



Association of **Lawyers for Children**  
Promoting justice for children and young people

# newsletter

October 2006

Issue 38

## Joining Battle

**“Confound their politics, frustrate their knavish tricks.”**  
**Henry Care**

We are certain that a survey of family lawyers would reveal a long list of reasons for choosing family law as a career. We are also certain that a desire to become politically active would not be high on that list for most. You would be forgiven however, for believing that the need to become politically active is increasingly a requirement for successful family practice.

This need has of course been felt most acutely in recent months in the context of the publication on 13th July 2006 of *Legal Aid: A Market-Based Approach to Reform*. The proposals contained in the accompanying DCA/LSC Consultation Paper entitled *Legal Aid: A Sustainable Future* have rightly caused consternation amongst solicitors practising family law and further afield, not least because of the background to the proposed reforms. You do not need to be reminded that solicitors practising in the field of publicly funded family law have not seen an increase in their rates of pay for over a decade or that in the period following 2001 the number of family law legal aid contracts has fallen from 4,593 to 2,784. Within this context and generally, the DCA/LSC proposals have come as a bitter blow.

*Continued on page 4*

### Content

Joining Battle	1
Editorial	3
Joining Battle <i>cont</i>	4
Carter and Legal Aid	5
Lord Carter's Review	10
Separate Representation of Children	9
Fancy that!	12
Relocation cases	12
The Pre-Proceedings Protocol	13
Searching for an Independent Social Worker	16
Substance Misuse Analysis	17
Anna House	20
Hershman/Levy Memorial Lecture	21
Notice of Annual General Meeting	23
Notice of Elections	24
Press Release	25
News	26
Newcomer of the Year	27
Correspondence	28
Book Reviews	30
Dates for your Diary	34

Sponsored by  
**Jordan Publishing Ltd**



**Family Law**

# CONTACT: The New Deal

**Piers Pressdee, John Vater, Frances Judd, and Jonathan Baker QC** are all barristers at Harcourt Chambers (London & Oxford)

*"This truly excellent book" is "required reading for all in the Family Justice System"*

*(From the foreword by the Hon Mr Justice McFarlane)*

An essential book for all professionals acting, advising and assisting on residence and contact issues, Contact: The New Deal brings together all the key recent statutory and non-statutory changes affecting and informing this important area of the law.

This new book:

- provides a comprehensive guide to the new contact provisions contained in the forthcoming Children and Adoption Act 2006
- covers developments in mediation, collaborative law and information provision and includes an evaluation of the new parenting plans
- analyses the Private Law Programme, in-court conciliation and the important changes to the role and approach of CAFCASS
- examines the developments in the court's treatment of contact cases in which domestic violence is alleged
- summarises the main legal principles and relevant case law
- provides an overview of the key recent research and sets out the rationale for reform
- also addresses the topical issues of family court openness and the voice of the child

**Sept 2006**  
**£40.00 inc UK p&p**  
**Papercover**  
**ISBN 0 85308 973 6**

**Available on 28 days' approval**

To order or for more information visit our website:

**[www.familylaw.co.uk](http://www.familylaw.co.uk)**



**Family Law**

# Editorial

## The Carter Review and the response of the Legal Services Commission and the Department for Constitutional Affairs on the provision of a new scheme for public funding of family proceedings is rapidly developing into a fiasco.

This is perhaps the most important issue of the Newsletter we have ever published. It comes at a time when the threat to the service we provide to families has never been greater. In this issue you will find details of Government proposals and what can only be described as a call to arms to oppose them. And let it be understood that it is not only individual children and families who will suffer as solicitors are driven out of the work, but also the development of the whole field of family law.

The reaction of the child law profession to the Carter Review and the LSC / DCA response has been universally condemnatory. Government Ministers appear to be surprised. The LSC is blaming the Law Society for indicating its support for the Carter Report, while the Law Society says that while it agreed the need to review the system, it has never had adequate access to the detailed proposals for family matters.

The LSC argue that their calculations show that the reforms will be cost neutral. Policy dictates that some firms will suffer, especially smaller ones, while others will benefit. Even discounting the inherent inadequacies and unfairness of the proposed system, we have yet to discover any solicitors' firms that will benefit. Indeed we have yet to discover any that believe the work would be viable.

All this is far removed from a speech made by Harriet Harman (now chairing the Ministerial Advisory Group on Care Proceedings) in May 2006, when she said, speaking to the title 'The need for good public funding of family legal work': '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..... 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.....When [cases do come to court], I recognise the great importance of the high quality legal preparation and representation that the Family Solicitors and the Family Bar provide..... 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.'

