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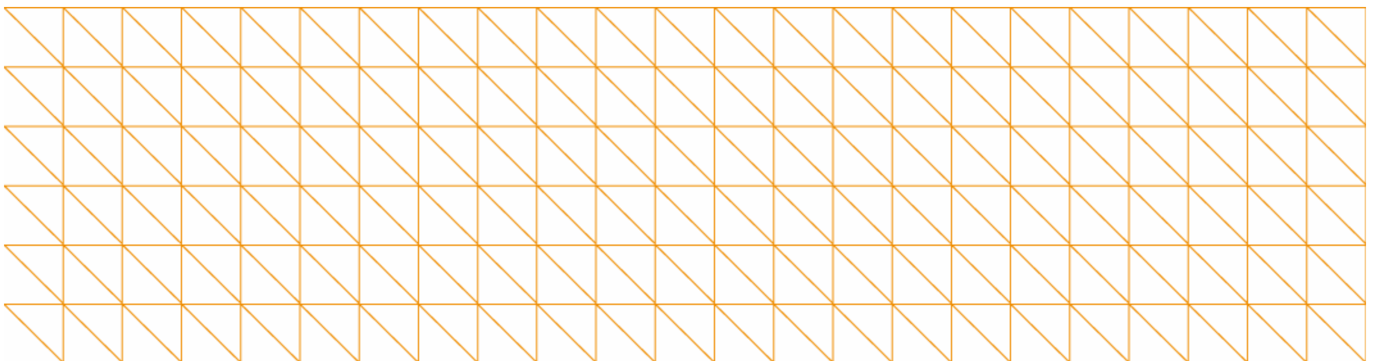
HER MAJESTY'S COURTS SERVICE hmcs

Family Procedure Rules
A new procedural code for family proceedings

Response to Consultation

CP(R) 19/06

[22 February 2008]



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Response to consultation carried out by Her Majesty's Courts Service, part of the Ministry of Justice. This information is also available on the Ministry of Justice website at www.justice.gov.uk

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Introduction

This document is the post-consultation report for the consultation paper, "Family Procedure Rules - a new procedural code for family proceedings" (CP 19/06).

It will cover:

- the background to the report
- a summary of the responses to the report
- a detailed response to the specific questions raised in the report, and
- the next steps following this consultation.

Further copies of this report and the consultation paper can be obtained by contacting Clive Buckley at the address below:

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This report is also available on the Ministry's website: www.justice.gov.uk.

Alternative format versions of this publication can be requested from Clive Buckley as set out above.

Background

The consultation paper "Family Procedure Rules – a new procedural code for family proceedings" was published on 30 August 2006. It invited comments on the policy behind the proposed new Family Procedure Rules.

The Courts Act 2003 established a new power to make one set of simple and simply expressed rules of court for all family proceedings, namely the Family Procedure Rules. Her Majesty's Courts Service and the Family Procedure Rule Committee have been working together since 2004 to deliver these new rules. The Family Procedure (Adoption) Rules were made in October 2005 for adoption proceedings. The next stage, taken forward in this consultation, is to complete the process for all family proceedings.

The consultation paper set out the following four objectives of the new rules: modernisation of language, harmonisation with the Civil Procedure Rules (CPR), a single unified code of practice and alignment of procedures in all levels of court. Views were then sought on how these objectives could be achieved in relation to specified areas of the proposed new rules.

The consultation closed on 1 December 2006 and this report summarises the responses. After the analysis of responses was completed the Family Procedure Rule Committee has continued its work to produce the new set of rules. Conclusions from the consultation have been incorporated into the drafting of the new rules.

A list of respondents is at Annex A.

Summary of responses

A total of 45 responses to the consultation paper were received. Responses were received from a wide range of individual organisations as set out below:

Respondents	**Number**	**Percentage**
Legal profession, including individual practitioners and professional bodies	**11**	**25**
[1]Magistrates in family proceedings courts	**8**	**18**
HMCS staff, including legal advisors and administrative staff	**7**	**15**
[2]Judiciary, including individual judges and representative judicial groups	**6**	**13**
Children and Family Court Advisory and Support Service (CAFCASS)	**3**	**7**
Other Public Bodies, including the Legal Services Commission and the Family Justice Council	**3**	**7**
Local authority (lawyers)	**3**	**7**
Representative groups	**2**	**4**
Academic	**1**	**2**
Other	**1**	**2**

The responses were analysed to find out whether there was a majority support for a specific proposal. We sought to identify any consistent views across the responses.

[1] This category includes six joint responses from both magistrates and court staff

[2] This category includes one joint response from both judiciary and staff

Particular consideration was also given to those views, even if they were in a minority, from respondents with particular experience or knowledge of the area in question. Not all respondents answered every question. Many focused on areas that were either of particular interest or within their field of experience. Those questions that spanned all types of family proceedings received the greatest number of responses, for example 89 per cent of respondents answered the questions on electronic service and 84 per cent answered the question on general terminology. The other area that received a particularly high level of interest was that relating to children's proceedings (questions 32-35).

Overall, the majority of specific proposals were supported. The extent of support varied according to the area, for example the strongest level of support lay in the proposed changes to the process and route of appeal. In respect of those questions seeking more than a "yes" or "no" answer, the question on electronic service drew the greatest number of responses.

Responses to specific questions

This section of the paper has been divided, for ease of understanding into the six parts set out below.

Part 1 – Modernisation of language and process

Service by email

Question 1: Do you consider the Family Procedure Rules should permit service of documents by email?

Question 2: What restrictions or conditions, if any, do you consider should be placed on the use of service by email?

40 respondents answered question one. A majority of respondents (85 per cent) considered that service by email should be permitted, but all of those in favour went on to answer question two by qualifying that service should be subject to restrictions and conditions. However, there were many differences between the respondents as to the extent of the restrictions and conditions that should be imposed.

Some respondents argued that conditions equivalent to those that apply to service by email under the Civil Procedure Rules (CPR) would be appropriate for family proceedings. *The Association of District Judges* said there should be no distinction between the procedures save that in family proceedings any electronic communication relating to children should be accompanied by a warning that any unauthorised disclosure **might** amount to contempt. Others thought that the only restrictions should be those considered necessary by the court or by the parties in individual cases.

