

Minutes

EXTERNAL SERVICES SCRUTINY COMMITTEE

11 February 2015

Meeting held at Committee Room 6 - Civic Centre,
High Street, Uxbridge UB8 1UW



HILLINGDON
LONDON

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| | <p>Committee Members Present: Councillors John Riley (Chairman), Ian Edwards (Vice-Chairman), Tony Burles, Beulah East (in place of Phoday Jarjussey), Michael Markham, June Nelson, Michael White, John Hensley (CYP&L POC Chairman) and Jan Sweeting (CYP&L POC Labour Lead)</p> <p>Also Present: Her Honour Judge Judith Rowe QC - Designated Family Judge, West London Family Court Vince Clark - Assistant Director, Children in Care, LBH Nasima Patel - Interim Assistant Director, Child Protection, LBH Shaeda Alam - Interim Service Manager, Children's Resources, LBH Raj Alagh - Borough Solicitor, LBH Joseph Matia - Principal Lawyer ASC & ECS, LBH</p> <p>LBH Officers Present: Nikki O'Halloran</p> |
| 37. | <p>APOLOGIES FOR ABSENCE AND TO REPORT THE PRESENCE OF ANY SUBSTITUTE MEMBERS (<i>Agenda Item 1</i>)</p> <p>Apologies for absence were received from Councillor Phoday Jarjussey. Councillor Beulah East was present as his substitute.</p> |
| 38. | <p>DECLARATIONS OF INTEREST IN MATTERS COMING BEFORE THIS MEETING (<i>Agenda Item 2</i>)</p> <p>Councillor Tony Burles declared a non pecuniary interest in Agenda Item 4: Children and Families Act 2014 - Family Law Reforms, as he was employed by an organisation that had a contract with the Legal Services Commission to deliver Family Mediation, and stayed in the room during the consideration thereof.</p> |
| 39. | <p>EXCLUSION OF PRESS AND PUBLIC (<i>Agenda Item 3</i>)</p> <p>RESOLVED: That all items of business be considered in public.</p> |
| 40. | <p>CHILDREN AND FAMILIES ACT 2014 - FAMILY LAW REFORMS (<i>Agenda Item 4</i>)</p> <p>The Chairman welcomed those present to the meeting and particularly thanked Her Honour Judge Judith Rowe QC for attending the meeting. He noted that Judge Rowe had been called to the bar in 1979, became Assistant Recorder in 1999, took silk and became Recorder in 2003 and was appointed to the bench as a Circuit Judge in 2012. She was currently the Designated Family Judge for West London based at the West London Family Court in Hatton Cross.</p> |

Judge Rowe gave an overview as to how West London Family Court worked in practice. She advised that she had been at the bar or on the bench for more than 30 years and could not adequately stress the importance of safeguarding vulnerable children. Historically, cases had gone from one hearing to the next without any target end date in both private and public law, with insufficient onus to resolve issues outside of the courts. The reforms introduced through the Children and Families Act 2014 looked to address the length of cases with removal of the child being the last option.

Since its inception in April 2014, the West London Family Court had focussed initially on implementing the new regime in public law as introduced by the Act and had, more recently, turned that focus to private law cases. With regard to public law, a new structure had been adopted in relation to the allocation of cases. Although cases had previously been issued in Magistrates Courts and transferred up as appropriate, this process had been streamlined under the new single Family Court. The 11 London boroughs covered by West London Family Court now submitted all applications electronically to a central location (a single secure email address). Applications were then assessed jointly, by a legal advisor and a District Judge, the following day and allocated to the right level of judge for its duration.

Members were advised that, ideally, cases would be considered in no more than three hearings: a Case Management Hearing (CMH) would usually take place within 12-18 working days; an Issues Resolution Hearing (IRH) should be completed by week 20 (in West London, the aim was to complete this by week 18); and a Final Hearing would be held by week 26. Courts were able to allow extensions to these timescales as it was acknowledged that there were times when it was not possible to complete an application within the 26 week deadline. For example, a complex Fact Finding Hearing (FFH) may need to take place or assessments may need to be undertaken abroad.

Since the implementation of the new system on 22 April 2014, Judge Rowe noted that there had been a steady and significant improvement in the processing of cases. Since its inception, there had been a one week reduction in the average duration of cases each month, resulting in a current average of 30 weeks. This progress had been welcomed by the Family Justice Board but it was clear that further improvements could be made in relation to issues that fell within the court's control.

Judges worked together with agencies to become more efficient and streamlined and to ensure just outcomes for all parties. Regular meetings were held to identify common themes and areas for improvement and each local authority in West London met quarterly with a judge to discuss issues relevant to them. It was noted that Judge Rowe had received excellent feedback from court staff and judges in relation to Hillingdon's performance.

It was acknowledged that the judiciary was only one part of the process and that local authorities had a huge part to play in achieving the 26 week deadline. Hillingdon had already made improvements to the quality of its work and to its processes to ensure that officers were tracking cases more effectively and at an early stage. These improvements meant that social workers' workloads were reducing and legal planning meetings could be undertaken earlier to sort out pre-proceedings and establish timelines before going to court. It was noted that legacy cases, which had increased Hillingdon's average completion time, were now being driven through the system.

Although there had been no overall sense of there being a high turnover of social workers, Judge Rowe was aware that some local authorities had had to buy in assessments as the social workers just weren't available. She noted that a report

template had been produced which set out the assessments that needed to be undertaken and any other requirements that needed to be met.