Could it simply be that those responsible for the proposals, in some cases the same personnel as those who initially risked a fiasco with the Review of Child Care Proceedings last year before finally listening and responding to the concerns of practitioners, simply do not understand the system or the nature of the work? They deliver messages of comfort to Ministers

based on their failures in understanding and misplaced optimism about what they can deliver. Meanwhile already hard pressed practitioners are made to feel insecure about their futures and forced to spend valuable time engaging in a consultation process based on false premises. The attitudes are consistent with what was complained of in this column in the last issue in March 2006. '...my colleagues working in the legal aid system are treated [by the DCA] as if irresponsible, self interested and ignorant. Consultation has been offered..... without making available the proper data [until very late in the process] on which any reasonable decisions could be made.'

The stark fact which civil servants and politicians have to grasp is that if they push through anything like the current proposals, there will in 12 months be no adequate provision for legal representation of children and families. Indeed it is apparent that firms are already planning closures or making people redundant. They will not wait to see whether the results of a consultation process in which one can have little confidence will be better than the original proposals.

The Family Justice Council, many senior members of the Judiciary, the Family Law Bar Association, the Law Society, Resolution, the Association of Lawyers for Children, any independent minded children's guardians, all know these proposals are wholly unworkable in their current form. The Government is not consistent with its own political rhetoric. The DCA and the LSC need to face the facts before there is irreversible damage. Or are they in reality bent on destroying the well-regarded current system so they can put in its place something over which they can exercise better political control?

**Richard White**  
Editor

# Joining Battle (cont.)

We are the Association of Lawyers for Children, not the Association of Children's Lawyers. We do not exist to advance the interests of our members but to promote effective access to justice for children and young people. We naturally see ourselves as integral to that process and little thought that we would have to fight for our own existence in order to preserve it. It is a measure of the threat posed by the Carter review that the ALC is now engaged in an extensive campaign to persuade the Government that a payment scheme that further reduces the number of specialist solicitors able to run economically viable practices representing children and families is an entirely false economy, is bad for children, bad for society and bad for the country as a whole.

Carter takes centre stage for obvious reasons. It is not however, the only challenge to effective access to justice for children currently posed by the activities of our politicians. Indeed, the range of issues with which we as an organisation are now required to contend seems ever increasing.

Central amongst these currently is the issue of openness. In the context of the Lord Chancellors assurance in the report of the House of Commons Constitutional Affairs Select Committee, "Family Justice: The Operation of the Family Courts Revisited" that "The interests of the children involved in family proceedings are, and must remain, paramount. We will not take any steps to increase transparency in the family courts unless we are certain that children are protected", the DCA consultation paper "Confidence and Confidentiality: Improving Transparency and Privacy in Family Courts" is characterised by virtually no mention of the interests of children.

Again, we see that the professed desire to ensure that every child matters appears not to be reflected in key proposals for reform. Finding the correct balance between the justifications underlying the suggested reforms on access to family courts and the practical impact is rooted in ensuring that any increased openness has at its centre the protection of the welfare of the child on a discernible practical level. Greater openness must be founded on this key principle and not on a knee jerk reaction to a politically topical issue or sectional interest. Although we are dealing with questions concerning the interests of children and young people, which require a firm evidence base if they are to be resolved, we are required to engage in an essentially political campaign to ensure that those interests are safeguarded.

There is a wealth of additional issues where engaging in politics is required to influence outcomes for children and young people. The Government's refusal to increase the budget for the Children and Family Court Advisory and Support Service, when taken with the additional obligations imposed upon CAFCASS by the Adoption and Children Act 2002, leaves CAFCASS struggling to meet an increased level of responsibility for children. At a time when around 2,000 children are detained with their families each year for the purposes of immigration control, the Government remains stubbornly opposed to removing its reservation on the United Nations Convention on the Rights of the Child in respect of unaccompanied asylum seeking children. Every child matters, except where political interests are involved.

Many of us would shrink from a position that would attract the label of political activist. Our duty, it may be convincingly argued, is limited to advising and representing our clients to the best of our ability on the basis of the laws enacted by our politicians. However, it is also our duty as family lawyers to shape the law and the system by which it is applied, to take an active role to ensure that our hard won expertise is directed at promoting the development of the law and systems relating to children in a manner that ensures their interests continue to be safeguarded and promoted. As members of the ALC, that duty includes ensuring that effective access to justice for children and young people is assured within this jurisdiction.