The Judicial Civil and Family Advisory Group concluded that *"unencrypted e-communication in family cases does not involve any greater risk than exist***s** *at present using permitted methods of communication."* The Group identified two very significant advantages over ordinary post: *"it enables courts more easily to comply with their statutory obligation under s.1(2) of the Children Act 1989 to avoid unnecessary delay……. Also, unlike first class post which is simply assumed to arrive in the normal course, modern e-communications software normally inform the sender immediately either that the message had safely arrived or that it has not been delivered."*

A majority of those in favour of permitting service by email thought that there should be restrictions and conditions additional to those prescribed by the CPR, given the often confidential and personal nature of documents served in family proceedings. These may conveniently be grouped in the following categories:

- **IT Security**. Many respondents expressed concerns about IT security and one of the conditions suggested by a number of respondents, and particularly emphasised by *the Law Society,* was that email service should only be permitted where the email facility is secure and is used by both sender and recipient. It should also be added that IT security was one of the main justifications given by those 15 per cent of members resisting electronic service entirely. *Resolution,* in particular raised, concerns about lack of security of email.

- **Limiting electronic service to certain types of proceedings**. Some respondents identified types of proceedings and documents where service by email should not be permitted including, variously, adoption proceedings; proceedings under the Human Fertilisation and Embryology Act 1990; all proceedings relating to children and any originating document. Additionally, the *Family Justice Council* pointed out that some key organisations in the family justice system, notably the Health Service, have protocols governing what sort of information may and may not be sent by email in order to protect patient confidentiality.

- **Service by and on legal representatives only**. Some respondents considered that service by email should only be permitted between solicitors. *The Greater London Family Panel*, for example, raised concerns that documents served by email to an individual may be opened by someone other than the intended recipient e.g. a child who may be the subject of proceedings. *North Yorkshire Legal Services* also urged a cautious approach towards service on an unrepresented party, expressing concerns that an abusive partner in a violent relationship may have access to their partner's inbox.

- **Proof of service.** Some respondents were concerned about how proof of service of documents by email may be established and some suggested, contrary to the CPR, that service by email should be followed by delivery of a hard copy. A concern was raised that a respondent seeking to avoid service could prevent a receipt being sent to the sender of the emailed documents. Something beyond the automatic receipt generated should be required.

Service by Fax

Question 3: What restrictions or conditions, if any, do you consider should be placed on the use of service by fax?

38 respondents answered this question. All agreed that service by fax should continue to be permitted and four respondents thought there should be no restrictions on the use of this form of service. Security of transmission of documents by fax was seen as much less of a problem than by email, although the *Greater London Family Panel* said that the public nature of fax machines makes such service less preferable than service by email. In relation to the existing restrictions and conditions, 10 respondents specifically said that the advance agreement of the party to be served should still be required and five other respondents said such service should be followed by service of a hard copy.

Proposed amendments to terminology

Question 4: Do you agree some of the current terminology of Part II of the Family Proceedings Rules 1991 requires modernisation?

Question 5: Do you agree that the new rules should adopt the new proposed terminology and that the relevant primary legislation should be amended accordingly?

Question 6: Are there any other terms within current family procedure that you think should be modernised?

Question 7: Do you agree that the new rules should adopt a single term "respondent" in place of "respondent", "co-respondent" and "party cited"?

In response to question 4 a majority (84%) of respondents agreed with the proposed new terminology. These respondents included the *Family Justice Council, Law Society, Family Law Bar Association, Institute of Legal Executives (ILEX*), and *Resolution*. However, others had reservations about the suggestions made in the consultation paper.

- *National Family Mediation (NFM)*

"NFM supports the proposal to simplify and modernise the language and terms used in the procedure. The proposed new terminology is simpler and more understandable but could go further and include divorce in for example "Conditional Order" "Final Order". The proposals as they stand might be confused with other Court Orders and assume that people have some understanding of the process with which they are engaged."

- The Legal Services Commission

"The term "final order" has the disadvantage that it could be understood to mean any final, as opposed to interim, order. Also use of the term "financial order" may be insufficiently precise/detailed – this could obviously be understood to mean any financial order, as opposed to an order ancillary to divorce, judicial separation or nullity. Finally, we consider that the use of the term "applicant" may also cause confusion – the applicant (petitioner) may not be the applicant to an application in respect of children or financial issues. There will need to be a uniformly recognised way of distinguishing between the applicant (petitioner) and the applicant in relation to any particular application. "

- *The Family Justice Council*

"The proposed new terms of a "Conditional Order" and a "Final Order" are both terms that are used extensively in other areas of law and could cause more confusion. If a client is asked whether they have their Decree Absolute it is generally well understood that this refers to a particular part of the divorce process. If a client is asked whether they have their "final order" it will not be clear whether divorce proceedings, the financial aspects or even children matters are being referred to;"

In response to question five, a narrow majority of respondents (60 per cent) did not propose any additional terms for modernisation over and above those identified in the consultation paper. 33 per cent proposed alternative terms for inclusion in the process to modernise current terminology. One practitioner in particular pointed out difficulties with the terms "prayer", "suit", "dissolved", "periodical payments" and "maintenance". Other respondents made the following suggestions for alternative terms:

- "ex parte" should be removed and replaced with "without notice";
- "leave" with "permission";
- "interim" with "temporary";
- "acknowledgement of service" with "response";
- "answer" with "defence or reply";
- "cross petition" with "application for a divorce order";
- "periodical payments" with "maintenance"; and
- "issue" with "start"

Question 7 went on to ask whether the term "respondent" should be adopted as a single term in place of "respondent", "co-respondent" and "party cited". 51% of respondents (including *ILEX* and the *Family Law Bar Association*) agreed that the new rules should adopt a single term. 37% respondents said "no" and several respondents believed that such a change would lead to "*unnecessary confusion".* The following key comments were also received:

- *Nicholas Mostyn QC*

"Certainly not. They describe entirely different things."

- *The Law Society*

"…if the (parties) remain and may be joined as parties in the future, we suggest that this should be as "party named". The use of "respondent" does not sit with our suggested use of husband and wife."

- *The Family Justice Council*

"…*respondent is still confusing when the respondent to the petition is also the applicant in a financial application. A return to the use of "Husband" and "Wife" would be less confusing though provision would also have to be made for civil partners."*

Part 2- Matrimonial and Civil Partnership Proceedings

Application by a respondent for a matrimonial or civil partnership order

Question 8: Do you agree that the time limit on a respondent to make an application is proportionate?

28 respondents answered this question or commented on this issue. 23 respondents agreed that the time limit is proportionate, three of whom raised matters that they felt should be taken into consideration. *West Yorkshire Family Proceedings Courts' Legal Advisers* proposed the condition that: *" the rules are clear and the grounds for granting leave to make an application outside of the time limit are also clear". The Association of District Judges* added that *"… the time to respond should be reasonable and adequate".*

Four respondents, disagreed with the proposed time limit. *Nicholas Mostyn QC,* in particular commented*: "… there are many reasons why a Respondent may need months …to make a cross-claim. The present system works perfectly well…"*

One respondent remained neutral but commented:

- *James Williams*

"There are certain circumstances where it would be extremely difficult for a respondent to make an application. For example, if a person was incapacitated or suffering from stress or because of their occupation (e.g. seafarers). Any time constraints should always bear this in mind and should allow some leeway if the circumstances merit it."

