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Promoting justice for children and young people

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Songs of Experience
– Child Law in the 21st Century

A speech by the new Joint-Chair of the ALC, Alistair MacDonald, to the Brunel / ALC Conference held on 28th April 2006. This version is abridged but the full paper can be seen on the ALC website at www.alc.org.uk

Introduction

Songs of Experience may seem like a peculiarly self aggrandising title for a lecture on Child Law in the 21st Century. But it is not my experience that I wish to talk about. I came quickly to the realisation that to examine proposals for where we need to go, we need to know where we have been. In order to see clearly what we wish to achieve it is salutary to examine what we have achieved to date.

The 1700's

William Blake wrote Songs of Innocence in 1789. In 1793 he wrote Songs of Experience, an altogether darker work which displayed a loss of innocence that was motivated primarily by the vision of child deprivation Blake saw before him in London, and in particular on occasion a young child chained in the street across from his house. For most of us, this vision is most acutely brought home by Blake's poem "The Chimney Sweep":

"A little black thing among the snow
Crying 'weep weep' in notes of woe!
Where are they Father and Mother? Say!
They are both gone to the church to pray.
Because I am happy upon the hearth,
And smiled among the winters snow,
They clothed me in clothes of death, and
Taught me to sing notes of woe.

And because I am happy and dance and sing,

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Content

Editorial

We could be forgiven for believing that there is one of those occasional constitutional crises involving the Rule of Law. The Government criticises the judiciary with a willing media weighing in to assist.

The ostensible agenda is alleged to be the Human Rights Act which it is said gives people rights but no responsibilities and puts offenders and asylum seekers before victims and indigenous population. Meanwhile another populist theory is sanctioned with the idea that children are removed from innocent parties as a result of unreliable judicial processes which would be improved by being subject to the public gaze – and of course media reporting. And parents bent on warring with each other have another means of attack by using their children as legitimate pawns to the delight of a press more concerned with selling space than children's interests.

The reality is that court services are cut, a real threat to the independence of the judiciary both in the civil and criminal field, as well as an obstacle to the provision of timely justice. This is a neat way to centralise power within the Executive. The customer of course will not be interested until personally disadvantaged.

So-called transparency of the judicial process will lead to even longer delays as courts bend over backwards to satisfy the ever increasing need to fill the 24/7 news machine. Children's interests as usual are lost in the process. Their lives pass as longer and longer waiting lists develop - not a topic in which government or media is interested.

Richard White
Editor

Songs of Experience
– Child Law in the 21st Century (cont.)

They think they have done me no injury,
And are gone to praise God and his Priest and King

Who made up a heaven of our misery."[1]

Whilst largely anecdotal, the evidence available to us now of the experience of children in the 1700's, both from well to do and from impoverished families is relatively clear and informative.

Parents habitually inflicted upon their children what today would be seen as physical abuse. John Wesley's Mother, Susanna, proudly stated of her babies that "when turned a year old (and sons before) they were taught to fear the rod and cry softly". Children from more impoverished backgrounds generally experienced parents as figures of direct power.[2] For being naughty, Fanny Kemble was imprisoned for a week in a tool shed. Charlotte Clarke was tied to a table leg for a similar misdemeanour.[3] In the 1700's one quarter of the population of England were under 10.[4] Many of these children were poor. The only law from which such children could benefit was the Poor Law of 1662 which, for children as well as adults, produced grave injustice. By reason of the law entitling the poor to relief from one parish only, unmarried pregnant women would be driven from parish to parish to avoid a bastard being "dropped" on a parish's doorstep. It was not unknown for pauper infants to be farmed out by parishes to "minders" or "masters" for a small premium. If the infant died, no one asked questions.[5]

Jonas Hannay believed that an infant of 1 to 3 years might on average survive a month in a London Work House. Out of 2,339 children received into the London workhouses in the five years after 1750 only 168 were still alive in 1755.[6] As Jonas Hannay observed *"Parish Officers never intended that parish infants should live"*.[7] Blake's comment on the plight of children trapped in the grinding machinery of so called social relief is an exercise in studied, smouldering anger:

"It is a holy thing to see,
In a rich and fruitful land,
Babes reduc'd to misery,
Fed with a cold usurious hand."

It has been observed that no one answered Blake's accusation of the slaughter of the innocents. The law did little to answer either. Whilst by virtue of the statute book, judicial precedent and time-honoured custom, the law offered redress to many plaintiffs, children above all failed to benefit. There was practically no legislation in place to protect the young.[9]

The 1800's

By the 1800's, it is possible to look at child abuse as a discreet issue, and in particular the lot of children who were subject to sexual abuse. Between 1830 and 1910 67% of cases involving sexual assault coming before Middlesex Assizes concerned children, at the Old Bailey the figure was 64% and in the north of England 46% at the North Yorkshire Assizes and 41% at the West Riding Quarter Sessions.[10] These figures though can be misleading.

Data from the Thames Police Court between 1885 and 1910 and from the Hampstead Petty Sessions between 1870 and 1914 shows that most sexual abuse cases were either acquitted or trivialised and convicted as lesser offences.[11] There is for much of the 1800's an enormous discrepancy between the condemnation of sexual abuse and the very small incidences reaching trial. In 1886 the rate of prosecutions amounted to 4 cases per

1 *William Blake, Songs of Experience, Oxford University Press, 1990, p. 30*
2 *Porter, English Society in the 18th Century, 1990, Penguin, p.149*
3 *Ibid. p.150*
4 *Ibid. p.266*
5 *Ibid. p.132-133*
6 *Ibid. p. 132-133*
7 *Ibid. p. 133*
8 *Porter, English Society in the 18th Century, 1990, Penguin, p.132*
9 *Ibid. p.270*
10 *Jackson, Child Sexual Abuse in Victorian England, Routledge, 2000, pp.18-20*
11 *Ibid. p.21*

100,000 of the population. Extrapolating the level of sexual abuse in the current population tends (accounting for the risks attendant on such extrapolation) to suggest a very large number of cases went unreported.[12]

In the 1800's sexual abuse also produced an unfortunate dichotomy of belief. Whilst there were valiant attempts to "save" abused children, the act of sexual abuse was deemed to have corrupted the female child. Once "fallen" her status was morally dubious.[13] This created a desire to institutionalise girls who had been sexually abused due to fears about their moral status as "corrupted children" as much as concerns of child protection.[14] Incest, although stigmatised as the most serious form of abuse was still the most underreported.[15] Child victims of incest were more likely to be sent to an institution than those sexually assaulted by strangers.[16]

But reformers were active, and the vulnerable child's was position increasingly provided for in law. Prosecutions did gradually increase in relation to sexual assaults on children. From the assize records, in the late 18th Century only 2 % of depositions were from children sexually assaulted. However, between 1800 and 1829 27% of depositions were from children sexually assaulted, rising to 30% between 1830 and 1845.[17]

Medical evidence began to be used in the prosecution of crimes with a sexual element as early as 1800. The efficacy of this medical evidence was however tempered by the attitude of the largely male medical profession to women, which, in court papers, reveals itself to be largely misogynistic and prone to judgements against female complainants and a tendency only to substantiate less serious charges.[18]

Finally, it was common during the 1800's for children to give evidence in court in order to substantiate allegations of sexual abuse. Notions of suggestibility and of the importance of a child's appreciation of the difference between truth and lies, or in the language of the time, "a basic knowledge of the sin or perjury" characterised the evaluation of children's evidence.[19] The *Weekly Dispatch* reported in June 1835 a court hearing in which the neighbour with whom the abused child had gone to reside was *"the wife of a policeman, and it came out in the accident of examination that every morning she had told her "what to say" and gave her a penny"*.[20]

The 1900's

It is easy to see the ages in which we live as the most enlightened and progressive of times. It is equally easy to hold our ancestors up for pillory for practices, which, by definition, are outdated. With the formation of the welfare state, the increasing refinement of legislation protective of children's welfare and rights, including the Children Act 1989, the Human Rights Act 1998, the Children and Adoption Act 2002 and the Children Act 2004, together with pending legislation, we may be justly proud of the legal framework we have come to inhabit. By comparison with the centuries that preceded it, the late 20th Century can rightly be seen as a golden age for the promulgation and administration of child law. Whilst it continues to experience endemic operational problems, the Children Act 1989 and associated legislation provides the potential to ensure that the needs of all children and young people are safeguarded and protected by the law on a consistent and sustained basis.

The 21st Century

Within the context of the golden age of legislation that preceded it, how does our new century compare to those of our ancestors in the degree to which we protect and meet the needs of all children legally and within society as a whole? In the 21st Century, can we hold ourselves up as enlightened and progressive by comparison to what has gone before?

Abuse

Looking again at sexual abuse, according to statistics compiled by the NSPCC at the dawn of this century, 1% of children experienced sexual abuse by a parent or carer and another 3% by another relative during childhood. 11% of children experienced sexual abuse by people known but unrelated to them. 5% of children experienced sexual abuse by an adult stranger or someone they had just met.[21] Over a quarter of all rapes recorded by the police were committed against children under 16 years of age.[22] Three-quarters of sexually abused children did not tell anyone about the abuse at the time, and around a third still had not told anyone about their experience(s) by early adulthood.[23]

6% of children experienced serious absence of care at home during

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12 *Ibid. p.35*
13 *Ibid. p.6*
14 *Ibid. p.68*
15 *Ibid. p.46*
16 *Ibid. p.66*
17 *Clarke, Women's Silence, p.98*
18 *Ibid. p.73*
19 *Ibid. pp.91-93*
20 *Ibid. p94*
21 *Cawson et al., 2000, Child Maltreatment in the UK: A Study of the Prevalence of Child Abuse and Neglect, NSPCC.*
22 *Harris and Grace, 1999, A question of evidence? Investigating and prosecuting rape in the 1990s, Home Office.*
23 *Cawson et al., 2000, Child Maltreatment in the UK: A Study of the Prevalence of Child Abuse and Neglect, NSPCC.*

childhood. 6% of children experienced frequent and severe emotional maltreatment during childhood. 7% of children experience serious physical abuse at the hands of their parents or carers during childhood. 16% of children experienced serious maltreatment by parents, of whom one third experienced more than one type of maltreatment.[24]

Looked After Children

In March 2006 the DfES published its statistics on looked after children as at 31st March 2005. As at that date, there were 60,900 children being looked after by Local Authorities, up from 49,900 in 1995.

