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Policy paper

2010 to 2015 government policy: family justice system

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This is a copy of a document that stated a policy of the 2010 to

2015 Conservative and Liberal Democrat coalition government.

The previous URL of this page was

<https://www.gov.uk/government/policies/making-the-family-justice-system-more-effective>. Current policies can be found at the GOV.UK [policies list](#).

Issue

Cases heard in the family courts are taking too long. Too many cases between separating couples are ending up in court. It is often quicker and cheaper for couples to agree arrangements for their children away from court.

The system should work better for families and put children's needs first at all times.

Actions

Putting children and young people first

We are:

- making sure children and young people understand what is happening when they are involved in cases by providing child-friendly information leaflets
- giving children and young people a chance to be more involved with the decision-making process, including talking to judges if they want to

Improving and simplifying the system

We are:

- making improvements to the performance of the family justice system through the Family Justice Board
- creating a single family court for England and Wales in 2014
- making sure that, where possible, the same judge or magistrate hears a case from start to finish
- setting up an integrated IT system for family justice services to make the system more efficient
- reducing the excessive use of expert reports
- removing the need for parties in divorce proceedings to file at court a statement of what arrangements they have already made for their children, when they file for divorce

Resolving disputes outside of court

We are:

- encouraging the use other resolution services, such as family mediation, at a much earlier stage when a dispute arises
- improving the availability of information about mediation and its benefits, and improve access to local mediation services
- providing all the information separating couples need online, for example through the [Sorting Out Separation web app](#)

Reducing delays

We are:

- making sure the courts and adoption panels do not duplicate each other's work
- reducing unnecessary administrative work such as the need to renew temporary care orders while court proceedings are taking place

Background

We commissioned an independent panel to review the family justice system in England and Wales in 2010. Their [final report](#), published in November 2011, made a number of recommendations.

In February 2012, we [responded to the review](#) and accepted the majority of the panel's recommendations.

In March 2012 we created the Family Justice Board to oversee improvements to the family justice system.

Who we've consulted

On 16 May 2013 we published a consultation [Standards for Expert Witnesses in the Family Courts in England and Wales](#) inviting views on minimum standards for expert witnesses providing evidence in family courts.

Bills and legislation

The [Children and Families Bill](#) proposes changes to the legislation covering the family justice system in areas such as family mediation; care, supervision and family proceedings; and expert evidence.

Appendix 1: the Voice of the Child in family justice

This was a supporting detail page of the main policy document.

At the Voice of the Child Conference 2014. Justice and Civil Liberties Minister Simon Hughes MP [announced](#) the government's policy that children and young people aged 10 and older should be able to give their views to a judge, in an appropriate way if they wish to do so.

The Family Mediation Task Force recommended that a subgroup should be set up to look at how the Voice of the Child could be heard more effectively in dispute resolution. This led to the creation of the Dispute Resolution Advisory Group who will be submitting a report with recommendations so that children and young people aged 10 and over have access to mediators in cases which affect them.

The 3 workstrands

To make the voice of the child commitment into reality, we're carrying out 3 strands of work:

- out of court dispute resolution
- in-court judicial procedure and processes

- in-court non-judicial procedure and processes

Out of court dispute resolution

Following a recommendation of the Family Mediation Task Force, the Dispute Resolution Advisory Group was set up to look at how the Voice of the Child could be heard more effectively in out of court Dispute Resolution. The overriding objective of the advisory group was to make sure the necessary steps are taken to allow children's and young people's voices to be heard in disputes that will affect their future.

The group has adopted the principle that all children and young people aged 10 and above should be offered the opportunity to have their voices heard during dispute resolution processes, including mediation, if they wish. Since its first meeting on the 26 November 2014, the advisory group has been examining key issues and barriers to child inclusive practice.

This includes reviewing the national standard for mediation professionals who undertake child inclusive practice, while fully scoping current processes in order to identify best practice.

A key element of the voice of the child work across all forms of dispute resolution, in and out of court, is the provision of high quality, consistent and child-appropriate information for all children and young people experiencing parental separation.

The Advisory Group's interim report was submitted to Ministers on the 11 February 2015. The group's [final report and recommendations together with the government response](#) were published on 26 March 2015.

In-court judicial procedure and processes

The President of the Family Division set up a Children and Vulnerable Witnesses Working Group to review the current guidelines on [judges meeting with children](#). The working group published its interim report on

31 July 2014.

In-court non-judicial procedure and processes

The government has looked into the current practice of the family courts, Cafcass and Cafcass Cymru to find best practice and any gaps in provision. It has worked closely with the Family Justice Young People's board (FJYPB) to determine the needs of children and young people.

This has led to an initial focus on providing information for children and young people to give them a better understanding of the family justice system. It is also providing information for parents on the importance of listening to children's views.

The proposals for children and young people to get more information about the court process are:

- a new gov.uk page about the [FJYPB](#), raising awareness of the group and its work within the family justice system
- adding content to the Sorting Out Separation App, aimed at children, young people and their parents
- changing the Cafcass Parenting Plan and the Her Majesty's Courts and Tribunals Service (HMCTS) CB7 leaflet to highlight the importance of listening to the voice of the child both in and out of court
- extra information for children on the voice of the child in welcome leaflets
- an interactive gaming app to use with children and young people
- a comic strip style leaflet with images from the app/video to give children information about the court and the people in it
- the extension of the use of existing communication tools from private law into public law

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