Parties to Proceedings – Divorce cases involving allegations of adultery

Question 9: Do you consider that a Practice Direction to the new rules should provide a stronger barrier against the naming of the person with whom the respondent is alleged to have committed adultery?

Question 10: Do you consider that there should be an absolute ban on naming the person with whom the respondent is alleged to have committed adultery?

Question 11: Do you consider that, where an applicant names the person with whom the respondent is alleged to have committed adultery, that named person should be made a party to the proceedings?

Of the 30 responses received for question nine a narrow majority (53 per cent) said, "yes" a practice direction should provide a stronger barrier against naming. 20 per cent considered that the current rules deal with the situation adequately, while others proposed alternatives such as requiring permission of the court to name a third party, and including a barrier in the rules not in a practice direction.

Of the 29 responses received for question 10, a clear majority (76 per cent) was against an absolute ban on naming the person with whom the respondent is alleged to have committed adultery. For example *Valentine Le Grice QC*, pointed out:

" In some cases many may know against whom the adultery is alleged. That person is entitled to be joined and to deny the allegation"

Of the 30 responses received for question 11, 46 per cent including *Resolution,* and the *Family Justice Council* supported the proposal that a named person should be made a party to the proceedings. 10 per cent disagreed and 43 per cent made alternative suggestions including that the named person should only be made a party to proceedings with leave or direction of the court. The following key comments were also received:

- *The Law Society* questioned the assumption that it was a good idea to name the party. They went on to argue that the Law Society and Resolution's recommended good practice is to send a draft petition to the proposed respondent and that this may be endangered if a party was named.

- *ILEX* argued that a named person should not automatically be a party to the proceedings, but it should be left to the discretion of the court having regard to whether the respondent's ability to defend a case is prejudiced; or any other justifiable reason having regard to all the circumstances of the case.

Extending the Special Procedure to Applications for the Annulment of a Marriage or a Civil Partnership

Question 12: Do you agree that it should be possible for the court to make a nullity order without the hearing of oral evidence?

26 respondents answered this question or commented on this issue. 22 respondents (85 per cent) agreed that it should be possible for the court to make a nullity order without the hearing of oral evidence. Two respondents clarified that this should only happen in an undefended case. One respondent said "yes" but only if the evidence was supported by a statement of truth.

Three respondents considered that nullity cases should continue using the current procedure. *Nicholas Mostyn QC* commented that*: "… it is a very serious matter to declare a marriage non-existent".* Legal advisers at *West Yorkshire Family Proceedings Courts* raised a concern that nullity could be open to misuse if oral evidence was no longer maintained. Finally *North Yorkshire Legal Services* felt that it should only be possible in certain circumstances

"The current move towards greater openness in family courts is in part justified by the need to facilitate informed debate of issues of public concern. Not every case raises such issues but many do. We therefore consider that nullity cases should not simply be placed into the Special Procedure…it may be appropriate to distinguish between different types of nullity cases…"

Statement of Arrangements for Children

Question 13: What are your views as to whether a shorter version of the statement would be appropriate?

Question 14: Do you think this should remain a separate document or be included within the originating application?

Question 15: What are your views regarding the option of having two versions of the divorce/dissolution application to be used depending on whether or not there is a child of the family?

Question 16: Would you agree with the inclusion of a question identifying the gender of the child(ren)?

26 respondents answered question 13, a clear majority (79 per cent) including *Resolution*, *ILEX, Family Law Bar Association* and *The Law Society* said that the statement of arrangements could be made shorter. *The Family Justice Council* made the following points:

"From the practitioner's point of view in filling in the document, it is relatively straightforward and does not cause great difficulty and does have the merit of focusing the client's mind to the questions raised. The only question that often causes difficulty is the one about the financial provision for the children when things are still often very uncertain at that time. The other difficulty is what the status of the answers relating to the current contact arrangements are. Clients, and in particular unrepresented parties, are often confused as to whether what has been said is in fact binding. On the other hand, filling in the form sometimes concentrates the parties' minds on questions such as who is looking after the child at various parts of the day and what the contact arrangements should be – like a mini parenting plan. Also, solicitors rarely encounter much resistance from their clients in completing the form….The Council accepts, therefore, that there is scope to shorten the Statement of Arrangements, but feels that the proposal in paragraph 34 of the paper would seek to shorten the document too much."

Amongst the 26 responses to question 14, there was a mixed response as to whether the statement should remain a separate document. A narrow majority of respondents including most key stakeholders such as *Resolution*, *ILEX, the Law Society, Family Justice Council, Magistrates' Association and Justices' Clerks' Society* supported separate documents. The main counter argument was that one form would be easier to process and complete.

Question 15 went on to ask respondents' views regarding the option of two versions of the divorce/ dissolution application depending on whether or not there is a child of the family. 64 per cent of the respondents thought there should just be one form, 36 per cent thought there should be two.

In response to Question 16, 29 respondents commented on the inclusion of a question identifying the gender of the child(ren). An overwhelming majority supported this proposal (93 per cent). Just two respondents were against it, and commented that they did not see why it was necessary.

Statement of Truth instead of Affidavits

Question 17: Do you agree that affidavits should be replaced by evidence supported by a statement of truth as set out in paragraphs 38-43?

Question 18: Do you agree that the matrimonial/ civil partnership application should include a statement of truth?

Question 19: If statements of truth replaced affidavits do you agree with the list of documents that should be verified by a statement of truth?

Question 20: Are there any other documents that you think might benefit from being verified by a statement of truth?

31 respondents commented on whether affidavits should replace statements of truth. 22 (66 per cent) agreed that they should, commenting that time and cost would be saved given that a statement of truth is more practicable and convenient. Many commented that parties would not have to pay additional solicitors' fees or take a trip to the court in order to get an affidavit attested. Four respondents said "yes" but added that in certain circumstances the courts should be able to require an affidavit. One further comment was received from *Nicholas Mostyn QC: "I think this is acceptable, but Form E should be required to be sworn before a Commissioner of Oaths"*

Five respondents said that affidavits should not be replaced. *His Honour Judge John Platt* in particular argued that*: "the CPR require affidavits in some cases and affidavits are appropriate where a change of status follows and divorce orders are being made without parties coming to court" .*

30 respondents commented on whether the matrimonial/civil partnership application should include a statement of truth. 26 respondents (87 per cent) considered that it should. Three commented that it should not. *Valentine Le Grice QC,* for example, commented*:*

> *"Verifying too many documents reduces the weight attached to verification. Keeping oaths and affirmations without introducing statements of truth reinforces the weight given to the former"*

29 respondents commented on the list of documents that should be verified by a statement of truth. 25 agreed with the list, one disagreed and three made further comments. *Stephanie Legge-Davies* in particular commented that one statement of truth which refers to the list would be sufficient.