Unaccompanied Asylum Seeking Children

The Looked After figures for 2005 include 2900 unaccompanied asylum-seeking children.[25] Between September 2000 and March 2001 3,792 unaccompanied asylum seeking children were being supported by Local Authorities.[26]

Whilst there are significant gaps in the evidence base, the number of children being detained for purposes of immigration control is increasing with around 2,000 children detained with their families each year, such detention lasting between 7 and 268 days with an increasing number of children held in detention on the false assumption that they are adults.[27]

Detention has a negative impact on mental health, physical health and education of the children. There is a lack of effective legal advice and inadequate safeguards against abuse for detained children. Overall, there is no consistent best interests philosophy applied to unaccompanied asylum seeking children, decisions in respect of such children being taken on the basis of immigration policy alone.[28]

In relation to unaccompanied asylum seeking children, the United Kingdom has placed a reservation on the United Nations Convention on the Rights of the Child, the effect of which is to allow children who are subject to immigration control to be excluded from its provisions. This has been the subject of explicit criticism by the UN Committee on the Rights of the Child.

In his report on the treatment of unaccompanied asylum seeking children, the European Commissioner for Human Rights has expressly criticised the fact a child can be deprived of his or her liberty by the Immigration Service without a judicial order, and without the child being given an opportunity to challenge the decision. We must ask ourselves whether such practices would be condoned in relation to English children in the child protection system? Compare and contrast the safeguards provided by the Children Act 1989 s.24 in relation to secure accommodation.

The Armed Forces

Finally, let it not be forgotten that there are children in our armed forces. A third of recruits in the armed forces are 18 or under. The army's duty of care to these children is not defined by statute or common law. However, the Blake Report into the deaths at Deepcut Barracks has recently concluded that the army is failing in its duty to keep recruits under 18 safe.[31]

In the 21st Century, our enlightened and progressive century, can it really be said that every child matters?

Child Law in the 21st Century

What is patent is that our society has not yet achieved a position where the routine neglect and abuse of children and young people is consigned to that history which I have outlined for you today. It is in this context that I want now to turn to consider some key elements of progress in the development of child law that must be made in our century if we are to progress further towards a society that ensures effectively the safety and welfare of all its children. The list will not be exhaustive.

By way of preamble, it is of course, I hope, axiomatic that a multidisciplinary approach is required. We must begin any examination of the future by recognising that the task of safeguarding and promoting the welfare of children is wider than strict law, encompassing a multitude of factors and requiring a multitude of disciplines to ensure truly sustainable outcomes for children and young people. Hand in hand with this must be recognition of the need for inter-departmental budgets.

What then must the law, as a discipline amongst many disciplines, do in 21st Century to promote sustainable outcomes for all children and young people?

Child Rights

The rights based approach to children can be traced from the late 1700's onwards. During the 1800's the Victorian view of children's rights was delineated in relation to their future role as citizens, the child having come to play a vital symbolic role

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[24] *Ibid.*
[25] *Children Looked After by Local Authorities Year Ending 31st March 2005, Volume 1, National Tables 2006 DfES.*
[26] *Dennis and Kidane, Information Centre for Asylum and Refugees in the UK, ICAR/BAAF 2001*
[27] *Crawley and Lester, No Place for a Child, Save the Children, 2005*
[28] *Ibid*
[29] *UN Committee on the Rights of the Child, UN Doc CRC/C/15/Add. 34 1995 and UN Doc CRC/C/15/Add. 188 para 49 2002.*
[30] *Report by Mr Gil-Robles, Commissioner for Human Rights, Council of Europe, on his visit to the United Kingdom, 4th – 12th November 2004 Comm DH(2005)6, para 60.*
[31] *Report in the Deaths at Deepcut Barracks, Nicholas Blake QC, 2006*

in terms of the individual.[32] Just as we must continue to recognise children as individuals, the rights of the child must continue to be central to our system of family justice.

There are a number of key examples where the situation could be improved in this regard as we proceed into this century, including a more rights based approach to policy development for children, a reduction in the number of children living in poverty and a halt to the rising criminalisation of children's behaviour, to name but a few.[33]

Perhaps one of the most topical from the practitioner point of view is that of the issue of the independence of Independent Reviewing Officers. The very fact that this is an issue demonstrates that we still have some way to go to effectively protecting children's rights.

The DfES are currently engaged in a review of the efficacy of the Reviewing Officer role. It is vital that this review is conducted in the following context.

First, in *Re S (Minors) (Care Order: Implementation of Care Plan); Re W (Minors)(Care Order: Adequacy of Care Plan) [2002] 1 FLR 815* their Lordships acknowledged that there could be circumstances where changes to a care plan following the granting of a final care order may breach a child's human rights and that, because it failed to provide machinery by which redress could be sought by that child, there was accordingly a lacuna in the Children Act 1989. This led directly to the amendment of s.26 of the Children Act 1989 by the Adoption and Children Act 2002 s.118 to provide for Independent Reviewing Officers. Any evaluation of the role of the Independent Reviewing Officer must have at its centre an acknowledgement of the fundamental importance of the Independent Reviewing Officer in protecting the human rights of Looked After Children.

Second, questioning the actions of a Local Authority in relation to the implementation of the care plan for a looked after child will generally require an individual (the child or a member of the child's family) to challenge the actions of the State (as embodied by the Local Authority). Regrettably, the amendments made to the *Review of Children Cases Regulations 1991* have failed to ensure that Independent Reviewing Officers are truly independent of the Local Authorities in respect of which they may be asked to consider referral. This lack of true independence must be acknowledged fully in any evaluation of the impact of Independent Reviewing Officers on outcomes for children.

Finally, in order for the role of the Independent Reviewing Officer to be effective, there must be sufficient resources available to CAFCASS to deal efficiently and expeditiously with any referrals made by the Independent Reviewing Officer. In the absence of adequate resources, the referral made by an Independent Reviewing Officer risks becoming ultimately no more than an ineffective gesture. Unfortunately, the CAFCASS budget for the 2006/7 financial year fails to reflect the increase required for CAFCASS to deal properly with the additional responsibilities handed to it by the 2002 Act.

A proper Voice

In Victorian England, the voice of the child was a present one in cases concerning child protection. I do not advocate the routine calling of children as witnesses to prove issues before the Court. However, the child's right to be heard is enshrined in the United Convention on the Rights of the Child (Article 12) and the Children Act 1989.

The Your Shout research (Timms and Thoburn for the NSPCC) found that when asked whether they were listened to and had their rights respected, 43% of the nearly 600 children who responded said yes, but 39% said no and 27% did not know.[34] One child quoted in *Your Shout* stated:

"I would have wanted my opinion to be listened to rather than just my carers. But social workers should have been listening to me instead of just the opinion of my carers."[35]

UNICEF's 2003 Report on the state of the world's children took as its focus child participation and was *"intended to remind adults of their obligation to elicit and consider the views of children and young people when decisions are being made that affect their lives."*[36] It is vital that we now listen better to those we seek to protect and promote. To do this, we must embrace children's contribution to family proceedings as a legitimate contribution to that process.[37] Central to this embrace must now be the expeditious implementation of s.122 of the Children and Adoption Act 2002.

Child Law for all Children

Earlier centuries were characterised by significant sections of the child population unable to access justice and unable to secure the protection of the law. It is vital that our law be promulgated so as to protect all children. As a first step, the Government must now remove its reservation on the United Nations Convention on the Rights of the Child.

Unaccompanied asylum seeking children seeking must be treated as children first,

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[32] *Jackson, Child Sexual Abuse in Victorian England, Routledge, 2000*
[33] *Committee on the Rights of the Child concluding observations issued following examination of the United Kingdoms Second Report under the Convention on the Rights of the Child, CRC/15/Add.188 October 2002.*
[34] *Timms and Thorburn, Your Shout, NSPCC, 2003 (quoted by Thoburn in Involving Children in Planning and Review Services, Hearing the Children, Family Law 2004).*
[35] *Your Shout, NSPCC, 2003 p.13 (ibid.)*
[36] *Annan, UNICEF, 2003*
[37] *Lancaster, Listening to Young Children: Promoting the 'Voices' of Children under the Age of Eight, Hearing the Children, Family Law, 2004.*

and decisions in respect of them must be taken within the context of a best interests philosophy. In respect of detention, at the very least, the conclusion of the European Commissioner on Human Rights that the Immigration Service should seek the authorisation of a judge, with a periodic, judicial review of the continuing justification for detention should be implemented by the UK government.[38]

Children in the armed forces should have similar safeguards to children in other types of institutional settings, from access to independent and confidential advice to a right to maintain family contact and the opportunity to raise child protection and other concerns with external agencies

Public Accountability and Confidence

One of Harriet Harman's first actions in her new role has been to delay the DCA consultation report on transparency in the family justice system. Quoted in the Guardian, Ms Harman stated

"There's been a concern that public confidence in the courts has been undermined and that we need to strike a new balance which continues to protect personal privacy, which protects the anonymity of children but which also makes the courts open...That is something which they've managed in other countries."[39]

In a society that has lost faith in its family justice system, there are plain advantages to greater openness in the family courts. In addition to quelling disquieted public opinion, the advantages of greater openness are a potentially greater investment by society in the issues with which the family justice system is concerned, the moving of the issue of child welfare closer to the centre of the public conscience by means of accurate information as opposed to rumour and conjecture , thereby ensuring a higher positive profile for issues of child welfare and a greater ownership of those issues by society as a whole.
But these advantages must balanced against the inherent risks to the welfare of children that accompany greater openness, which risks have been widely debated and range from the impact on the child in the community and its wider family to the impact on the willingness of the public at large to become involved in front line issues of child protection.