Benjamin Disraeli said that finality is not the language of politics. We can expect more consultations on and proposals for reform in the family justice system. Sadly, we can also expect that those consultations and proposals will have to be rigorously scrutinised to determine whether the interests of children and young people are properly reflected in them and that political campaigns will be required where they are not.

It is more vital than ever that members of the ALC continue to contribute fully to the debates that influence the law and the evolution of the family justice system and which affect the extent to which children and young people are able to gain access to justice. Whether you see yourself as politically active or not, the time has come to join battle.

---

**Alistair MacDonald and Caroline Little**  
Co Chairs, Association of Lawyers for Children

# Carter and Legal Aid

## A Sustainable Future

**A briefing paper on the implications for family practitioners – with particular reference to public law.**

### THE BACKGROUND

**How did we get here?  
The key milestones...**

#### CHILDREN ACT 1989

“The Children Act has arrived... how will success be measured? Parents involved in Care Proceedings who feel that they have been allowed their say and the children themselves – better represented and better protected” *Lord Mackay of Clashfern, Lord Chancellor, October [1991] Fam Law 393.*

#### AVOIDING DELAY IN CHILDREN ACT CASES – Dame Margaret Booth 1996

Pronounced the legislation to be sound but identified scope for improvements in operation – particularly better resourcing and partnership working, and firm judicial case management.

#### SCOPING STUDY ON DELAY IN CHILDREN ACT CASES – LCD 2002

Findings led to the establishment of the Lord Chancellor’s Advisory Committee on

judicial case management in Public Law cases and the creation of the Protocol for Judicial Case Management.

#### EVERY CHILD MATTERS – CM 5860 – September 2003

“Sadly, nothing can ever absolutely guarantee that no child will ever be at risk again from abuse and violence from within their own family. But we all desperately want to see people, practices and policies in place to make sure that the risk is as small as humanly possible” – *Tony Blair – foreword.*

#### DELAYS IN PUBLIC LAW CHILDREN CASES – Ernie Finch May 2004 – report to DfES and DCA Ministers

“It is generally agreed that there is nothing fundamentally wrong with the Children Act 1989. What is required is operational reform of the system which delivers it.” Identifies principal causes of delay – primarily lack of resources within Social Services departments, CAFCASS and the legal system. The report indicates one of the causes of delay as being the

“inadequate number of specialist legal professionals to represent children and families...”

Recommendations within the Report relevant to this briefing paper include :

Recommendation 4 – Give funded advice and advocacy support to the parents and families at a much earlier stage. Use specialist solicitors and groups such as

FRG to explain the situation, their options and how the process will proceed through the court and what the outcomes will be.

Recommendation 14 – The Legal Services Commission should address payment concerns before they lead to further shortages of specialist practitioners and impacts delay.

#### A FAIRER DEAL FOR LEGAL AID – DCA 2005

Pronounced that between 1999/2000 and 2004/2005 the cost of public law family legal aid had increased by 77%. The volume of case increase was 37%. The statistics did not identify the division between profit costs and disbursements, including experts’ fees. Provided the impetus for the...

#### CARE PROCEEDINGS REVIEW – MAY 2006

The terms of reference for the Review were published within the *Fairer Deal* document (supra). The Review was undertaken between July 2005 and January 2006 and was enjoined to consider, inter alia, making the system as effective as possible in delivering the *Every Child Matters* agenda. It was required to examine the way in which the core principles of the Children Act are best met by the “current, over-represented approach within the Courts, and... whether these principles could best be met by using a more inquisitorial system”. It reached relatively low-key conclusions, despite the somewhat alarming nature of its terms of reference, whose primary focus appeared to be on costs reduction

rather than child protection. To its credit, the review team clearly recognised the complexities of the care system and the way in which the interaction between all the various agencies involved rendered any "quick fix" solutions unsustainable. It made recommendations designed, inter alia, to ensure:

- a) that families and children understand proceedings and are, as far as possible, enabled positively to engage with the system
- b) an improvement in the quality and consistency of s31 applications
- c) improved case management
- d) that (subject to Lord Carter's conclusions) LSC funding for care proceedings should be limited to solicitors who are members of the Children Panel.

The recommendations are largely laudable and, in the main, uncontroversial.

Which leads us to...