11 respondents made suggestions for further documents that might benefit from being verified by a statement of truth. Most suggestions were for Form E. *West Yorkshire Family Proceedings Courts' Legal Advisers* argued that any document being relied upon should be verified by a statement of truth*,* while *Resolution* suggested including only those documents which contain evidence of a party*.*

The effect of failing to verify a document with a statement of truth

Question 21: Do you agree that the court should be able to rule that evidence/ witness statement is inadmissible if a statement of truth does not verify it?

Question 22: Do you agree that upon application a court should be able to order the verification of a document by way of a statement of truth?

28 respondents commented on the inadmissibility of evidence/witness statements submitted without a statement of truth. 23 (82 per cent) agreed that the court should be able to rule such a document is inadmissible. Three commented that it should be at the discretion of the court. Only one respondent said that the court should not be able to rule that such a document is inadmissible:

29 respondents commented on whether, on application, a court should be able to order the verification of a document by way of a statement of truth. 23 agreed that they should be able to do so. Three respondents commented that they were not clear about what it was hoped would be achieved. Two respondents did not agree, and one respondent suggested that it should be up to the court's discretion.

Part 3 – Financial Proceedings

Application of Ancillary Relief Rules to other financial proceedings

Question 23: Do you agree that the ancillary relief rules should apply to applications under section 27 Matrimonial Causes Act 1973 or Part 9 of Schedule 5 Civil Partnership Act 2004 (failure to maintain)?

Question 24: Do you agree that the ancillary relief rules should apply to applications under the Matrimonial and Family Proceedings Act 1984 or Schedule 7 Civil Partnership Act 2004 (financial provision following overseas divorce/ dissolution)?

Question 25: Do you agree that the ancillary relief rules should apply to applications under section 35 Matrimonial Causes Act 1973 or paragraph 69 of Schedule 5 to Civil Partnership Act 2004 (alteration of maintenance agreement during lifetime of parties)?

Question 26: Do you agree that the ancillary relief rules should apply to applications under Schedule 1 to the Children Act 1989?

Between 26 and 29 responses were received to each of these questions. All proposals received overwhelming support of between 92 per cent to 97 per cent:

- *The Family Justice Council*

"…agree that Form E, amended as may be necessary for each type of application, first appointment and, especially FDRs should be common to all forms of family financial hearings"

- *His Honour Judge John R Platt*

"yes, subject to discretion to disapply as they may be disproportionate in simple cases"

Specifically regarding applications under Schedule 1 to the Children Act 1989;

- *Valentine Le Grice QC*

"Yes, but with some flexibility. For example, they frequently require less examination of the means of the parties"

- *ILEX*

"Yes. Feedback from practitioners suggests that this approach has already been adopted by agreement between parties in some cases"

Financial Proceedings- terminology

Question 27: Do you agree that the term 'ancillary relief' should now not be used in the proposed new Family Procedure Rules and that it should be replaced with the term 'financial order'?

Question 28: Do you agree that all of the financial proceedings listed in [questions 23-26 above], including ancillary relief proceedings, should come under the term "financial remedy"?

31 respondents answered or provided comments on whether or not the term "ancillary relief" should be replaced. 24 respondents (77 per cent) agreed that the term "financial order" should now replace "ancillary relief", many commenting that this is more likely to be understood by court users.

Some respondents provided other comments:

- *CAFCASS CYMRU (Wales)*

"*Agree in principle but the language and terminology of separation of divorce is now embedded in our culture and people have come to understand certain terms…"*

- *The Legal Services Commission*

"…the use of the term "financial order" may be insufficiently precise/ detailed – this could obviously be understood to mean any financial order, as opposed to and order ancillary to divorce, judicial separation or nullity…."

Three respondents considered that the term 'ancillary relief' should not be replaced:

- *Richard Todd (Barrister)*

"…I have never heard of any difficulty with the established expressions- there will be some confusion when there are two acknowledged expressions to describe the same thing"

31 respondents commented on the use of the term "financial remedy'" 28 respondents (91 per cent) agreed with the use of this term. Just three respondents disagreed:

Dyfed Powys Family Panel Chairpersons

"No- should be termed 'financial arrangements'. The word 'remedy' is too adversarial"

Financial Proceedings in Magistrates' Courts

Question 29: Do you consider that a simplified ancillary relief procedure should be applied to financial proceedings in magistrates' courts?

32 responses were received. 26 respondents (81 per cent) were in favour of this proposal. The comments received were diverse, and included:

- *The Family Justice Council*

"…rules should be harmonised between different levels of court as far as possible";

- Family Panel Members, Ealing Family Proceedings Court

"Yes. FPCs have limited jurisdiction in financial proceedings. FPCs should have some powers for disclosure of financial status of a party to enable them to make sensible decisions and support the simplified version of ancillary relief in that respect"

- *CAFCASS CYMRU (Wales)*

"In keeping with the overall policy as set out in 'A single civil court' then CAFCASS Cymru would agree. Magistrates should be fully equipped to deal with the potential issues that may arise. This will have training implications. CAFCASS Cymru believe that complex cases should be dealt with in a higher court."

- *Cleveland Family Proceedings Court*

"…this simplified procedure is better suited for dealing with the kind of cases dealt with by the FPC"

However, several respondents raised concerns:

- *The Law Society*

"… unclear how many and what type of financial applications are made to this tier of court…Any changes to procedure should be proportionate to demand…If the courts were structured differently, with a unified family court and one set of rules, there might be scope for specialist family magistrates to deal with financial matters"

- *The Family Justice Council*

"… However the Council does not consider that the Form E requires further modification given the recent amendments made. The current form ensures full disclosure"

- *The Association of District Judges*

"we do not have the experience of the type of applications that are presented to the magistrates' courts, and the current Form E may well be inappropriate and regarded as overkill. However, any form or procedure should, so far as is practicable, contain the core elements and contents common to the higher jurisdictions"

Making an application for a financial order

Question 30: Do you consider that it is appropriate to separate the proceedings in this way?

Question 31: Do you consider that such a warning provides sufficient protection to a person who wishes to remarry or register a civil partnership? If not, what alternative may provide better protection?

25 responses were received for each of the above questions. The majority (76 per cent) thought it was appropriate to separate the proceedings. However, several key stakeholders made cogent arguments not to separate proceedings, for example:

- *The Family Justice Council*

"No. The Council consider that the present method is fair and should not be changed because it is protective. The application is only activated when a Form A is issued. The Respondent should be given the same opportunity to make their application for ancillary relief (financial order) in the Acknowledgement of Service (Response) – again only to be activated when a Form A is issued."