Finding the correct balance between these two positions is rooted in ensuring that any increased openness in the family courts is rigorously directed at advancing the welfare and rights of children. Greater openness must be founded, if at all, on this key principle and not on a knee jerk reaction to a politically topical issue. The key to achieving this is an evidence-based approach, which examines properly the experience of our jurisdiction as well as relying on the experience of others.

Human Resources

We need family lawyers for there to be family law. We need social workers for there to be effective system of child protection. We need experienced and dedicated Children's Guardians for the voice of the child to be heard. We have an ageing demographic for child lawyers, with those approaching retirement unable to sell or pass on what in any other field would be considered healthy and thriving practices. We have Social workers who labour under the burden of a fundamental lack of resources, leading to a failure to provide high-quality front line social workers with the skills and time necessary to complete the tasks required. Finch found that *'Social Services, which because of shortfalls and experience are unable to deliver the basics and re-establish their credibility as subject matter experts' and identified a 'woeful lack of knowledgeable, skilled and experienced social workers to get the job done'*.[40] From this has followed the gradual de-skilling of social workers and a reluctance to enter what should be rightly regarded as a profession.

We have a budget for CAFCASS that has been frozen for the second year running, prejudicing access to justice for children and reducing the chances that their voices will be heard properly and fully within the family justice system.

How then do we ensure that the pool of practitioners in the family justice field continues to be renewed? A Bill in the United States Senate will allow reimbursement of tuition fees for social workers and child lawyers with a view to assisting graduates to practice in their chosen fields notwithstanding the financial consequences of their tertiary education. This approach must now be given serious consideration by our Government.

We must also reflect the status of family law as the most vital subject in the legal canon. Why is family law not one of the core compulsory topics for qualifying law degrees? Why can we qualify as a lawyer, with the heavy responsibilities attendant upon that qualification without having studied those elements of the law that underpin the very fabric of our society?

Proper Investment

Finally, we must secure proper, consistent and long term investment for the family justice system. Every study carried out to

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[38] *Report by Mr Gil-Robles, Commissioner for Human Rights, Council of Europe, on his visit to the United Kingdom, 4th – 12th November 2004 Comm DH(2005)6, para 60.*
[39] *The Guardian, 19th April 2006*
[40] *Finch Report on Delay, 2004, DfES*
[41] *Scoping Study on Delay, 2002, DCA*
[42] *SSI, 1997*
[43] *Hagell & Newburn, 2004.*

date has identified resources issues as the greatest hurdle to resolving the systemic difficulties with the Children Act 1989. The DCA Scoping Study of 2002 identified pressure on Local Authority resources as by far the most significant reason for delay.[41]

It must be clear to all but the most disinterested members of our executive and legislature that proper and consistent investment in sustainable outcomes for children early in their lives will lead to savings later in expenditure on the criminal justice and mental health systems.

A Social Services Inspectorate's report in 1997 found that 23% of adult prisoners and 38% of young prisoners had been in care[42]. According to Hagell & Newburn in 2004, the children identified in their study as 'persistent' offenders had higher rates of contact with social services and were more likely to have come to the attention of a social services department through supervision orders or to have been accommodated compulsorily[43].Recently published Government figures on outcomes for looked after children show that 9% of them aged 10 or over, were cautioned or convicted for an offence during the year, almost 3 times the rate for all children of this age. This rate has been similar over the past 3 years.[44]

In respect of mental health a study by McCann *et a* in 1996 demonstrated that, in relation to children being looked after by one local authority in England (Oxfordshire) the total weighted prevalence rate of psychiatric disorder for this group was 67%, with 96% of adolescents in residential units and 57% in foster care having psychiatric disorders. The prevalence of psychiatric disorder in the comparison group was 15%.[45]

The statistics for the educational outcomes for care leavers are equally alarming. Between 12 and 19% of care leavers go on to further education, compared with 68% of the general population[46]. Fifty per cent of young people will be unemployed on leaving care and 20% will experience some kind of homelessness within 2 years[47].

How much research do we need to tell us that if you better ensure that a child's physical, emotional and educational needs are effectively met during whilst in care their minority you will reduce incidents of crime and incidents of mental illness.

Conclusion

If fidelity to the principle of best interests is the code of our legal framework, then the code of our humanity must be faithful service to ensuring that we have a system of family justice which guarantees that we give our children better than that which their forebears received. We must ensure that the family justice system guards jealously the rights of *all* children who are unable to guard their own, not just those with whom we have been traditionally concerned, that in the 21st Century the family justice system listens better to those it seeks to protect and engenders confidence in the society it serves whilst ensuring that protection.

The 21st Century must continue to provide opportunities for family practice by dedicated, passionate people who see in their career the opportunity to provide a life for children and families better than that which they have come to accept. It must attract those who wish to promote and sustain change in lives seemingly without hope of change, who recognise that our chosen field is the most vital in the canon of our laws.

In the 21st Century we must have a level of investment in the family justice system that acknowledges that such investment is the key to the long-term sustainability of that system and to ensure savings in other areas of expenditure traditionally draining of societies resources.

Above all, as a society we are entitled to expect from our Government that it will take all steps necessary to prevent its youngest citizens falling, by reason of their early and involuntary disadvantages, into poverty, crime, mental illness and ultimately, again, to family strife and breakdown. In the 18th Century Jonas Hanway, campaigning on behalf of society's downtrodden contended that *"we ought no more to suffer a child to die for the want of the common necessaries of life, though he is born to labour, than one who is the heir to a dukedom"*.[48]

That is the challenge for the 21st Century. It is our challenge still in this rich and fruitful land. To break the cycle we see so often. I return if I may to Blake and the last two stanzas of his poem "Little Boy Lost" from Songs of Experience:

"The weeping child could not be heard;
The weeping parents wept in vain.
They stripped him to his little shirt
And bound him an iron chain.

And burned him in a holy place
Where many had been burned before.
The weeping parents wept in vain.
Are such things done on Albion's shore?"[49]

It is our duty, our solemn duty, to ensure that the answer to Blake's final question is, one day very soon, a resounding "**No**".

Alistair MacDonald
Joint Chair, Association of Lawyers for Children
St Philips Chambers, Birmingham
28th April 2006

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[44] *Outcome Indicators for Looked After Children: Twelve Months to September 2005, England, DfES, 2006*
[45] *McCann et al 1996*
[46] *Department of Health, 2001b; Biehal et al, 1995; Richardson and Lelliot, Mental health of looked after children, Advances in Psychiatric Treatment (2003) 9: 249-256,*
[47] *Biehal et al, 1995; Broad, 1998*
[48] *Porter, English Society in the 18th Century, 1990, Penguin, p. 266*
[49] *William Blake, Songs of Experience, Oxford University Press, 1990, p. 41*

Child Law in the 21st Century

ALC and Brunel University Joint Conference

"As ever this conference raises fascinating issues with not enough time to discuss them! Useful opportunity to think beyond practice." (A practitioner)

"Overall very interesting but maybe also have a debate regarding topical issues."(A student)"

Introduction:

On Saturday 29th April 2006 the ALC and Brunel University ran their second conference aimed at both practitioners and students. As a student I was thrilled to be given the opportunity to attend a conference, along with practitioners, which would provide me with an insight into the practical aspects of child law and current issues. The small event took place at Brunel University's Uxbridge campus and was organised so as to allow for plenty of discussion and interaction between delegates. The conference offered a range of lectures and workshops, which gave everyone who attended the opportunity to focus on a variety of topics relevant to "Child Law in the 21st Century".

The conference catered perfectly for the 35 delegates who came from a range of backgrounds including students, academics, barristers, solicitors and other professionals. It was clear to me that even though there was such a wide variety of delegates attending, there was one thing we all had in common, an aim to improve "Child Law in the 21st Century.

As a student, I found the conference a memorable learning experience. It enabled me to gain invaluable information about practical aspects of child law and the issues facing those in practice. All the lectures and workshops gave everyone a chance to work together, students were able to have a real input, and several interesting issues were discussed such as the independence of Independent Reviewing Officers and how we can improve things in the future. It appeared to me that the conference raised lots of questions and whilst many of these were answered and discussed there was simply not enough time to address all the issues.

From left to right: Liz Goldthorpe, Prof. Judith Harwin, Prof. Michael King and Alistair MacDonald

The lectures and workshops included; "The quest for permanence: Lessons"; "Should children and young people be more routinely made a party to cases concerning them" and finally the last lecture "Songs of experience – Child Law in the 21st Century".

The Programme

My impression of just a few of the lectures and workshops.

Getting young voices heard
Colleen Humphrey, Advocacy Services Manager at Voice, and Lynn Brady.

Voice is an organisation which was founded in 1975 to ensure that voices of children and young people were heard. They work with children around the UK who are looked after, in care and even locked up. Voice empowers these children and young people and campaigns for change to improve their lives. The main point emphasised was the importance to children of having their voices heard. The workshop started off by explaining the role of the Advocates, discussing what they do and don't do and

went on to illustrate the reality of why children approach Advocates including case studies. Advocates empower children to express their wishes and feelings and do not represent their "best interests". This is a very important role as the Advocate enables the child to express their own opinion in a system where the child's best interests are the paramount consideration. Many people seem to think that children are too young to know what they want or what is best for them, but it is now recognised how important it is for children to feel that their voice is being heard. In my opinion Voice makes a real difference to children by acknowledging that children and young people should have an active involvement in the decisions about their lives.

Should children and young people be more routinely made a party to cases concerning them?
Liz Frank
Lawyers for Young People

This workshop was presented by Liz Frank who is working on a new initiative called Lawyers for Young People. This workshop seemed to complement the workshop run by Voice as Liz concentrated on the questions of how involved young people should be within cases concerning them. Liz started by talking about children having separate representation. This was developed from civil rights in the 1960's and 1970's and the law is developing so that children have their voices heard in cases concerning them. The workshop looked at the role of CAFCASS in both public and private law proceedings. This led on to a discussion about the use of Rule 9.5 of the Family Proceedings Rules 1991

Rule 9.5 states: "if it appears to the court that any child ought to be separately represented, the court may appoint either the official solicitor or some other proper person to be the guardian ad litem of the child." This was a big step forward for children having their voices heard in private law proceedings.