## REVIEW OF LEGAL AID PROCUREMENT – LORD CARTER OF COLES

July 2006

([www.legalaidprocurementreview.gov.uk](http://www.legalaidprocurementreview.gov.uk))

Although primarily concerned with Crime, Lord Carter also considered Civil and Family procurement. However, whereas he provided detailed financial proposals in relation to crime, his findings in relation to Civil and Family are confined to principle, leaving the detail to be set out in the LSC/DCA consultation (see below). His findings of particular relevance to this briefing paper include:

1. In the *foreword* – "I have been impressed by the deep dedication and integrity of the professionals involved in legal aid work, and their real commitment to the principles of legal aid".
2. The importance of sustaining a "good quality supplier base" (recommendations 4.24, 4.32 and 4.35). He specifically recommends that the LSC ensures that its fee levels are

consistent with sustaining that good quality supplier base, whilst inevitably ensuring that the fees are sustainable within the overall budget.

3. The vulnerability of the current supplier base and the need to encourage young solicitors into the field.
4. He recommends replacing the current "ex post facto" payment scheme for s.31 cases with a system of "graduated" fees, aligned to the stages set out in the Protocol. All other public law work to be kept "under review". He also recommends moving private law children work into the direction of "graduated fees".
5. He envisages the introduction of competitive tendering by 2009 and, whilst ostensibly recognising the special considerations which must apply to niche practices (with particular reference to public law children specialists), extols the belief that, in terms of legal practice sizes, big is beautiful.

What Lord Carter does **not** do is acknowledge and address the growing problem of unmet legal need with its consequent impact upon the numbers of litigants in person, and the additional costs which they generate... although his welcome acknowledgment of the need to encourage young practitioners is perhaps indicative of his recognition that Children Panel solicitors in particular are getting older, with currently only 15 Panel members under 30, and the vast majority being nearer to pension age than they care to admit.

And the final, horribly mis-matched piece of the jigsaw...

## LEGAL AID: A SUSTAINABLE FUTURE – CONSULTATION PAPER DCA/LSC JULY 2006

This document puts the flesh on the bones of Lord Carter's recommendations, and was published on the same day. Given its common part-authorship with the Care Proceedings Review, it raises

serious questions about departmental communication. It begins with a generous Ministerial endorsement of the legal aid system "built on the work of a skilled and committed supplier base".

Unfortunately, that generosity of spirit (which in practical terms has been demonstrated over the last dozen or so years with only one rate increase) is not replicated in the proposals within the consultation paper. The most significant **points** are as follows:

1. The Consultation pays lip service to the Carter recommendation of graduated fees by announcing a proposal for **fixed** fees – but calling them **graduated** fees. They bear no relation whatever to the relatively sophisticated scheme applied to the Bar, with its bolt-ons and special issue payments. For public law cases, it would work as follows:

Level 1 – Initial advice: at non-London rates, the proposed fee would be £159 to cover initial advice and support, pre-proceedings. It would seem that there is no likelihood of this being available to support the child through his/her Guardian, although arguably it might be available for the older, competent child.

Level 2 – Negotiation: this would allow for a further payment of £296 to cover the equivalent of 6 hours' work (irrespective of the time spent) to cover initial advice and support in s 31 proceedings. In the words of the Consultation Paper (para 7.27).

"we consider that, as the process may be a lengthy one involving negotiations and meetings with Local Authorities and the clients involved are likely to have complex needs, a new level of service is required that pays a fee based on a higher rate than Legal Help."

This level is expressly restricted to parents/ those with PR who have received written notice of the Local Authority's intention to issue s 31 proceedings.

Level 3 – Full representation. – this is divided into three sections ( and refers to proposed rates in FPC/County Court outside London – slightly higher rates apply to High Court)

3a All steps up to and including the CMC:

if representing a	Child	£840
	Parent	£729

3b All work up to and including pre-hearing review:

	Child	£980
	Parent	£1020

3c All preparation for the final hearing:

	Child	£909
	Parent	£950

Advocacy is also proposed to be on a fixed fee basis, regardless of whether the final hearing lasts half a day or 10 days. The fees suggested are identical whether acting for parent or child and are as follows:

Level 3a	£285
Level 3b	£443
Level 3c	£502

Thus the graduated/standard fee for litigation will be £3959 if representing a child, and £3929 if representing a parent. It should also be noted that at 7.7 the intention is evinced of including the cost of advocacy within the remuneration scheme as soon as practicable.

Payment will be at hourly rates if the incurred costs are 4 times the fixed fee – so if the child's solicitor costs are £15836 or more, the entire fees will be paid on hourly rates: if the costs are £15835, the solicitor will be paid £3959.

This scheme is expressed to be costs neutral but must be considered in tandem with the DCA's own figures for 2004/2005, which indicate that the average Solicitor's bill for a care case was £4516. This figure must be seen in the context of it being an average of all bills – and some parents play only the most marginal of roles in care proceedings, resulting in very limited costs being incurred. The costs incurred by children representatives and fully-engaged parents will be substantially in excess of the peripheral parent.