- *The Law Society*

"It is really a technical argument to say that the application for financial relief so far as petitioners are concerned is contained in the prayer of the petition whereas the respondent is out on a limb. Many solicitors are of the view that it is important to preserve the link between matrimonial and civil partnership proceedings and related financial proceedings. This link does provide a level playing field and opportunity for reflection.

Most couples seek to resolve financial matters at the time of the divorce and if necessary issue financial applications regardless of whether they are petitioner or respondent.

The possibility of re-marriage has its financial consequences whether or not there is a prayer for financial relief or reliance on the issue of a Form A to provide the court with jurisdiction."

The majority of correspondents (64 per cent) also thought that the proposed warning provides sufficient protection to a person who wants to re-marry or register a civil partnership.

Part 4 Children's Proceedings

Case management tools

Question 32: Should the key case management tools detailed in the Public Law Protocol be available in all children's proceedings?

Question 33: Are there any other case management tools that would be similarly useful in all children's proceedings?

Please take note that with effect from 1 April 2008 the Protocol for Judicial Case Management in Public Law Children Act cases ("the Public Law Protocol") will be replaced by a Practice Direction issued by the President of the Family Division incorporating the new Public Law Outline.

40 respondents answered question 32. A majority (82 per cent) agreed that the key case management powers detailed in the *Protocol for Judicial Case Management in Public Law Children Act* (known as the "Public Law Protocol") should be made available in all children's proceedings. Five respondents thought that the Public Law Protocol should not be available and two respondents made other comments.

Support for the proposal was broadly split between those who unconditionally supported extending the key case management tools outlined to all children's proceedings and those who felt that conditions should apply to any such extension. Several respondents emphasised the importance of proportionality and flexibility:

- CAFCASS

" .. *this will need to be applied proportionately- not all Children cases would require the full application of the protocol".*

Others, called for caution in using the case management tools for all children proceedings:

- *The Legal Services Commission*

"However care would need to be taken not to encourage over-use of the powers. In particular they could, if inappropriately applied, increase both delay and costs. They could be useful but only in a minority of complex cases with their application being decided by the judge after careful consideration on a case by case basis."

Although supporting HMCS's proposal, the *Justices' Clerks' Society/Magistrates' Association* and *Public and Commercial Services Union* pointed out that equivalent case management tools already exist for private law proceedings. *The Law Society* took this point further and urged *".. against introducing further tools or targets which could cause even more delay and encourage courts to make unnecessary orders*".

Some respondents opposing the proposal felt that the differences between private law and public law proceedings were too great to translate the Public Law Protocol to private law proceedings. Others argued that the Public Law Protocol was too cumbersome or complex to be adopted in private law proceedings.

23 of the respondents went to answer question 33. 10 felt that no other case management tools would be useful, while 13 made a variety of suggestions. Two common themes included greater use of information technology and case management conferences. Other individual responses included:

- *North Yorkshire Legal Services*

"The Code of Guidance for Experts. Advocates' meetings, in the minority of cases where there are a number of parties and/or the issues are complex."

- *The Association of District Judges*

"Greater use could be made of the Contact Centres which are being starved of adequate funding thereby preventing contact, observed contact and supervised contact. Additionally the making of orders on paper subject to the right to apply to set aside mirroring CPR"

- *The Family Justice Council*

"The Council has been made aware of some confusion amongst practitioners about the Private Law Programme - whether it is operating, in what way and where. The Council has received feedback which suggests that the Programme is being implemented unevenly across the country and that the debate as to whether it should be enshrined in a practice direction should be revisited."

Children Act Forms

Question 34: Should there be a dedicated application form for applications for care/supervision?

Question 35: Are there any other changes to forms for applications under the Children Act 1989 that you think would be helpful?

37 respondents answered question 34. 24 (65 per cent) were in favour of the proposal for a dedicated application form, 11 felt there was no need, while two expressed no preference.

The majority of respondents, who agreed that there should be a dedicated application form did not qualify their answers with any further comment. However of those that did the most common reason given was that care/supervision applications require special attention with more tailored, specific questions. *CAFCASS CYMRU* in particular pointed out that *"care needs to be taken to ensure that people are clear which forms need to be completed and submitted*".

The joint response from the *Justices' Clerks' Society and Magistrates' Association* stated that a dedicated application form **or** an amendment to the current form would be helpful. They emphasised that the key issue was to tackle the current problem, namely that the existing form is not structured in a such a way that applicants are required to provide sufficient detail to *"(a) assist the court in making appropriate allocation decisions, (b) clearly set out the reasons for the application".*

Of the 11 respondents who disagreed the main reasons given were that the current system of one form is simpler and works well as it is. *The Law Society* in particular argued:

"Local Authorities have in place the IT structure for the C1 and care/supervision supplementary form which they would needed to change if there was a dedicated form. There should be one central from for key information, raising any domestic abuse issues and for ethnic monitoring…if there were 2 forms.. each time there was a form change on any key/central information 2 forms rather than one would need to be amended."

35 respondents answered the related question on whether other changes to Children Act forms could be helpful. 27 respondents (77per cent) made suggestions for improvement along the following broad themes:

Ethnic monitoring data. Five respondents, including the *Law Society, CAFCASS and the Greater London Family Panel*, called for the inclusion of questions that would enable collation of information on ethnicity of parents and children. *Her Majesty's' Inspectorate of Court Administration (HMICA)* and

The Family Justice Council in particular emphasised the importance of such data for research and other reasons.

Simplification. *The Association of District Judges* pointed out that it was *"difficult to extract quickly information from the application.. it would be useful if the first page contained all the core material of the parties, addresses, children representatives, with the remedy being sought*". *District Judge Maple* confirmed that complexity was also a problem for parties in person; while *North Yorkshire Legal Services* suggested that the current forms could be simplified if repetition was removed. This call for simplicity and reduction contrasted with suggestions from other respondents setting out cogent arguments for a range of additional questions.

Separate Forms. A variety of comments were made on the use of composite or specific forms. For example, *ILEX* and some court staff suggested combining the supplementary C1A form with the related C1 and C7 forms. Others further supported the proposal put forward in question 34 while one judicial respondent went further arguing that *"separate forms for residence, contact, specific issues and prohibited steps would be simpler and more focussed".*

Guidance Notes. Two responses from court staff also stressed the importance of appropriate and specific guidance notes for the completion of forms.

Part 5 – Family Proceedings in Magistrates' Courts

Question 36:Should a general power to grant interim injunctions be applied to all levels of court?