When a child is the subject of care proceedings they are entitled to have a solicitor, but once the child is in care it is difficult for them to get representation. This issue raised a big debate about the independent reviewing process, and advocacy services. The barriers to children getting this representation were also discussed, such as children finding it very difficult to know who and where to go for advice. Whilst it is recognized that it is not always legal representation that a child requires, Liz highlighted that in most cases information is the key. Children are having more involved in proceedings concerning them today, although this is clearly an area which is being debated and there are still gaps which need to be filled. The workshop concluded on the point that availability is one thing – accessibility is something else entirely.

Songs of Experience – Child law in the 21st Century
Alistair MacDonald
Joint ALC Chair

The conference concluded with a lecture from the Joint ALC Chair entitled "Songs of Experience". The title was taken from a poem written by William Blake in 1793 about the loss of innocence. The lecture started by acknowledging that to examine proposals for the future and to clearly see what we wish to achieve it is first necessary to know where we've been and what has been achieved to date. The lecture continued to go through a history of child law, from the 1700's through to the 21st century, illustrating the changes that have occurred throughout the years. As the discussion lead into the 21st century it was clear just how far child law has progressed over the many years and how far we still have to go. By listening to the statistics and the facts it enabled me to have a clear understanding of the changes within child law. It gave me an insight into many things which I had not previously considered. The lecture concluded by stating that the child law in the 21st century should be provided by dedicated, passionate people who see in their career the opportunity to provide a life for children and families better than that which they have come to accept. I hope that one day I can be one such practitioner and found this lecture particularly inspiring.

Conclusion

The joint ALC and Brunel conference was a great learning experience for me as a student and for other practitioners. This unique conference provides an invaluable opportunity for students and practitioners to work together. It has infused my passion for working in child law and I look forward to attending other conferences organised by the ALC.

Lisa Fossey
Nescot College

Note from the Editor
Lisa is due to complete her A Level in law at Nescot College alongside her Legal Administration course and is committed to pursuing a career in the field of child law.

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[1] *[2002] 1 FLR 119*
[2] *[2003] 2 FLR 671*
[3] *"It's my life your practising with" Speech to ALC conference, November 2003.*
[4] *Sommerfield v Germany*

Helping an Addicted Lawyer

Stress has become an increasing problem in the profession in recent years, causing personal suffering and sometimes leading on to alcohol and substance abuse. 80% of those calling LawCare with an alcohol abuse problem attribute their starting to drink to excess as a reaction to workplace stress. Alcohol is a mood altering substance and a quick "fix" to overcome the effects of a lousy, stress ridden day – the problem is that what goes up must come down, and, in time, more and more alcohol is required to get that "up" sensation in the first place.

Excessive stress, maintained over a long period, will almost invariably lead to serious health problems including:

- mental illness, such as depression, paranoia and obsessive compulsive disorder
- physical illness, caused by a weakening of the immune system
- heart disease (which is a major consequence of stress and is the biggest killer in the UK, killing more people than all the cancers, AIDS, murders and accidents combined)
- high blood pressure, excessive smoking or drinking (sometime resulting in addiction problems) and poor diet (55% of men claim to comfort eat due to stress), which all lead to further health problems

LawCare, a charity, was founded 9 years ago after a working party made up of Solicitors found reason to be concerned about the damage caused to lives, practices and the profession by alcoholism among lawyers. Since that time, it has expanded its services to cover stress, depression and drug abuse. It is run by an Executive staff, under the guidance of a Board of Trustees, and its primary funding comes from the Law Society's Charity, the Law Societies of Scotland and Northern Ireland, the Bar Council, the Institute of Legal Executives (ILEX) and the DCA for Judges in England and Wales and Northern Ireland.

LawCare provides totally confidential advice and support for not only practitioners, but also their immediate families and, where appropriate, their staff, who may be impaired by a wide range of health issues including addiction, stress and depression.

Volunteers

Assisting throughout the country are over 150 English, Welsh, Scottish and Northern Ireland volunteers, almost all of who have themselves experienced, and recovered from, health problems such as depression or addiction. Some also have counselling experience / training. They offer their services free, and regularly prove a godsend to suffering lawyers. Their help is invaluable, as nothing is more reassuring for someone with a problem than to talk to someone else who has walked in those shoes and has experienced, and survived, the same situation.

LawCare is the only organisation in Britain offering this unique service tailored specifically for lawyers. One client, who is now a LawCare volunteer, commented that although he had spoken to alcohol advisory services and drugs counsellors it was only when he called LawCare that he was able to bring together all his problems - his addictions and his practice difficulties - and see them in their proper context. That call and the support he received, he said, marked the beginning of his recovery.

The LawCare experience

Many callers speak, in moving detail, about the problems they perceive to be causing their stress. Often this is sheer workload, but bullying, lack of support, affirmation, or appropriate training is also leading to considerable distress. Many firms seem to be extremely poor at caring for their staff, and this is an issue that clearly needs to be addressed. Among the worst cases we heard of was a firm who refused to allow sick leave, threatening to sack the lawyer who had been diagnosed with severe depression. Another firm insisted an assistant work in a department for which she had no training or experience and refused to provide any books, training courses or support. A third call revealed a firm that placed CCTV in the office of each assistant so that the partners could watch what they were doing. Yet another involved a firm that had entered into a merger and the first that the staff knew was two weeks before it happened, when they were told that they were "out of a job". That anyone can be treated in this way, in the twenty-first century, is quite staggering and for it to be happening in law firms, where those in overall control are purportedly educated and intelligent people, is totally reprehensible.

At least practitioners no longer have to struggle on alone. LawCare is there to provide totally confidential support. Lawcare's freephone helpline number is:-

0800 279 6888
(9am – 7.30pm, Monday to Friday and 10am – 4pm weekends, 365 days a year)

or for information, log on to:
www.lawcare.org.uk

Emergency Protection Orders

– the challenge of representing the local authority

Care proceedings rarely make the headlines unless there has been a major failure in the performance of the local authority exercising their child protection powers. So it was no surprise that the national media picked up the story of the nameless local authority which wrongfully removed a child without notice and were punished by a £200 000 costs order made by McFarlane J.

This article is no substitute for reading the published judgment in full. I wish to highlight the ethical moot points for practitioners and in particular those who represent local authorities.

The facts - *Re X (Emergency Protection Orders)* [2006] EWCA 510

X age 9 was on the child protection register under the category of emotional abuse. On the afternoon of a review child protection case conference the mother took the child to hospital for an examination. Medical staff notified the social workers, who then made an ex parte application for an Emergency Protection Order (EPO). This was granted.

The evidence given on behalf of the local authority at the hearing, included that the mother was suffering from fabricated illness syndrome, allegations that the child was sexually abused and parental non - cooperation. Of the 13 specific assertions made in evidence to the magistrates, McFarlane J found at the final hearing of the Care Order Application, that each one was 'misleading or incomplete or wrong'. The evidence gave an entirely incorrect picture of the child protection issues in the case. To add fire to the failings of that hearing, the magistrates did not provide full reasons for the making of the order.

After a three week hearing over one year on, McFarlane J made X a ward of the court in order to facilitate rehabilitation. The judge notes that at the time fabricated illness was claimed at the EPO hearing there was no medical evidence to support this social work view. The 'illness' apparently diagnosed by the social workers did not extend to the mother acting to induce symptoms. The judge found that there were no imminent dangers to X on the day she was removed and no grounds for making an application for the EPO.

He went on to make 15 recommendations about how to proceed with EPO matters. These include legal representation of the local authority, the nature and extent of the evidence to be provided and the systems that are needed to adequately record these hearings when on a without notice basis.

Implications for the local authority

X follows on the heels of the judicial guidance contained in the judgment of Munby J in *X Council v B (Emergency Protection Orders)* [2004] EWHC 2015 and his 14 points for good practice which McFarlane says should be placed before the court at every EPO hearing. These include, that imminent danger must be actually established, there is a heavy burden on the local authority especially if applying without notice and the evidence must be compelling,

No doubt the social workers involved at the time believed that they were acting in the best interests of the child. But the systems in place within that authority were insufficient to counter the 'knee jerk' reaction of the social worker and the team manager when they received the notification from the hospital. Delegated authority to make decisions to accommodate and remove a child should rest at a level of management which must be divorced from the emotional and pressured environment of the front line.

The solicitors' role in proceedings

Did the local authority lawyers do anything wrong? The legal advice that was actually given was correct according to the judge. Was it then sufficient to act purely upon instructions? The adversarial system could not work, if lawyers did not act upon the instructions of their client in face of opposing legal advice. Very few clients will follow all the advice given all of the time – be they parents, guardians or social workers. The lawyer's role, of course, is that of advisor and advocate, not decision-maker.

In X, Solicitor A gave advice to the social worker that she was not sure if there were grounds for an EPO, but made the application anyway. Solicitor B, represented the authority at court. She gave no submissions on the law at all – she simply introduced the case and then took a note. Disturbingly, it transpired that B had given advice at a legal planning meeting on an earlier date, but in evidence to McFarlane J she claimed to have known very little about the case at the time she appeared as advocate.

So, how does the lawyer balance his duty to his client versus that to the child and ultimately the court?

Prior to proceedings the lawyer should, amongst other things, advise on the strengths and weaknesses in the case and consider whether the evidence satisfies the legal tests for the order sought. The local authority lawyer should '…consider all the evidence…submitting balanced evidence that is true to the facts [that is] fair and complete, full and frank' and 'to assist the court at its investigation and undertake all necessary steps to arrive at an appropriate result in the paramount interests of the welfare of the child.'[1]

Lesson 1

Solicitor A appears to have given her advice verbally and then taken the instructions to issue the application from the social worker. There is nothing in the judgment to suggest she undertook the rigorous exercise of evaluating all the evidence before advising and then acting upon instructions. Had solicitor A truly considered the application to be legally wrong, then in my opinion it would have been good practice to consult a manager and to have the application considered by more senior social services management. McFarlane J deplores the practice that the social work team could disregard the legal advice that A gave.