Evidence collated thus far suggests that Children representatives commonly incur costs in excess of £6000 and frequently within the band of £8000-£15000. The percentage reductions in fee-income in an area of already marginal profitability are self-evident. The proposed new regime will at best encourage corner-cutting and unsafe practice and at worst mean that the only represented parties are those with no significant part to play – eg the father who knows that he is likely to be excluded by DNA evidence, or who has nothing to offer the child in terms of care. Is this really what the Government intends?

For good measure – “no uplifts or bolt-ons will be available for related private law proceedings covered by the certificate or placement order applications. Nor will separate certificates be available for these. It will therefore not be possible to claim other costs of the proceedings covered by the graduated (*sic*) fee” so any contested placement applications following on the heels of a s 31 application will not be paid for at all, unless the case reaches the escape clause.

2. The treatment proposed for private law family matters (including all children cases – not least the often very challenging r 9.5 cases) is somewhat similar, again with 3 levels. The first – dealing with the first meeting with the client and all associated work – would attract a fee of somewhere between £92 and £113, depending upon the fees model adopted. The second level envisages more detailed work with the client, support within alternative dispute resolution, evidence gathering and all litigation steps short of representation. This would attract a fee of between £280 and £320. Finally, level 3 encompasses everything up to a final hearing including advocacy and merits a proposed fee of between £967 and £1083 – in other words, on the most generous interpretation, a private law case whether for residence, ancillary relief or almost anything else would attract a maximum fee up to the final hearing of £1516 irrespective of complexity. The escape clause is again fixed at 4 times the rate, – so even the most complex of cases will attract a maximum fee of £1516 unless

costs exceed £6064, where the escape clause bites and hourly rates apply – a wonderful incentive for the unscrupulous to spin cases out. For the moment at least a contested final hearing would attract hourly rates – a sure incentive not to settle – but the cost of any intermediate advocacy by counsel (presumably to include finding of facts hearings) would have to be met by the solicitor out of the fixed fee set out above, and the levels negotiated with counsel.

3. The proposals, if adopted, would abolish in one fell swoop all incentives for solicitors to work towards the standards implicit in Panel membership. At present we have the Family Law Panel – membership of which is designed to indicate general competence; the Advanced Family Law Panel – which denotes specialist expertise in the subjects selected; Resolution (formerly SFLA)'s specialist accreditation panel – also denoting expertise in the areas selected; and the Children Panel, long regarded as the benchmark of excellence in Children work. The paper says:

“we believe that in line with Lord Carter's recommendations and the development of the Preferred Supplier it is no longer either necessary or desirable for us to award additional payments to members of recognised panels.” (7.65).

At 7.19 the paper says:

“Over some years, panel membership has been encouraged by the payment of a 15% 'uplift' in fees in appropriate cases, but this has not secured sufficient capacity to take on all cases. Furthermore, with the introduction of graduated fees, a separate incentive to suppliers to deploy specialist expertise to conclude cases expeditiously is no longer required... The fees would therefore apply to all suppliers, without uplift”.

The obvious conclusions to draw are as follows:

1. The LSC believes that the incentive provided thus far for panel membership is inadequate and therefore rather than consider any

additional incentive, they will abolish all incentives;

2. The impetus for using specialist expertise to conclude matters expeditiously no longer applies because practitioners will not be paid any more if a case is protracted (unless it is protracted enough to reach escape levels) – which leads inexorably to the conclusion that the LSC was encouraging excellence not as a means of providing the best quality service to vulnerable litigants but in the hope competent Solicitors would achieve a speedier and therefore more economical solution.

Curiously, the consultation questions are worded in a manner which implies that the LSC considers that the abolition of the uplift would of itself encourage experienced practitioners to undertake work – see Q7.8.

And now a few **statistics**:

1. Since 2001 the number of family law legal aid contracts has fallen from 4593 to 2784. Anecdotally, many firms, especially in rural areas, do relatively small amounts of publicly-funded work but retain their franchises as a service to clients. They are likely to disappear under the Carter “big is beautiful” ethos, with particular implications for those firms serving ethnic minority clientele (which firms, traditionally, tend to be smaller) and in North Wales for those offering a bilingual service.
2. Spending on criminal legal aid has increased by 37%: spending on civil and family legal aid has decreased by 24% – *Harriet Harman, speech to the President’s conference, 22 May 2006*.
3. Between 2004 and 2005, public law applications increased by 1% and private law applications decreased by over 6%. There was a decrease in s8 orders of almost 16% and a decrease in adoption orders of over 10%. – *Judicial Statistics Annual Report 2005 DCA May 2006*.

