of the meeting held on the 14<sup>th</sup> September 2007

The minutes of the meeting were adopted and agreed subject to two small amendments to the second paragraph of item 5.

### 3. Matters Arising

### **(i) Public Law outline Up-date**

The sub committee met during November 2007. The draft directions were up-dated but are still to be finalised.

**Action: HHJ Parry**

The PLO survey was circulated to family Practitioners and agencies during October 2007 for completion. It will be circulated for a second time during the week commencing the 14<sup>th</sup> January 2008 in order to capture comments from additional experience gained.

**Action: Marilyn Edwards**

### **(ii) Performance**

Performance continues to improve. An up-date of the position as at the 30<sup>th</sup> November 2007 was summarised.

#### **Private Law**

The County Courts in Mid and West Wales are disposing of 71.4% of cases within 40 weeks. In particular, at Swansea, the number of outstanding cases which are over 75 weeks have reduced to 21 cases.

#### **Public Law**

Swansea Care Centre had disposed of 53.3% of cases within 40 weeks (target 50%). Of the outstanding 55 cases, only 29.09% were over 40 weeks old (target no more than 30%) and of these, only 1.8% were over 75 weeks (target no more than 10%). Against this performance, Swansea Care Centre is now in the top three performing courts in England and Wales in respect of the disposal of cases in public law.

It was confirmed that when cases are transferred to the FPC, the age of the case is counted from the date of issue.

#### **Adoption**

54.5% of Adoption cases were disposed of within 20 weeks (target 70%) due to a number of problematical step parent applications.

### **(iii) Child Sexual Abuse**

This matter was not discussed by the LFJC at the last meeting and is to be carried forward to the Agenda for the April 2008 meeting.

## **4. Concurrent Planning – Foster Parents as Adopters**

Twin tracking in public law cases is continuing to improve, however, difficulties exist arising from late suggestions that foster carers wish to adopt which prevents the court from approving the Care Plan. If foster carers are not approved for adoption, delay may occur therefore there needs to be a clear indication at the outset that foster carers will be approved if adoption is the chosen route. The Local Authorities were asked to consider how this might be achieved and to submit ideas for further consideration at the next meeting.

**Action: Local Authorities**

**Action: Marilyn Edwards**

It was suggested by Lynne Naylor that Social Services should take on board issues of permanence from the outset of the proceedings if the case has been identified as a twin tracking case from the local Authority's viewpoint.

## **5. The Need for Initial Directions in Cases of Administrative Transfer in Public Law**

The DFJ highlighted the need for Standard Directions to be given at the FPC in cases in Public Law on issue even if the matter is to be transferred to the Care Centre immediately on an administrative basis so that the papers can be served at the earliest opportunity. Such directions will include the appointment of a CAFCASS officer, Guardian and Solicitor for child. This is not happening in a number of cases, mainly those transferred from West Wales.

**Action: Justices' Clerks and Legal Advisors**

## **6. Renewal of ICOs by Local Authorities**

Local Authorities were reminded of the need to ensure that ICO Applications are up-to-date.

## **7. Appropriateness of Cases Transferred to the FPC**

Judith Evans acknowledged and welcomed the additional Section 8 work that is being transferred to the FPC but expressed concern about cases which had a protracted history and Rule 9(5) guardians. It was acknowledged that, in some cases, on closer scrutiny, it was clear that many of the complex issues had been resolved but initially, it was unclear which issues were remaining. In some cases, certain documentation was missing.

It was agreed that, in future, the order transferring the case should:

- (i) be specific about the reasons for transfer
- (ii) address the issues that had already been resolved by way of a preamble
- (iii) include a direction that the Applicant file a trial bundle at the FPC.

**Action: All District Judges**

## **8. Revision to PLO**

Sally Ide reported that the feedback from CAFCASS officers is that the timetable for preparing the analysis is very tight. It was suggested by the DFJ that CAFCASS Cymru overcomplicates what needs to be done for the First Appointment, the purpose of which is to get the case before the court and deal with any urgent matters. Therefore, the initial analysis should record the discussions that take place between the Advocates and CAFCASS Cymru about what needs to be addressed urgently in respect of the child and should comprise no more than two A4 sheets. Oral Reports will be accepted in some circumstances but these must be on oath.

**Action: CAFCASS Cymru**

## **9. Swansea Child Contact Centre**

Sue Mason drew attention to the number of inappropriate cases being referred to the Child Contact Centre, originating from the courts, CAFCASS Cymru and Solicitors, and to the problems arising from the length of time that the referral is allowed to continue.

It was acknowledged that the issues surrounding longevity will always exist despite the good relationship e.g. between a father and child because the mother has no confidence in the father, although might be content for contact to continue to take place on neutral ground.

The District Judges acknowledged that some referrals were surprising given the information available however, they are often made as a last resort, without which, no contact would take place.

Discussions took place around funding and the need for centres for supervised contact similar to the facility at Pendarvis Terrace at Port Talbot.

## **10. Unified Family Service**

Marilyn Edwards gave an up-date on the impact of the Unified Family Courts Programme on Mid and West Wales. Staff at the Haverfordwest County Court assumed administrative responsibility for Private Law Children Act cases from the FPC during September 2007. On the 17<sup>th</sup> January 2008, staff at the Llanelli County Court would take over administrative responsibility for cases in Private Law in respect of the Llanelli, Carmarthen and Ammanford FPCs (all of which are already combined at the Llanelli FPC). It was confirmed that there were staff resource implications and that a consultation paper was in circulation. The next court to be included is likely to be the Combined Magistrates' and County Court at Brecon followed by courts in Welshpool and Neath Port Talbot in the new financial year. A final decision has yet to be made in respect of Aberystwyth County Court and Aberaeron FPC due to the distance between the two courts. At these locations, UFS may have to await the new Combined Court Centre at Aberystwyth. Similarly, the restrictions of the estate in Swansea may preclude progress as far as the administrative staff are concerned but would not prevent improved liaison between judicial officers. Similar progress in respect of cases in Public Law would proceed in the new financial year taking due account of the steep learning curve involved.

## **11. Vulnerable Witness Suite**

It was confirmed that the Lead Court Manager's office had been equipped to be used as a Child Witness Suite and could be used (subject to availability) for those deemed by the judiciary to be "vulnerable witnesses". Applications must not be made routinely in Re: L cases. Any cases falling into either of these categories should be identified and highlighted at the earliest opportunity so that appropriate arrangements can be made, where possible, to free up the room.

In cases involving child witnesses, the extent of the responsibility of court staff will be:

- (1) to collect the witness(es) and escort them to the Child Witness Suite;
- (2) to remain with them while giving evidence and assist with the oath and documentation etc; and
- (3) to escort them back to the public waiting area.

On no account will staff be responsible for such witnesses while in the public waiting area nor will they put in place any additional support structures needed to support them through the trial.

## **12. Date of Next Meeting**

Future meetings will take place on the following dates and will commence at 3pm:

Friday the 18<sup>th</sup> April 2008

Friday the 5<sup>th</sup> September 2008

Friday the 28<sup>th</sup> November 2008

Friday the 30<sup>th</sup> January 2009