Research suggests that it is an ongoing challenge for lawyers and social workers with how they see their respective professional roles.[2] It has to be the case that every local authority is clear upon how they view the relationship with their lawyers. But whilst in X, the lawyers seem to have followed instructions and done what was expected by local culture, I would be surprised if many senior managers within Children's Services departments would choose to pay for lawyers who do not provide proactive representation. The consequences of getting it wrong are simply too dire. Moreover, by not taking the matter further internally within the local authority, I would suggest that A did not take into account the paramount interests of the child that transcends any duties to one's client.[3]

However, what would have happened if A had given robust advice that there was either no case or a very weak one? I would at least hope that there was a written record of the advice given to show that the solicitor was acting upon instructions that is contrary to legal advice. The observations of McFarlane J should lead all authorities to review internal workings between the legal department and Children's Services to ensure that the legal advice is communicated to an appropriate level of social work management when there is an inter-professional dispute.

Lesson 2

B does not appear to have played a proactive role as advocate at court.

McFarlane J goes on to state the obvious, that the local authority lawyer has a very important role at an EPO hearing. It should have been unnecessary for him to state that it was the duty of lawyer B to provide the court with a fairly presented case.[4]

It must not be the default position of the local authority to simply throw a factual scenario before a lay bench and absolve itself of responsibility. Whilst there are time pressures upon the lawyer outside the courtroom, it is even more important that the advocate is fully appraised of all the evidence so that fair submissions on the case may be made when no other parties are present.

We have no explanation of how these two lawyers considered their ethical obligations in this case. But by failing to place the legal context before the court, lawyer B played an important role in the decision making process criticised by the judge. Inevitably this judgment is made on the basis of incomplete facts and apologies are given if that does any disservice to the professionals involved.

So, is the guidance in Re X enough to prevent similar occurring again? It seems that the lawyers in X were not sufficiently aware of the earlier principles set out by Munby J or even the published guidance of the Law Society.[5] I fear that the sentiments of McFarlane J may not sufficiently reach the legal advisors for all 150 Children's Services authorities to prevent a repeat debacle. Things need to change.

Proposed Change 1

It is time to consider a radical change to the Family Proceedings (Children Act 1989) Rules 1991. In cases where an EPO application may proceed on a without notice basis, the solicitor with conduct should be required to certify on the application form that the grounds for proceeding are made out. The advantages for this requirement would be to avoid the plea that the lawyers were simply acting upon instructions without a thorough analysis of evidence or a fair presentation in the court arena. It would acknowledge that the making of a without notice EPO is so sufficiently serious that the solicitor must take personal responsibility for the consequences of their advice.

If the rules were to make such a change there would be practical difficulties and a need to change current practice. For example, some local authorities choose to employ non-qualified legal staff to

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1 *The Law Society 'Good Practice in Child Care Cases' 2004 (3.4.04)*
2 *Jonathan Dickens 'Being 'the epitome of reason': the challenges for lawyers and social workers in child care proceedings.' International Journal of Law Policy and Family Vol 19 (2005) 73-101 Oxford University Press*
3 *'Arrangements for Handling Child Care Cases' Association of Council Secretaries and Solicitors, Law Society Local Government Group. 2000 [4.9]*
4 *Good Practice in Child Care Cases' supra*
5 *ibid*

conduct cases. But, I do not think that it is too high a bar to expect that an application has been considered by a UKqualified lawyer.

It would also mean that the local authority would need to act through a lawyer before making such an ex parte application – it is an important enough requirement for the on notice Placement Order, so why not the EPO? Such an approach would be consistent with the recommendation of Lord Laming in his report on the death of Victoria Climbie that emergency action in cases where direct harm is alleged, should not be taken without legal advice. Consideration would need to be given to alter Rule 4 which presently allows other persons to apply for an EPO and whether a similar bar would need to apply.

If solicitor A had to sign such a certificate would X's case have made it into the court arena as an EPO? I doubt it. X's case demonstrates that it is time to take a drastic step in order to ensure that the welfare of the child remains the paramount consideration of the local authority lawyer.

When I practised family law in New Zealand in the 1990s, I was required to certify that the application was appropriate in certain private family law ex parte matters. 11 years on from implementation and the NZ solicitor still has to certify that the applicant had been appropriately advised, including that all relevant information is disclosed whether it is favourable or otherwise; that the solicitor had made reasonable enquiries to verify the information and that the order was one in the solicitor's opinion, that should be made. Whilst initially controversial within the NZ profession, the certificate is now accepted as an important safeguard in preventing injustice.

Proposed Change 2

Perhaps there is a general problem that the standard of legal representation within local authorities needs to be improved. It is often observed that there are too few lawyers choosing to enter the child care field. The crisis in recruiting and retaining child care lawyers applies equally to local authorities. With significant numbers of non-UK qualified and non-legally qualified temporary staff on a high rotate, particularly in London, perhaps it is time to set down a minimum performance level. I would suggest that consideration be given either to a level of monitoring, inspection and/or examination of each lawyer who holds conduct of proceedings in their own name.

There are obvious resource based arguments against raising the bar for the local authority. But, Law Society Children Panel accreditation is the standard to represent the child, so it is not too much to say that local authorities also deserve similar protection in order to conduct a childcare case. If the resource argument can be overcome for social workers with the requirement for GSCC registration and to conduct adoption cases, it can also be addressed to better resource the local authority child care lawyer.

X's case is the one case too many. But unless there is a fundamental regulatory or resource based change to support the local authority child care lawyer, it is at risk of being repeated. I hope that the X example will generate meaningful debate. I would welcome suggestions from practitioners as to how best to address the deficiencies and protect the potential future X's from unnecessary harm.

Helen White
Principal Solicitor
London Borough of Harrow

A new group doing direct work with young people

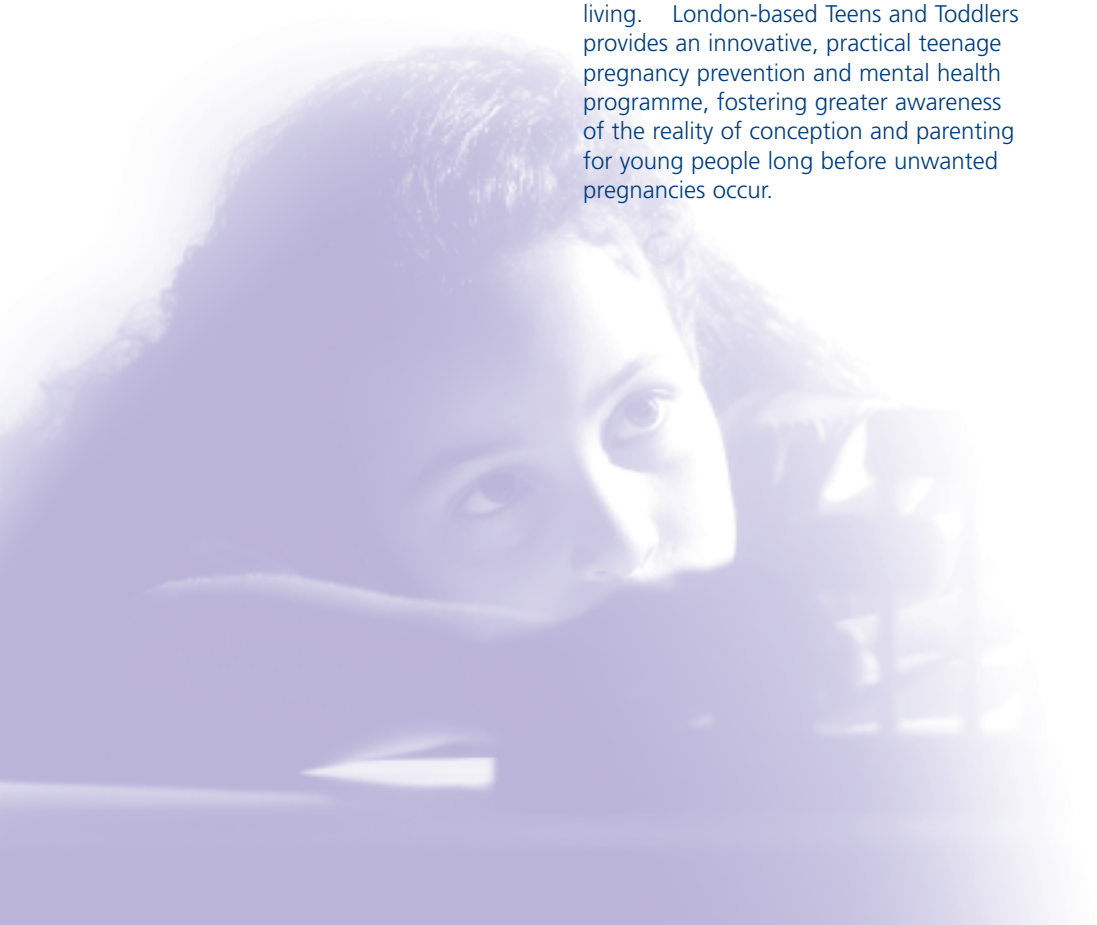
Eleven independent organisations have formed an umbrella group called AT ONE to help their front line work of transforming the lives of children and young people at risk. Member organisations work in a variety of imaginative ways – through mentoring, coaching, adventure training, dance, theatre and sailing – to provide opportunities for vulnerable young people to change their lives permanently. They know the outcome is far more effective and far less than the cost of criminalisation – for as little as £3,000, whereas to keep one young offender in prison for a year costs £50,000.

Chairman Simon Edwards said at the London launch on 22 June 2006: "Our members have a track record of getting results but we all live on the edge of financial survival. AT ONE will raise the profile of the excellent work they are proud to deliver and help to secure what they are good at: transforming lives. At a time when respect for the young is at an all time low and they are shamefully demonised in the press, we deliver an alternative way that gets results by focusing on attitude and behavioural change, enabling individuals to build fulfilling lives in the community."

Some of the organisations support young offenders into crime-free independent living. London-based Teens and Toddlers provides an innovative, practical teenage pregnancy prevention and mental health programme, fostering greater awareness of the reality of conception and parenting for young people long before unwanted pregnancies occur.