4. In North Wales the number of firms offering legal aid work has shrunk dramatically in recent years. In Bangor, Caernarfon, Llangefni, Holyhead and Llandudno there are two firms per town, with one of the Bangor firms being also one of those in Caernarfon and Holyhead and one of the Llangefni firms being one of those in Caernarfon. There are 6 firms with active children panel members covering 6 Local Authorities. This means that it is already extremely difficult for all parties in care proceedings – many of whom will have limited means to fund the cost of travel – to secure representation. This pattern is not unique to North Wales and is likely to be replicated in particular in non-metropolitan areas.

The **implications** of all this:

1. For the Courts and the Judiciary: more litigants in person, with consequential reduction in settled cases; inadequate documentation and extended hearing times;
2. For solicitors: many solicitors have made a conscious choice to undertake Care work despite the poor levels of remuneration when compared to privately paying work and civil litigation. If the proposals are adopted, they are unlikely to be able to sustain the sorts of losses which would be incurred. The LSC fixed fee structure relies upon large volumes for a “swings and roundabouts” philosophy to apply. Children representatives tend to have numerically few cases; the more experienced have the more complex cases – they are very unlikely indeed to have the very simple cases which would be required to balance out the very many cases whose value would exceed the fixed fee. Solicitors undertaking privately-paying work will find themselves subjected to increasing competition as the publicly-funded solicitors abandon their work in favour of private clients.
3. For the Bar: their payment rates are largely untouched both by Carter and by the DCA/LSC consultations, but

they have an interest in the outcome because there may be no solicitors left in the public law trenches to instruct them.

4. For CAFCASS: the tandem model could collapse, leaving Guardians not only without representation but also without the enormous amount of consultation, advice and general support which goes on quietly behind the scenes.
5. And most importantly of all – for the Clients – parents and children alike – who are at risk of being left unrepresented. The tandem model was enshrined in the Children Act to guard against the institutional neglect which led to the Tyra Henry, Maria Colwell and Jasmine Beckford tragedies. It would be highly ironic if its demise was brought about as a consequence of the failure to curb spending on criminal legal aid. It will be increasingly difficult for clients to secure representation whether as children’s Guardians; or as parents whose children are the subject of care proceedings or for private children work. There is also a significant risk of the victims of domestic violence being unable to secure representation – another irony in the light of the current Government’s expressed commitment to supporting such victims.

So please – **respond** to the consultation. The closing date is 12 October 06, The questions specific to family law are from 6.1 – 7.13, although there are relevant generic questions in 5.1 – 5.4 and from 10.1 onwards.

---

**Sally Dowding**

(sallydowding@elwynjones.co.uk)

10 August 2006.

Please note: the views expressed above are my own and so are any errors!

The rates indicated are those mentioned in the original paper – slightly revised figures have now been published.

# Separate Representation of Children

## Consultation to Inform the Content of New Court Rules

Children involved in public law proceedings are entitled to representation by a CAFCASS guardian and a solicitor (usually from a private practice), and are made a party to the proceedings. However, children involved in section 8 Children Act 1989 private law proceedings do not automatically have party status and the representation that accompanies it, unless the court makes an order to this effect under Rule 9.5 of the Family Proceedings Rules 1991. This provision allows a child to be legally represented by a solicitor who will usually be working in partnership with a guardian in a way that is comparable to the representation received by children who are the subject of public law proceedings.

Evidence has shown that separate representation is often ordered after the proceedings have been under way, sometimes for many months, or after a number of episodes of completed proceedings, as a tool to reduce inter-personal conflict between parents, or a means to secure expert assessment. It is also clear that the frequency with which separate representation is ordered varies greatly in different court circuit areas.

Section 122 of the Adoption and Children Act 2002 amended the Children Act 1989 to allow court Rules to be made to provide for children to be separately represented in all section 8 private law cases by making such cases 'specified proceedings' in line with public law proceedings. However, the Government has always been clear that such provision is only relevant for a small proportion of children who are involved in private law proceedings arising from parental conflict.

In order to ascertain the effect of separate representation on children the Department for Constitutional Affairs commissioned research into the operation of Rule 9.5. While the research did not provide evidence to support the extension of the provision of separate representation to all section 8 cases, it has served to inform the proposals set out in this consultation paper, which are intended to achieve the best possible outcomes for children experiencing parental conflict who become the subject of private law court proceedings. There is also a need to ensure that consideration and use of separate representation is consistent across all areas and levels of court.