Question 37: How can the present position regarding the preparation of written reasons in the family proceedings courts be improved upon in terms of reducing delay and the efficiencies provided by the practice in the county courts?

Question 38: Do you consider that any of the areas listed in paragraphs 73-85 above are not suitable for alignment? If so please give reasons?

Question 39: Are there any other areas you consider unsuitable for alignment? If so, please identify the areas and give reasons why alignment would not be suitable?

Question 40: Are there any other areas where you consider alignment of a procedural nature would be appropriate? If so, please identify the areas.

37 respondents replied to the question whether a general power to grant interim injunctions should be applied to all levels of courts. 26 (70 per cent) said a general power to grant interim injunctions should be applied to all levels of court. Seven (19 per cent) said a general power to grant interim injunctions should not be applied to all levels of court. Four (11%) commented on the proposal without reaching a conclusion.

Those respondents in favour of the proposal argued for it on the grounds that it fits in with the wider concept of a single family court and in practical terms avoids transfers of cases to a higher court for the purposes of the injunction only. Some respondents, while agreeing in principle, could not envisage the circumstances in which the power would be used. *The Family Justice Council*, however, remarked that there have been cases where transfers have been required in order to invoke the power of the court to grant injunctive relief and it would support this power being given to family proceedings courts.

Those respondents working in the magistrates' courts were predominantly in favour of the proposal, although the joint response of the *Justices' Clerks' Society and the Magistrates' Association* pointed out that the extension of a general power to grant interim injunctions would require primary legislation. This response also suggested that the opportunity be taken to harmonise the powers to commit between the different levels of court.

The Legal Advisers to the West Yorkshire magistrates' courts questioned why this power should apply to family proceedings courts if not also to the civil jurisdiction of the magistrates' courts. This response advised that the issue requires much greater consideration than that given in the consultation paper.

A significant minority of respondents was not in favour of alignment in this particular area. It was argued that for reasons of complexity such relief should only be granted by the higher courts. Also, it was considered by some that the present allocation of powers is rational and reflects the seriousness of the different types of relief sought.

Question 37 went on to ask a specific question on improving the preparation of written reasons in the family proceedings courts. 25 respondents answered the question or commented on the issue.

- *Joint Justices' Clerks' Society and Magistrates' Association*

"The time taken for reasons to be prepared accounts for the major differences between the FPC and other courts, clearly due to the fact that a single judge does not need to consult and can give an extempore judgement. Decisions in the Family Proceedings' Court are made via a structured discussion between the magistrates with the involvement and advice of their legal adviser. No amendments to the provisions for the drawing up of reasons can remove the necessity for it to take place."

Two respondents felt there was no need for changes to be made. A number of suggestions were made as to how the present position could be improved:

- *Dyfed Powys Family Panel Chairpersons*

"The ability to reserve judgement and deliver findings and reasons, with interim arrangements being made for children, should be introduced."

- *Family Panel Members, Ealing Family Proceedings Court*

"There are difficult cases where benches do not agree and a decision hangs finely in the balance. Only by close scrutiny and balancing evidence during the writing of reasons in the decision making process can a decision be carefully constructed. In cases like this full written reasons should be given at the time of the decision. Perhaps benches could give an indication that their decision will be given verbally when they retire if they have come to a view that the reasons will be uncomplicated."

- *Greater London Family Panel*

"…It should be borne in mind that there are practical difficulties in lay benches reconvening on a subsequent date to draft their full reasons. There should therefore be best practice guidelines for (a) full written reasons to be issued on the day of the decision if possible, even if it is after the parties have left the court building, (b) written reasons to be sent to the parties no later than 7 days after the hearing (c) the time limit for an appeal should start from the date a party received the written reasons."

- *Resolution*

"It should be possible for magistrates to give agreed summary reasons at the disposal of the case and then to provide for detailed reasons if required."

- *CAFCASS*

"We suggest that short, focused judgements are helpful and that a template could be used for this purpose."

- *The Law Society*

"In order to harmonise the rules we suggest that consideration be given to decisions at all levels of family court being delivered with a) full oral reasons given at the time unless the parties opt to wait at court for the written reasons or b) oral skeleton reasons at the time and written reasons within a specified time period, avoiding the parties needing to wait at or return to court. We suggest a time period of 7 days, with the time period to appeal running from the time of provision of full written reasons (which would not preclude an urgent appeal being made earlier)."

In response to the broader question 38 all but one respondent thought that all the areas suggested in the consultation paper were suitable for alignment. No respondents suggested any areas that were not suitable for alignment. However, a varied range of additional areas were identified by individual respondents as being suitable for alignment including:

- District judges (magistrates' courts) should not be required to provide written reasons, so as to align them with county court district judges.
- Family proceedings courts should be able to: attach penal notices, appoint children as parties, invite the Official Solicitor to act (the Family Justice Council pointed out that cases involving parents with mental health problems are often transferred to a higher court for no other reason or are transferred at a later stage if the mental health of a party deteriorates) and allow a child to initiate proceedings.
- Enforcement powers should be aligned.
- Practice Directions, such as the one relating to bundles, should apply at family proceedings courts level.
- Legal advisers should be able to exercise similar powers (e.g. deal with agreed renewals of interim care orders, case management, make directions to adjourn cases, transfer cases) to those exercised in family proceedings in county court proceedings at combined family centres so as to relieve county court district judges from "boxwork" to give them more time to hear cases.

Part 6- Appeals

Question 41: Do you agree that a single form of appeal notice should initiate all appeals from decisions of magistrates' courts in family proceedings?

Question 42: Do you agree that appeals from decisions of magistrates' courts in family proceedings should lie to a county court?

Question 43: Do you agree with the proposal that appeals by way case stated from family proceedings courts should be abolished?

34 people directly answered question 41. Of those 34 an overwhelming majority (97 per cent), agreed that there should be a single form of appeal notice from the magistrates' courts; one (3 per cent) was undecided. Of those that expressed a reason, the majority argument was one of simplicity, *ILEX* for example pointed out that *" a single form of appeal notice simplifies matters and makes the procedure easy to understand*". Another respondent agreed on the basis that it would reduce complexity and make it easier for clients to understand the appeals process and suggested prioritising and fast-tracking matters involving children where contact and residence matters are involved.

33 people directly answered question 42 on which route of appeal should be followed. A high majority (94%) agreed that appeals from the decisions of magistrates' courts in family proceedings should lie to the county court, while two respondents (6%) disagreed.