AT ONE was formed on the initiative of Lady Elizabeth Haslam, Founder of the children's welfare charity The Michael Sieff Foundation, who said at the launch: "In different and imaginative ways these independent organisations bring help and hope, skills and opportunities, prospects for a real fulfilling future, to vulnerable children and young people. They have an enviable track record but could do so much more with greater recognition and resources. They know they will achieve more by working together than by being alone."

More information at:
www.AtOne.org.uk



Delays in Adoption

Richard White presented a paper to the All Party Parliamentary Group on Adoption and Fostering on 21 June 2006 from which the following are extracts

The Adoption and Children Act 2002 came into force on 30 December 2005. This was the result of 10 years hard work on updating legislation from 1976.

How is the legislation working so far? Comments made take into account inevitable teething problems with any new legislation. Having seen the implementation of the legislation in 1976 but also importantly the more pervasive Children Act 1989, I am not so naïve as to expect that all will work efficiently from the start.

I must start by saying that in many cases the legislation will work well. An efficient Local Authority working well with a parent who wishes to consent to a child being placed for adoption should make early placement possible. A Local Authority coordinating an application for a Placement Order with the final stages of care proceedings may in some areas be able to effect good outcomes for the child.

There are five problem areas of work which need examination…. all of which eventually come back to the central fact that, having put the legislation in place and made political capital out of its desire to achieve stability for children who cannot be looked after by their parents, the Government has lost interest in this topic.

The legal profession

Some of the lawyers involved in family work have made no secret of their desire to challenge this legislation. To date this has not been a major problem because no contentious cases have got before the Courts. Few lengthy or difficult cases are currently likely to be listed before 2007. Choosing my words very carefully, in my opinion some of the legal profession are at risk of having an unnecessarily negative attitude to adoption and they need to be aware of the research about the benefits for some children, and not least what children themselves say.

The legislation itself

I want to mention just four topics:

a. The key change which might cause delay is that a child cannot be placed for adoption until the Court has made a Placement Order. This was said to be fairer to parents and benefit adopters because they could receive a child in the secure knowledge that s(he) was available for adoption. That new system necessitated early Court attention to a case.

b. There is one practical exception to the principle that a child may not be placed with prospective adopters before the making of a Placement Order. There are some projects known as concurrent planning working with families whose babies are unlikely to be cared for in their birth family who are placed with foster carers who are also approved to adopt. If the assessment of the birth family demonstrates they cannot care for the child, s(he) will remain with those carers who will adopt. The processes are quite complex but the initial research in this country is positive. Nonetheless Government has not really put its weight behind it and some areas are finding the lawyers quite obstructive.

c. Obviously it is important for a child to be placed with relatives if possible where parents cannot care for the child. This places extreme demands

on Social Services and the probability of further delay. That can occur at a late stage because relatives are given a right of application after a Placement Order has been made.

d. Placement with relatives abroad: section 84 If the plan is for a child to be placed with relatives living abroad, it is to be treated as if a foreign placement rather than an in family placement, so that the relatives have to come and live in this country at considerable inconvenience and almost certain unnecessary delay. An attempt to amend this provision was defeated in the House on 20 June 2006. The Government confirmed its view that applications by relatives living abroad should be treated in the same way as children being removed from the country for the purposes of adoption. The statute provides for exempting regulations but none have been drafted.

The Courts

A substantial number of adoption applications go through the Principal Registry of the Family Division in London. Although the PRFD District Judges now have jurisdiction to make Adoption Orders, they are not dealing with contested cases because no provision has yet been made for facilities at the Principal Registry to enable parents and adopters to hear the proceedings at the same time. And in any event if the Judges there take on those cases, that will no doubt cause further delay in the listing of care cases.

At present a two day case listed in the Registry is not likely to be heard this year and a longer more complex case before a High Court Judge may well not be listed until February 2007. In a South Eastern County Court an application for a Placement Order in respect of a child under one year listed recently will not be heard until March 2007.

Social services and their legal advice

The level of training in Local Authorities is unclear but there are clearly staff undertaking the work who do not have the necessary experience or perhaps the time. As an example see this case:

Summer 2005 - Child advertised as being considered for adoption: no application for Freeing Order nor matched at Local Authority Panel. An Applicant came forward and was considered suitable for the child well before Christmas.

Early February 2006 - Prospective adopter told that Social Worker was preparing Court Report so that Placement Order application could be made. Child matched with prospective adopter.

Late May 2006 - Application made for Placement Order
Early July - Directions hearing
Final hearing - ??????

Result - a child who will certainly be adopted and for whom there has been an adopter available since before Christmas 2005 is unlikely to be placed until nearly a year later.

CAFCASS

The resource problems of this essential Agency will be familiar to all. Because of its budgetary difficulties it appears that CAFCASS is putting considerable pressure on its employed staff to take on more work. This has two effects. There is in my opinion a severe danger of overloading them to the extent that errors are more likely to be made, especially as these staff are among the less experienced. And CAFCASS will again suffer a loss of its most experienced personnel who are the self employed. The new policy is actually to have them allocated less work, which is likely to mean they will look elsewhere for work.

At a time when adoption expertise across the board is diminishing, it is in my view particularly serious that those with the expertise will be discouraged from applying it. If I was a conspiracy theorist, I might think that there is an underlying policy intended to discourage Guardians from looking too closely at the work of Local Authorities.

Government Departments DfES and DCA

We still do not have the Statutory Guidance on Assessing Applicants for Adoption. I am told that it will be put to the printers on 27 June. Perhaps it is not that important but it is strange that guidance we were told would be published in August 2005 to be included in the training for the legislation does not see the light of day until 11 months later. What sort of message about Government commitment to adoption does that convey?

Government seems to forget or not understand that any successful outcome of an adoption placement requires an Adoption Order to be made. That requires that the system provides for the proper conduct of proceedings. During discussions on the Bill one point all of us working in the field emphasised was that if you created a structure which meant the Court had to give authorisation before a child could be placed for adoption, you had to put in place an infrastructure which enabled those decisions to be taken within a time frame which reflected the interests of children. These decisions were being taken at a time when we knew there were problems of delay in the conduct of proceedings. We were assured that that would be done. The reverse has happened.

Regrettably the simple conclusion is that the Government, having pressed an adoption agenda for several years at the behest of the Prime Minister, has now lost interest in the subject. Those young people who should be benefiting from the changes have cause to feel betrayed. The Government will no doubt hide behind the excuse that there are bound to be teething problems with new legislation and they will be resolved in

time. I hope I will be proved wrong and they will be proved right.

Not I fear if the political approach is that shown recently by the Lord Chancellor. In response to a question in the Lords he responded (Hansard 15 May 2006) 'on the question of the time that it takes to deal with adoption cases and public law children cases—those where a Local Authority argues that a child should be taken away from its parents or put into care—the delays are getting longer. The reason for that has nothing to do with cuts in court services [which is admitted to be in the region of 8%] but with the increase in the number of cases the courts have to deal with in these areas. So I am afraid that I cannot give any assurance [that delays will be decreased] because the pressures in those areas are getting worse.'

I am at risk of descending to the use of unparliamentary language in response to this. Just analyse that statement: delays have nothing to do with cuts in Court services, but arise from an increase in the number of Court cases.

ANNEX 1
Harriet Harman
22 May 2006

And I am aware, too, of the work that Mark Potter has led to ensure that family cases can be decided as swiftly and as locally as possible through implementation of the Judicial Resources Review that cases should be heard as swiftly as possible at the appropriate level of Court nearest to the family concerned. This involves the need for a specialist magistracy and strengthening of the work of the Family Proceedings Courts.

The need for good public funding of family legal work

I know that ….you will be concerned, as I am, that wherever they live, people are able to get the advice and representation they need. It is not acceptable that despite more than a 33% increase in the legal aid budget since 1997, and an overspending in that budget currently running at £150m a year, publicly funded family law is being squeezed.

What has happened is that while criminal legal aid has seen a 37% increase and is spending £340m more pa in real terms, spending in civil and family legal aid has shrunk by 24%, some £220m a year. Now we do want to ensure, for the sake of families and children that cases do not come to Court unless they have to. But when they do, I recognise the great importance of the high quality legal preparation and representation that the Family Solicitors and the Family Bar provide.

In the Department for Constitutional Affairs, our concern is to get our spending back within our budget, redistribute legal aid from criminal to family and civil and (in criminal cases) redistribute from the top of the bar to those in their early years of call.

- Our new minister in the Department for Constitutional Affairs, Vera Baird, is now responsible, with the Lord Chancellor, for legal aid. But I will ensure that the attention of the Carter review and my ministerial colleagues does not wander from the importance of the provision of a good supply of good Family Solicitors and Barristers.

Conclusion

Into my constituency advice surgery over the last two decades, there has been a steady stream of women coming into my surgery complaining that their children have been taken into care without due reason, neighbours alleging child cruelty and complaining that the children haven't been taken into care, mothers complaining that they have been forced to allow what they claim to be a violent ex-partner to see their children, and fathers who claim that on no evidence they've been banned from seeing their children.
I regard the protection of children and making decisions that cannot be agreed between warring parents as of the greatest importance and as a Member of Parliament I have a long-standing interest in the work of the family Courts.
I have already been greatly helped by the generous advice of Mark Potter, Matthew Thorpe and Ernest Ryder in my first few weeks as Family Justice Minister. I hope to be able to support you in your work, to make legislative changes where they are necessary and to do what I can to ensure that the importance of your work is recognised and acknowledged in the way that it deserves.

ANNEX 2
Lord Chancellor
15 May 2006

Lord Falconer of Thoroton: My Lords, on the question of the time that it takes to deal with adoption cases and public law children cases—those where a Local Authority argues that a child should be taken away from its parents or put into care—the delays are getting longer. The reason for that has nothing to do with cuts in Court services but with the increase in the number of cases the Courts have to deal with in these areas. So I am afraid that I cannot give the noble Earl the assurance that he seeks because the pressures in those areas are getting worse. That is why it is so important to get a grip on where legal aid is going to ensure that proper funding is available for such cases.