The need to make new court Rules was acknowledged in a written ministerial statement on 11 January 2006, which made it clear that new Rules of court would be developed. New Rules will now be established so that those children who need separate representation are provided with that in a timely and appropriate way.

**The deadline for response to this consultation is the 8th December 2006. The consultation paper is available from the DCA website at: [www.dca.gov.uk/consult/separate\\_representation/cp2006](http://www.dca.gov.uk/consult/separate_representation/cp2006)**

# Lord Carter's Review

## The key issues for the ALC

### Introduction:

The final report from the Carter Review Team, "Legal Aid – A Market Based Approach to Reform" was published on 13th July 2006 accompanied by a Consultation Paper from the DCA/LSC on the topics raised by Carter and on the new Unified Contracts proposed by the LSC.

A full reading of the report and associated consultation paper is essential (both documents can be found at [www.dca.gov.uk](http://www.dca.gov.uk)). However, The key developments for the family law field appear to be as follows:

### Lord Carter's Final Report:

- Recommendations made on family legal aid should support the rationalisation and simplification of these legal processes through encouraging earlier resolution where appropriate, and controlling expenditure.
- Suppliers of civil legal aid should provide a more efficient client focused service concentrated around meeting differing local needs through the establishment of community legal advice centres and community legal advice networks, in line with the Legal Services Commission's strategy for the Community Legal Service.
- The Legal Services Commission should explore the possibility of firms and not for profit agencies expanding into other categories of civil and family law. Depending on the area and the nature of the service, suppliers should be

encouraged to develop services across a wider area of categories of civil and family law than is currently the case.

- There should be a wholesale move towards fixed pricing for work to reward efficiency and suppliers who can deliver increased volumes of work. However, pricing should be graduated for more complex work so that cases genuinely requiring more expertise and effort are priced fairly. Exceptionally complex cases should be managed and paid for under individual case contracts with only the most experienced, competitive and competent legal teams providing the service.
- A new graduated fee scheme for solicitors in private law family should be in place by April 2007. This scheme should provide a structured framework for replacing tailored fees for legal help and payment at hourly rates for work in court.
- The Legal Services Commission should ensure the fee levels they are proposing for private law family are sustainable within the overall legal aid budget, and consistent with maintaining a good quality supplier base.
- The move to the family help procurement scheme from April 2007 should be seen as paving the way to a graduated fee scheme for solicitors in private law family that includes the final hearing stage from autumn 2007.
- A graduated fee scheme for solicitors in childcare cases should replace the current system of payment at hourly rates in court, as well as encourage

earlier work by solicitors before proceedings are initiated. This should be in place from April 2007.

- The Legal Services Commission should replace the current public law children ex post facto scheme with a graduated fee scheme aligned with the Judicial Case Management Protocol for Care Proceedings.
- Other public law children work, that is not covered by the graduated fee scheme, should be kept under review by the Legal Services Commission and DCA, and consideration given to expanding the graduated fee scheme if volumes and costs increase in other public law children work.
- The Legal Services Commission should ensure the fee levels they are proposing for the new public law children scheme for solicitors is sustainable within the overall legal aid budget, and consistent with maintaining a good quality supplier base.
- The Legal Services Commission should encourage growth in family provision through best value based bidding on contract sizes and length of contract by 2009, but subject to the need to maintain a variety of good quality, efficient suppliers within the family justice system.
- The Legal Services Commission should consider the possibility of tailoring family contract sizes in relation to quality. For instance, a firm with a high peer review score, who might be prepared to be subject to more stringent performance targets, could

be offered an extended contract, e.g. up to five years, with a three year break clause to check their progress against targets. Equally, a firm with a low peer review score, but who are prepared to improve to meet more stringent standards, could be offered a shorter length of contract, to enable time to improve with close monitoring from the Legal Services Commission.

- New forms of contracting should promote greater links between civil suppliers, and where possible, greater links with family law suppliers, so that the clusters of problems faced by many clients are dealt with more effectively.
- There should be a minimum standard of quality for all legal aid practitioners assured through peer review. The process of reviewing and assessing the quality of individual suppliers should begin immediately and complete by April 2009 at the latest.
- The Legal Services Commission should continue to set quality standards, but in line with legal services reform, the responsibility of quality assurance should pass to the legal professions through their relevant professional bodies.
- In particular, the quality of advocacy services, including their quality of interaction with the courts, should be developed in time for the introduction of new procurement schemes in April 2007.
- The Legal Services Commission should begin from July 2006 a national rollout of peer review assessment for all firms seeking a place in the new market so that the introduction of best value tendering can take place from April 2009 onwards. The Legal Services Commission should adopt four criteria to plan the rollout of peer review:
  - Greatest quality impact for clients;
  - Greatest opportunity to restructure the local market;
  - Ensure a level playing field for all firms until best value tendering takes place; and
  - Assess the impact on the justice system.