Judge Rowe stated that she received weekly judge by judge lists for the West London Family Court and spoke regularly with the judges to identify any improvements that could be made. To reduce the number of delays in concluding cases, many judges had become stricter with regard to things like the commissioning of unnecessary separate fact finding hearings and the inclusion of superfluous expert witnesses. Judge Rowe noted that social workers were considered experts in their field and, as such, needed to be encouraged to feel like experts. It sometimes appeared that they had lost confidence where judges had previously allowed requests for assessments (that would usually be undertaken by social workers) to be completed by third parties. Insofar as courts not being available to hear cases promptly were concerned, it was noted that every effort was made to find a courtroom elsewhere for a hearing to take place if there was no availability at a particular court.

Judge Rowe advised that, insofar as private law was concerned, although there was no requirement to meet the 26 week target, there was an expectation that efforts would be made to work to this timescale. However, these cases put considerable emphasis on dispute resolution and mediation. It was noted that private law cases would still expect to require no more than 2-3 hearings and that all would be listed for a First Hearing Dispute Resolution Appointment (FHDR) to take place by week 6. Although children had previously, on occasions, been present at FHDRs, this was not now common practice. Whilst it was acknowledged that parties could not be required to attend a mediation information meeting before being allowed to submit papers. However, mediation could be undertaken at any point during a public law case.

It was noted that a number of voluntary organisations provided mediation services but that this service had been slow to take off. To help improve the take up of the service, Relate had been reviewing publicity for its service and was currently looking at the possibility of accessing mediation services through applications such as Skype. During January 2015, Relate had worked with approximately 50 individuals through the Separated Parents Information Programme (SPIP). SPIP was a course for parents who were separated and/or divorced and were involved in court proceedings.

In addition to Cafcass, which advised courts on what it considered to be in the best interests of individual children, there was a growing raft of support available to litigators to help them take responsibility for their own cases and reach an agreement. This support included the development of a duty mediation scheme, although it was acknowledged that this was making slow progress.

Members were advised that, as at 16 January 2015, there were approximately 150 live private law cases in Hillingdon. It was noted that the length of each case (in both private and public law) varied significantly and could be complicated by issues such as a history of domestic violence, substance misuse or the child's poor school performance where assessments might need to be undertaken.

In December 2014, there were 25 live public law cases in Hillingdon and in January 2015 there were 24. Of these 24, 7 had been classified as Red, 4 as Amber and 13 as Green. These classifications were not an absolute indication of a case being able to achieve the 26 week deadline as the ratings were automatically allocated by the computerised data collection system. Members were advised that it was difficult to benchmark local authorities as the number and complexity of cases for each varied significantly and this needed to be taken into account.

Judge Rowe explained that the 26 week period was supposed to be a maximum timeframe and cases exceeding this timeframe were the exception, with the majority being considered within this period. There were times when a case would be put before a judge before the necessary assessments (such as parenting, or psychological) had been undertaken. These assessments could take two months to arrange, with further time then needed to prepare a report. As such, the completion of assessments prior to going to court was helpful in achieving the 26 week target.

Whilst it had initially been feared that achieving the 26 week target would be at the expense of the parents, this had not proved to be the case. Parents could be given time to improve their parenting skills but this period needed to be finite. If they were able to show good evidence of improvement, the 26 week period could be extended.

Although every effort was made to agree on issues at a hearing, the issue of safeguarding children could not be compromised. As such, if parents wanted the opportunity to contest an application, they had to be given the opportunity to submit evidence. Once this evidence had been submitted, the local authority could submit evidence in return. Finally, the guardian was able to review the evidence submitted by the other parties and submit their own.

Family Drug and Alcohol Court (FDAC) provided a problem-solving, therapeutic approach which aimed to improve outcomes for children by helping parents change the lifestyle that had put their children at risk of harm. Active consideration was being given to how to introduce FDAC in West London. However, as concern had been expressed that this was a costly approach, it was deemed to be a work in progress.

Mr Raj Alagh, the Council's Borough Solicitor, advised that the authority's legal team had built stronger relationships with social workers over the last few months which had resulted in 100% compliance with court orders. Although a locum had been in place and dealt with 90+ court hearings over the last year, authority had now been granted to appoint a permanent in-house advocate. The appointment of this advocate would result in continued savings to the Council, a consistency of approach and would ensure that the best possible case was presented.

It was noted that there had been a level of public outrage in relation to the unfairness of the withdrawal of public funding/Legal Aid. However, consideration was being given to sourcing alternative free voluntary support. Members were advised that a similar initiative had been established in Bristol where the Designated Family Judge had identified a range of groups that would provide free support to parents and relatives who could not afford to pay for help.

Members were advised that the President of the Family Division had recently considered a case and had ensured that the right analysis had been undertaken before proposing adoption. This had provided other judges with a precedent but enabled them to still consider wider family options.

Judge Rowe was aware that signage to the West London Family Court had been an issue but that this had been addressed. A crest (from the Principal Registry) had been erected on the outside of the court building and the board at the edge of the estate had been updated. Signage had been put up at the station and negotiations were currently underway with the bus company to update its announcements. However, progress had not yet been made with regard to signage from Feltham rail station.

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| | RESOLVED: That the report and discussion be noted. |
| | The meeting, which commenced at 6.00 pm, closed at 7.45 pm. |

These are the minutes of the above meeting. For more information on any of the resolutions please contact Nikki O'Halloran on 01895 250472. Circulation of these minutes is to Councillors, Officers, the Press and Members of the Public.