Hansard

PS And the reason it is so important to get a grip on legal aid is….?

Richard White
White & Sherwin

Book Reviews

Mitchell, J. (2006). *Children Act private law proceedings: a handbook. (2nd Edition)* Bristol; Family Law

572 pages
Paperback
£40 including postage
ISBN 0-85308-997-3

This book, up to date as at 22 February 2006, explains private law proceedings relating to children and families. It sets the Children Act provisions in the context of other legislation, and addresses modern family situations including unmarried couples with children, gay and lesbian couples with children, civil registered couples with children, step families, and children born by assisted fertilisation.

Contact and residence orders are covered in depth, and the 'how to' of applications is covered for practitioners who may need guidance on applications and associated issues.

The book is comprehensive, and it covers not only the law, but also practice issues, for example directions hearings, preparation for trial and expert evidence. I particularly like the chapter on ascertaining children's wishes and feelings, which sets the wishes of children in a legal context, but also addresses practical issues. It points out that the reasons for eliciting the wishes of a child are protective, utilitarian and rights-based, and then explores the topic from these perspectives. The rights of the child are explored from the perspectives of the Human Rights Act 1998, the UN Convention on the Rights of the Child, and the European Convention on the rights of the Child.

The author suggests that children should have information given to them about their rights, and that 'Whenever possible, children should have access to CAFCASS officers by phone.' He advises that, although judges may see the child, they cannot guarantee confidentiality, and careful thought should be given to the situation before a judge sees the child alone. Evidence of a child's wishes and feelings is better given through a Children and Family Reporter or Children's Guardian. I feel a little uncomfortable reading the occasional inadvertent reference to a child as 'it' e.g. 'The judge should not make a promise to the child that what it says is confidential.' (p 270), but the child is still very much of paramount importance in this book, and I totally agree with the author that children should be told that they bear no responsibility for the situation in which they find themselves, nor for the ultimate decision of the court in disputed cases. We so often forget to reassure children in this way.

The author says that 'The court will deprecate any attempt to encourage a child to express views in a letter, whether to the court, a CAFCASS Officer or to the other parent'…. because there will always be a suspicion that the content of the letter may have been dictated or influenced by a parent. However, one wonders whether there might be exceptions to this blanket ruling, for example, in a case where an intelligent child wished to express their views in their own words, and wished to write a letter to the court in the presence of a CFR or Children's Guardian. Some adults prefer to write their own statements rather than dictate them or have their words summarised from an interview, might not some mature children wish to communicate their feelings in the same way?

This book is packed with other useful information about costs, trial, restraining further applications, the duty of disclosure, enforcement, and appeals. Overall it is helpful, legally authoritative and immensely practical. A very useful addition to the family lawyer's reference library.

Swindells, H. and Heaton, C., (2006). *Adoption: the modern law.* Bristol; Family Law

758 pages
£50
Paperback
ISBN 0 85308 969 8

This book is a companion to the excellent and authoritative book *Adoption the Modern Law* by Caroline Bridge and Heather Swindells (Family Law, 2003). It contains a summary of the new adoption law brought in by the Adoption Act 2002, and also addresses the complexities of the new adoption procedure under the subsidiary legislation of which the last parts were finally brought into force with

Book Reviews

the final implementation of the Adoption and Children Act 2002 on 30 December 2005.

This book contains the full text of the Adoption and Children Act 2002, (ACA), the statutory regulations, forms and guidance, the Family Procedure (Adoption) Rules 2005 (FPAR 2005), and supplementary Practice Directions.

The book comments on a number of relevant areas, including the welfare of the child, parental consent, placement, making of adoption orders, = illegal placements and access to information. The FPAR 2005 are set out and discussed in detail. The role of Adoption Agencies is covered. Appendices add more useful information about forms, reviews, transitional arrangements, services, Special Guardianship Regulations, adoptions with a foreign element, and National Adoption Standards.

From these two well known and experienced authors, we would expect an authoritative work, and readers will definitely not be disappointed.

Pearl, D., (2006). *Care Standards Legislation Handbook.* Bristol, Family Law (Fourth Edition)

592 pages
Paperback
£35 plus £4 postage and packing
ISBN 0 84661 015 X

His Honour Judge David Pearl is the President of the Care Standards Tribunal. We all sadly miss his former co-author of earlier editions of this book, David Hershman, Q.C., who was a part time Chairman of the Tribunal. David Pearl has substantially revised and expanded the earlier editions, to include an extensive and updated collection of statutes and statutory instruments relevant to care standards and the protection of children.

This book includes the Children Act 2004, key statutory provisions, statutory instruments relevant to child protection, day care and childminding, and a jurisdiction table. Please note, all practitioners in Wales, that Welsh subsidiary legislation is not included in this book.

The author points out that this is a rapidly changing field of legislation and that at the moment, two bills are under consideration – the Childcare Bill and the Safeguarding Vulnerable Groups Bill. Also a potential move of responsibility for inspection of care homes from CSCI to OFSTED is currently under consideration. He warns that this book may therefore look very different in another twelve months time!

The Care Standards Tribunal has a welcome spirit of openness, providing considerable help for practitioners on the internet. The introduction to the book points out that the decisions of the Care Standards Tribunal are published on their website and can be downloaded at www.carestandardstribunal.gov.uk, and encourages readers to visit the site and to obtain copies of the tribunal decisions. The site also contains a Digest of cases, updated to February 2006, setting out a summary of the decisions. It can be found on the British and Irish Legal Information Website www.bailii.org/ew/cases/EWCST.

For those that want to check the relevant regulatory systems and appeal processes for the registration of social workers, the General Social Care Council (Conduct) Rules 2003 and the General Social Care Council (Registration) Rules 2005 are included.

There is not a lot more to say about this collection of resource materials, save that it is potentially very useful, and then of course it will have achieved its purpose!

Bird, R., (2006), *Domestic Violence, Law and Practice (Fifth Edition.* Bristol, Family Law.

287 pages
Paperback
£45
ISBN 0 85308 974 4

Roger Bird, now a solicitor and formerly a District Judge, is now so well known that this new edition of his book probably needs no introduction.

Book Reviews

The book is up to date as at January 2006, very well indexed with a good contents list, and set out in a way which makes everything easy to locate. The author gives clear explanations, commentary and vignettes from cited cases to illustrate his points and to enliven the text.

Domestic violence is an issue in so many public law child protection cases and private family law cases. It is a factor in many disputed contact cases and so very difficult to deal with in mediation because of the imbalance of power. There is now the Domestic Violence, Crime and Victims Act 2004 (DVCVA), and we are all awaiting its implementation, promised in April 2006, but now further delayed.

The decision was made to go ahead and to publish the book as though these changes have already been made – the author is really ahead of his time – and so we have an advantage of being able to be ready for the legislation when it comes in, and to avoid misleading practitioners, it is made clear in the text where these prospective changes lie.

Perhaps the greatest change is that when the DVCVA 2004 comes into force, the power of arrest formerly under the control of the court will now devolve to reliance on the prosecuting authorities, and breach of a non-molestation order will become a criminal offence (Chapter 7). The author discusses the potential adverse consequences of this and he says that he is not encouraged by reading the debates in parliament about the issues involved. The rationale for the decision was that the country court is limited to fine or imprisonment for contempt of court, whilst the criminal courts have a wider range of sentences available to them.

One potential problem identified by the author is that any action which is in breach of the non-molestation order may constitute an offence. There is no distinction between violence and pestering with, say telephone calls.

A usual from Roger Bird, this book is very helpful for lawyers, mediators, social workers, volunteer helpers and others working with children and their families – some illumination in a dark and difficult area of the law.

Greatorex, P and Falkowski, D, (2006), *Anti-Social behaviour Law* Bristol, Jordans.

503 pages
Paperback
£49
ISBN 0 84661 002 8

Anti social behaviour is one of the greatest current problems in many areas of the country. It is a high profile government target for eradication, and there has been a plethora of government initiatives to try to reduce the problem, including the Anti-Social Behaviour Act 2003, the Clean Neighbourhoods and Environment Act 2005 and the Serious Organised Crime and Police Act 2005. This is all in addition to the now 'old' Crime and Disorder Act 1998 and the Housing Act 1996.

For those of us who are not lawyers practising in the field of criminal law, it is a difficult task to catch up with all the new legislation. A new book like this is therefore very much to be welcomed.

Tony Blair, in the Foreword to the book point s out that whist the government has made it a priority to strengthen communities by promoting the values of respect and responsibility, and to support those who have the task of dealing with anti-social behaviour, this is not good if people are not aware of the powers that they have.

The authors have set out to provide 'a comprehensive guide to the legal framework within which local authorities, police and others can address anti-social behaviour' and they have made a good job of it.

The book has several contributors and the topics covered include: Bodies with powers and duties in respect of anti-social behaviour, evidential considerations, general powers for dealing with anti-social behaviour, byelaws, anti-social behaviour orders, harassment, landlords remedies, local authority powers, landowners' powers, and noise nuisance. Further chapters deal with children and families, education, and many issues which are not usually addressed in law books: fireworks, begging, drugs, graffiti, motor vehicles, and annoyances in the street.
This is an interesting as well as an informative book. Well worth acquiring!

Barbara Mitchels

Press Release

ALC responds to public law review report

The Association of Lawyers for Children today gave a cautious welcome to proposals contained in the final report produced by the Department of Constitutional Affairs' Public Law Review, which report was published yesterday.

Alistair MacDonald, Joint Chair of the ALC, said, "we welcome in particular the proposals aimed at assisting children and families to better understand the proceedings in which they are involved, the commitment to a Pre-Proceedings Protocol and the proposals for the provision of legal assistance prior to proceedings being issued." However, MacDonald also highlighted some important gaps in the final report.

Commenting on the need for the child's interests to be represented properly during the enhanced pre-proceedings phase, MacDonald stated "As well as ensuring that children of sufficient age and understanding are given information on their situation, further consideration must be given urgently to finding a sustainable means of ensuring effective and independent representation during the pre-proceedings stage of not just the parents but also of the child".