Of those respondents who agreed with the proposal some emphasised that the appeal should lie to a circuit judge (not a district judge). One respondent agreed on the basis that there would be a review of the levels of judicial resource to ensure any increase on demands on hearing time in county court is met. *The Family Justice Council* suggested that appeals under the Children Act 1989 and the Adoption and Children Act (ACA) 2002 go to the High Court and all other appeals to the county court. *CAFCASS* agreed in principle that appeals should lie to the county court but noted that the proposal could have a detrimental effect on the capacity of county courts as they are already under immense pressure. Additionally, West Yorkshire Family Proceedings Courts Legal Advisers said that the proposal might undermine the role of clerk to the justices.

Of those opposing the proposal, members of the family panel at *Ealing Family Proceedings Court* made the following argument:

" No, because matters are relating to children and definitive decisions should be made at the earliest possible stage. A first appeal at the county court level and then a further course of appeal at the High Court would add a layer of unnecessary delay".

Finally, 31 respondents answered question 43 relating to case stated appeals. A clear majority (90 per cent) agreed that case stated appeals from family proceedings courts should be abolished, while three (10 per cent) were undecided.

Resolution, in particular, argued that “it is important that appeal procedures be aligned and made more consistent if at all possible”.

The *Family Justice Council* in particular endorsed the views of the Family Procedure Rule Committee in its report of July 2005 which suggested that much would depend on the allocation of first instance hearings. They suggest that if it transpires that a given layer of appeals cannot be satisfactorily allocated, the Lord Chancellor should revisit s. 56 of the Access to Justice Act 1999 in order to achieve greater flexibility on the ground.

Conclusion and next steps

We would like to thank everyone who took the time and effort to reply to the consultation paper.

We are currently supporting the Family Procedure Rule Committee in the production of a draft set of Family Procedure Rules. Your views have been fed directly into this process and we would like to record our gratitude to the members of the Committee who helped us consider your responses.

The Family Procedure Rule Committee plans to consult on a set of draft rules in accordance with the Courts Act 2003 once they have worked through all the proposed new rules and practice directions. The Rule Committee intend to draw specific attention to several areas, which have been flagged in consultation as meriting particular attention.

The following paragraphs highlight how your responses have been incorporated into the rule making process.

Electronic service of documents

A majority of respondents supported the introduction of service by email in family proceedings. However, many respondents favoured more stringent restrictions on its use than in civil proceedings, given the personal nature of family proceedings and the perceived lack of security compared to other modes of service.

We agree with the principle of permitting service of documents by email. It underpins our objective of modernising current proceedings. We also recognise that family proceedings are often more sensitive and personal than civil proceedings. We therefore intend to work further with the Family Procedure Rule Committee to consider in more detail those restrictions on service raised by respondents.

Proposed amendments to terminology

Following our commitment to create simply expressed rules, we intend to proceed with the amendments listed in the table set out in the consultation paper with the exception of the term “maintenance pending suit”. We acknowledge that “maintenance pending outcome of proceedings” could be further simplified and will work with the Family Procedure Rule Committee to formulate a clearer term. Many consultees have commented that the terms “conditional order” and “final order” may be confusing as they are used in other areas of law. However on balance we consider that these terms are simply expressed and, in the context of the rules, are clear to understand.

A narrow majority proposed the one term respondent rather than the terms "co –respondent" and "party cited". We propose to follow this majority and retain the broad term respondent for "co-respondent" and "party cited**"**. However given the responses to questions 9-11 (relating to adultery)" we feel greater certainty would be achieved with the term "2nd respondent " for parties previously known as "party cited" and "co-respondent".

Application by a respondent for a matrimonial or civil partnership order

There was overwhelming agreement that the proposed time limit on the respondent to make an application is proportionate. It is therefore proposed that the rules adopt this new time limit.

Parties to Proceedings – divorce cases involving allegations of adultery

It is proposed that we proceed with this proposal to use a practice direction as a stronger barrier against naming the person with whom it is alleged that the respondent committed adultery.

It is proposed that, in the event that an applicant names the person with whom a respondent is alleged to have committed adultery, that person ought to be made a party to the proceedings automatically. We consider that it would be inappropriate to deny a person named in proceedings, the opportunity to refute the allegations made against them.

Extending the Special Procedure to Applications for the Annulment of a Marriage or a Civil Partnership

A significant majority of respondents supported the proposal that the courts should be able to make a nullity order without the hearing of oral evidence but with discretion for the court to require a hearing. It is therefore proposed that the rules be adapted to provide for this.

Statement of Arrangements for Children

It is proposed that the statement of arrangements for children remains a separate document but that it should be shortened in length where appropriate. Particular care needs to be taken to ensure that the statement remains useful to the court in order to satisfy the requirement of section 41 Matrimonial Causes Act 1973. The document will also be amended to include a question identifying the gender of the child(ren).

It therefore follows that there should continue to be only one version of the divorce or dissolution application for both those with and those without children, with the separate statement of arrangements attached for those with children.

Statement of Truth instead of Affidavits

We agree with the majority response and intend to replace affidavits by statements of truth as set out in the consultation paper. We believe it would simplify procedure and reduce the likelihood of delay without affecting the importance the court places on verifying the truth of evidence given.

The effect of failing to verify a document with a statement of truth

It is proposed under the new Family Procedure Rules courts could rule that evidence or witness statements submitted without a statement of truth are inadmissible; and that the courts could order the verification of a document by way of statement of truth. This approach was strongly supported by respondents and is key to supporting the above linked proposal to replace affidavits with statements of truth.

Application of Ancillary Relief Rules to other financial proceedings

Alongside overwhelming support from respondents, it is proposed that the ancillary relief rules should apply to applications made under the following:

- Section 27 Matrimonial Causes Act 1973
- Part 9 of Schedule 5 to the Civil Partnership Act 2004
- Part III of the Matrimonial and Family Proceedings Act 1984
- Schedule 7 to the Civil Partnership Act 2004
- Section 35 Matrimonial Causes Act 1973
- Paragraph 69 of Schedule 5 to the Civil Partnership Act 2004
- Schedule 1 to the Children Act 1989

Financial Proceedings in Magistrates' Courts

Whilst the majority of respondents considered that a simplified version of the ancillary relief procedure should be applied to financial proceedings in magistrates courts some of the comments actually reflected the desire that the rules should be harmonised across all tiers, as far as possible.

In light of all the comments received we acknowledge that the principle of alignment between the magistrates' courts and the county courts/ High Court deserves further consideration. In particular, we are exploring with the Family Procedure Rule Committee whether complete consistency between the levels of courts can be achieved in this area and whether any adjustments to the Form E are essential.

Making an application for a financial order

Whilst the majority of respondents felt that it was appropriate to separate financial applications from the matrimonial/ civil partnership proceedings and not to continue to include a "prayer" for financial relief in the application, some respondents put forward good reasons against this. For example both *the Family Justice Council* and *the Law Society* felt that the current system was fair and protective.

It is proposed that the proceedings should be separated. However a link may still be preserved in the application form through the use of an equivalent to the "prayer'" This issue will be considered further when HMCS works on the redesign of the court forms.

The majority of respondents considered that the proposed warning on the matrimonial/civil partnership proceedings application form provides a sufficient protection to a person who wishes to marry or register a civil partnership before their ancillary relief application has been decided. It is therefore proposed that we proceed with the use of such a warning.

Children's Proceedings - case management tools

We are grateful for the responses to this question, particularly to those respondents who made suggestions for other case management tools that would be similarly useful in children's proceedings.

With effect from the 1 April 2008 the Protocol for Judicial Case Management in Public Law Children Act Cases will be replaced by a Practice Direction issued by the President of the Family Division, incorporating a new Public Law Outline. We therefore propose reconsidering this area in light of this development later in the year.

Children Proceedings – forms for applications under the Children Act

We agree with the majority response and propose to develop one separate form for care and supervision applications. We will also consider those further suggestions when developing the forms for the new Family Procedure Rules.

Family Proceedings in Magistrates' Courts

There was very strong support for the proposal to align the procedures identified in the Consultation Paper and suggestions were received as to other areas of procedure that would also be suitable for alignment. A significant minority, however, opposed the proposal that magistrates' courts be given a general power to grant interim injunctions, both on the grounds that it is doubted that there is a power for such a change to be made by rules and because this would create inconsistency with the powers of magistrates when exercising their civil jurisdiction.

On balance we intend to support the proposal in the consultation paper that procedures in the magistrates' courts be aligned with the procedures in the

county courts and High Court be taken forward. In particular, we plan to align procedures and powers in the following areas:

- to order disclosure against a third party
- to stay proceedings
- to issue a witness summons
- appointing, changing and removing a solicitor
- authenticating documents
- providing for evidence by way of affidavit (although it is envisaged that use of affidavits will be limited)

In light of responses received, we will work with the Family Procedure Rule Committee to consider further all other procedures identified as suitable for alignment and, in particular, the proposal that magistrates' courts should have a general power to grant interim injunctions in family proceedings.

Provision of written reasons in the Family Proceedings Courts

We have examined the full range of suggestions that were received in response to this question. On balance we intend to adjust the current procedure to allow the justice or justices to announce a decision, give the parties the order with a summary of reasons for the decision and supply full written reasons by the end of the day wherever practicable. We also plan to work further with stakeholders, to develop standardised templates and instructions and will co-ordinate any next steps with the ongoing work on transparency and privacy (consultation paper CP 11/06 & CP 10/07).

Appeals

Following an overwhelming majority, and in line with the Family Procedure Rule Committee's Report "*Routes of Appeal in Family Proceedings*"**,** we propose the following way forward:

- a single form of appeal notice should initiate all appeals from decisions of magistrates' courts in family proceedings,
- the route of appeal from a family proceedings court be changed from the High Court to a county court to be heard by a circuit judge, and
- appeals from decisions of a family proceedings court by way of case stated be abolished.

Consultation Co-ordinator contact details

If you have any complaints or comments about the **consultation process** rather than about the topic covered by this paper, you should contact Laurence Fiddler, Ministry of Justice Consultation Co-ordinator, on 020 7210 2622 or email him at consultation@justice.gsi.gov.uk

Alternatively, you may wish to write to the address below:

Laurence Fiddler
Consultation Co-ordinator
Ministry of Justice
5th Floor Selborne House
54-60 Victoria Street
London
SW1E 6QW

If your complaints or comments refer to the topic covered by this paper rather than the consultation process, please direct them to the contact given on page 3.

The consultation criteria

The six consultation criteria are as follows:

1. Consult widely throughout the process, allowing a minimum of 12 weeks for written consultation at least once during the development of the policy.

2. Be clear about what your proposals are, who may be affected, what questions are being asked and the timescale for responses.

3. Ensure that your consultation is clear, concise and widely accessible.

4. Give feedback regarding the responses received and how the consultation process influenced the policy.

5. Monitor your department's effectiveness at consultation, including through the use of a designated consultation co-ordinator.

6. Ensure your consultation follows better regulation best practice, including carrying out a Regulatory Impact Assessment if appropriate.

These criteria must be reproduced within all consultation documents.

Annex A – List of respondents

Professor Clive Walker, University of Leeds

Cambridge County Court

Huddersfield Magistrates' Court (legal adviser and chair of family panel)

The Family Justice Council

CAFCASS Cymru (Wales)

Dyfed Powys Family Panel Chairpersons

Cambridgeshire Family proceedings courts (legal advisers, magistrates and administrative staff

Ealing Family Proceedings Court (family panel members)

Helen Brooks, District Judge Robert Blomfield and District Judge James Taylor, (joint response)

Greater London Family Panel (a selection of magistrates from the Greater London Family Panel assisted by a Justices' Clerk)

Gwent Magistrates' Courts

Newcastle Magistrates' Court (legal advisers and magistrates)

Cleveland Family Proceedings Court (chairmen of two family panels magistrates, and court legal manager)

His Honour Judge Daniel Serota

District Judge (ret'd) G J Maple

Judicial Civil and Family Advisory Group

The Association of District Judges, District Judge A T North

His Honour Judge John Platt

Stephanie Legge-Davies, Smith Dawson Solicitors

Nicholas Mostyn QC, 1 Hare Court

Richard Todd ,1 Hare Court

Valentine Le Grice QC, 1 Hare Court

Family Law in Partnership, James Pirrie

Justices' Clerks' Society and Magistrates' Association, Sid Brighton, (joint response)

The Family Law Bar Association, Joanne Brown,

David Hodson, Family Law (Solicitors)

Institute of Legal Executives (ILEX), Sharon Flynn

Resolution, David Burrows

Child Care Law Joint Liaison Group, Sheri Holland

The Law Society, Rachel Rogers,

Mohan Gandhi (Child Protection Solicitor in Local Government)

North Yorkshire Legal Services, George Eddon

National Family Mediation (NFM), Jane Robey

James Austen Williams, Campaign for Parity

Her Majesty's Inspectorate of Court Administration (HMICA), Arran Poyser

Public and Commercial Services Union (family proceedings courts members), Alison Burtt

Paul Coldham, CAFCASS Officer Cumbria

Legal Services Commission, Lynn Graham,

Alan Critchley, CAFCASS Eastern Region

Burton Upon Trent County Court Staff

Wolverhampton Combined Court Centre Staff

Ipswich County Court Staff

Bournemouth Combined Court Staff

West Yorkshire Family Proceedings Courts’ Legal Advisers

Leeds County Court Staff

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