Pointing out that the proposals set out in the final report could only be effective if supported properly in terms of both skills and funding, MacDonald said "In addition, we look forward to further proposals from the DCA and the DfES setting out the manner in which Local Authorities will be supported to ensure that the pre-proceedings proposals contained in the report can be effective." MacDonald concluded,

"The recommendations made by the Public Law Review must be backed up by a commitment to resource them appropriately if they are to be given life beyond the pages of the final report".

Please do not hesitate to contact the Committee at admin@alc.org.uk if you think there is an issue that we should be addressing.

Press Release

ALC counsels a cautious approach to open family courts

Responding to the decision of Constitutional Affairs Minister Harriet Harman to delay the release of the Department of Constitutional Affairs consultation paper on transparency in the family justice system, the Association of Lawyers for Children today called for a considered evaluation of the benefits and risks before any decision is taken on greater openness.

Speaking on behalf of the ALC, Alistair MacDonald, Joint Chair of the Association, said "it is obviously vital that society as a whole has faith in the system of justice that is designed to protect its children. A system of justice that commands public respect is a system of justice more likely to be turned to by the public to ensure the welfare of children is properly safeguarded".

However, MacDonald cautioned that the advantages to greater openness must be balanced carefully against the inherent risks to the welfare of children that accompany them. Those risks, he said, ranged from the detrimental effect on the child within the community of greater publicity to the negative impact on the willingness of witnesses to give evidence on important issues of child protection.

Calling for a careful, evidence based evaluation of the impact on the child of greater openness in the family courts, MacDonald said that finding the correct balance between competing advantages and disadvantages "must be rooted in ensuring that any increased openness in the family courts is directed rigorously at advancing the welfare and rights of children." He continued, "Greater openness in the family justice system must be founded on this key principle and not on a hasty reaction to a politically topical issue".

The ALC Newsletter only prints a selection of the ALC press releases. All the press releases are available on the ALC website www.alc.org.uk

Developing the ALC

Liz Goldthorpe officially stepped down as Chair of the ALC in April this year. A dinner was held in London on Friday 27th April 2006 to thank Liz for all she has done for the ALC.

The ALC is now in the very capable hands of Joint Chairs Alistair MacDonald of St Philips Chambers, Birmingham and Caroline Little, Consultant and Freelance Solicitor Advocate in London.

Members will also have noticed a number of changes over recent months as the ALC has continued to develop. All the Committee members and the ALC Administrator, Julia Higgins, have been working hard to raise the public profile of the ALC, arrange training events and keep the ALC members updated. Members should now be receiving the ALC E-Newsletter on a regular basis (if you didn't provide your email address when you joined then please do so now by emailing admin@alc.org.uk with 'E-Newsletter' in the subject line).

Comments on the E-Newsletter and how we can continue to develop are greatly welcomed.

Correspondence

Dear Editor

Update regarding LASA Specialist Support

Our contract was due to run until May 2007. In January 2006 we were given six months notice by the LSC that it would be terminating all Specialist Support contracts, without any consultation with either the service providers or users and despite excellent evaluations of the service. The majority of the Specialist Support providers adopted a twin track approach to this decision involving campaigning and litigation.

To gather support for our campaign we sent a questionnaire to 352 of our most recent users. In two weeks LASA received 169 replies, a not inconsiderable level of response, all of which agreed that we provided clear and helpful advice that enabled advisers to provide much better advice to their clients.

Comments included -

- Without this valuable asset there will be further dwindling of access to justice for those who need it most. Although an experienced advisor of 15 years there have been times when I have needed to access Specialist Support (SSS) for help and advice ... Without the SSS I would not have been in a position to proceed with a number of cases for some of my most vulnerable clients. I have had excellent advice from the SSS which has a substantial impact on the outcomes of cases and alternatively those cases without sufficient benefit have not progressed thereby reducing the LSC funding costs.
- We are a small, very busy team in a Carers Centre and for us specialist support service is absolutely essential. In Hackney we have many complex cases with a multitude of issues. For us the support we have had is vital to back us up as advisers and it is so helpful in clarifying complex legislation, particularly as we are an advice service that has been built up around trainees and to up skill local and bi-lingual people. We can't believe that they are thinking of withdrawing this service! It will mean that we are able to see less carers and give less vulnerable people help because we will have to spend even more time looking up and weighing complex benefit case law and legislation. A quick call to the Specialist Support service helps us by confirming how we read the law and clarifying where we have difficulties understanding the law.
- The specialist support we have received from LASA has been excellent ... The service is a vital 2nd tier resource for welfare rights caseworkers
- Cutting support is likely to lead to a lowering of quality, less well informed advisers and cause advisers to spend more time on cases.
- The help of specialist support has been invaluable. I really don't think I could have handled some of the cases without their support. My clients would have had nowhere to turn for help

As well as responding to our questionnaire the campaign received extensive and vocal support from our service users who encouraged 175 MPs to sign Early Day Motion 1542. The Constitutional Affairs Committee was concerned enough to hold an emergency hearing and subsequently issued a highly critical report on the termination decision.

At the same time LASA Specialist Support became a party to judicial review proceedings issued against the LSC. The combined effect of campaigning and litigation resulted in the LSC withdrawing the termination notices and it will conduct a proper consultation before making a decision on the future of Specialist Support.

So basically our contract is still due to run until May 2007 but the LSC will be consulting on the service and may still end the funding earlier - encourage your readers to use us while we're here!

Regards

Jean French
Specialist Support Manager
LASA
020 7247 8638

Should you have any articles you wish to submit to the newsletter, please do not hesitate to contact the Editor at admin@alc.org.uk. The Chair and Committee always welcome any thoughts, ideas or contributions to the development and running of the Association.

THE NEWSLETTER DEADLINES ARE AS FOLLOWS:
MARCH ISSUE - 31ST JANUARY, JUNE ISSUE - 30TH APRIL, OCTOBER ISSUE - 31ST AUGUST

Dates for your Diary

ADOPTION AND CHILDREN ACT:
the new legislation for old hands

This course will look at recent legislation and the accompanying guidance and will introduce experienced practitioners to the new way of practising and the new legal framework. The course is an essential introduction to developments in adoption and permanency for all those who have already practised in the field.

London: Thursday, 28 September 2006
London: Thursday, 23 November 2006

6 CPD credits

COMMUNICATING WITH CHILDREN

Ascertaining children's wishes and feelings through a variety of techniques and exploration of recent theoretical developments.

29 November 2006, 09.30 am - 4.30 pm - London

6 CPD credits

ASSESSING ATTACHMENT

This day will present a framework for assessing attachment between children and their carers for court proceedings.

- Applying attachment theory to cases: child and adult attachment styles and the care taking environment
- How to structure your observations
- Dimensions of sibling attachments
- Making recommendations for future work
- Small group discussion of practice dilemmas

10 October 2006, 09.30 - 4.30 - London

6 CPD credits

KINSHIP ASSESSMENT - BEWARE
S1(4)(f) Adoption and Children Act 2002

This course is a knowledge and skill building workshop for practitioners and children lawyers interested in promoting kinship assessments in line with the new requirements of Adoption and Children Act 2002. The new provisions in Section 1(4)(f) of A&C Act'02, to be implemented 31.12.05, will have a profound impact on reshaping all family court practice in relations to extended family networks. Come to the workshop to reconsider assessment approaches to kinship carers, hear about research and share practice initiatives with colleagues.

11 September 2006 - Norwich
22 September 2006 - London

6 CPD credits (all day)

NAGALRO AUTUMN CONFERENCE
CONTACT FOR CHILDREN: MAKING DECISIONS IN FAMILY PROCEEDINGS?

Woburn House, Tavistock Square, London WC1

This conference will consider contact and attachment from legal, theoretical and psychosocial perspectives in private and public law.

09 October 2006, 10.00 am - 4.30 pm

6 CPD credits

FOR FURTHER INFORMATION ON ANY OF THE ABOVE COURSES PLEASE CONTACT NAGALRO ON TEL: 01372 818504 OR FAX: 01372 818505 EMAIL: NAGALRO@GLOBALNET.CO.UK

Dates for your Diary

ADULT DRUG PROBLEMS: CHILDREN'S NEEDS

Central Hall Westminster, on Tuesday 3rd October.

CONTENT

The conference will consider children who are 'in need' as a result of parental drug misuse. A wide range of practitioners are likely to be involved with such families but this does not necessarily result in good outcomes for the children, and many are entered on the child protection register or become looked after. The day will provide an opportunity to consider ways of improving multi-agency assessment, decision-making and planning. It will bring together experts in the field covering topics including the engagement of families before the birth, the challenges facing children, effective social work and multi-agency practice and the difficulties for foster carers. Having identified the challenges, the conference will also present ideas about possible solutions including the launch of a toolkit to support practice with this vulnerable group of children.

WORKSHOPS

Workshop topics will include:

- Supporting families practice
- Legal Challenges: The Family Drug and Alcohol Court initiative
- Direct work with children affected by parental drug use
- Residential rehabilitation – the viewpoint of the child.

If interested, emails to: conferences@ncb.org.uk for further information.

Annual Conference

ADD THIS DATE TO YOUR DIARY NOW!

Start the CPD year with 11+ hours of valuable points

- CHILD LAW UPDATE
- ADOPTION LAW UPDATE
- EXPERT WITNESSES
- CHILDREN'S RIGHTS AND PARTICIPATION PROJECTS
- DOMESTIC VIOLENCE
- DIVERSITY ISSUES
- RULE 9.5
- SUBSTANCE ABUSE AND PARENTING
- CHILDREN'S HEALTH

Approved by the Law Society for CPD points and now also approved by the Bar Council and ILEX

Association of **Lawyers for Children**

Promoting justice for children and young people

ASSOCIATION OF LAWYERS FOR CHILDREN 17th ANNUAL CONFERENCE

HOW MUCH CHANGE FOR CHILDREN?

THURSDAY, 2 NOVEMBER – SATURDAY, 4 NOVEMBER 2006

Queens Hotel, City Square Leeds

The Hon Mr Justice Ryder

Register to receive the Programme in September by e-mailing the conference administrator:

karen.goldthorpe@btinternet.com

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