- A new structure of stakeholder engagements should be put in place. This will be a platform for improved and constructive relationships between DCA, the Legal Services Commission and the key stakeholders that are essential to a sustainable settlement for the long-term.

### DCA/LSC Consultation Paper:

In response to Lord Carter's final report, the DCA and LSC have issued a Consultation Paper. Unlike the proposals for crime, it is this consultation paper which sets out the proposals for family and civil legal aid in detail and therefore should be read with the final Carter report.

- Sets out a list of questions for comment on Lord Carter's recommendations for criminal legal aid.
- Sets out and invites comments on proposals developed by the Legal Services Commission, together with the Carter Review team, for new remuneration schemes for many areas of legal services provided under the Community Legal Service (civil, family and immigration legal aid).
- Sets out proposals by the LSC for a new Unified Contract that will underpin the introduction of these reforms and the Preferred Supplier scheme.

### The Unified Contract/ Preferred Supplier:

From April 2007 the LSC propose that the new Unified Contract will cover all the work of the organisation rather than a contract with individual offices. The main points of principle that will be included in the contract and on which the consultation seeks practitioners' views are as follows:

- The introduction of a minimum fund take, either £25,000 or £50,000 per annum, as a prerequisite for obtaining or keeping a Unified Contract.
- Providers that have a CCA score of 3 will not automatically be offered a new Unified Contract.
- Providers with outstanding critical quality concerns will not automatically be offered a new Unified Contract.
- An end to Licence only contracts.
- Sanctions under the contract to become effective immediately.
- Contract Terms, price, service structure and volume to be amendable on notice.
- In line with the proposals in the Preferred Supplier consultation, the required quality standard as measured by peer review, will be a peer review score of 1 or 2.
- The SQM will no longer be a standalone document and the key elements will be included in the Unified Contract.
- There will be the same contract terms for both solicitors and NfP organisations.
- The current contract allows for annual reconciliation of payments against work reported. It is the intention that all providers will be reconciled to 100% by April 2008 and thereafter to 100% at the end of each subsequent financial year.

---

#### Alistair MacDonald

Joint Chair, Association of Lawyers for Children

# Fancy that!

Just thought you might like to be reminded of this extract from a speech by Harriet Harman to the judiciary on 22 May 2006.

**The need for good public funding of family legal work**  
Harriet Harman

"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.

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."

# Relocation cases

In the current issue 3 of *Child and Family Law Quarterly* (CFLQ) Mary Hayes, Emeritus Professor of Law at the University of Sheffield and Visiting Professor at the University of Swansea, argues that trial judges are being prevented from exercising their discretion in relocation cases in a broad and principled manner by strong rulings from the Court of Appeal.

Relocation decisions have a profound affect on the ability of children to maintain frequent contact with their fathers. In the author's view, the 'discipline' recommended in *Payne v Payne* [2001] EWCA Civ 166, [2001] 1 FLR 1052 and entrenched as a ruling of law by subsequent Court of Appeal judgments, is misguided. The gloss *Payne* places on the welfare principle narrows the proper application of that principle and is biased towards the residential

parent, almost invariably the mother. As a consequence, the Court of Appeal is overruling decisions of trial judges to refuse leave to relocate in circumstances where the House of Lords has ruled that an appellate court should refrain from intervening. CFLQ is published by Jordan Publishing.

**For information on how to subscribe contact Heidi Cox on 0117 918 1224.**

# The Pre-Proceedings Protocol

## – From Conception to Implementation

### Practice Issues – Part III and Part IV

Practitioners are acutely aware on a daily basis of the impact upon vulnerable children and young people of a failure by Local Authorities to work effectively with families under Part III of the Children Act 1989, compounded in many cases by a failure to prepare properly for applications under Part IV of that Act where proceedings become necessary. These failures lead in turn to delay, increased expense and, ultimately, to poor outcomes for those children and young people.

The DCA / DfES review entitled *Review of the Child Care Proceedings System in England and Wales* (Department of Constitutional Affairs 2006) contains proposals designed to remedy these issues by ensuring more effective early intervention in families in which the welfare and safety of children is threatened and a more rigorous approach to preparation for Court proceedings where those proceedings must be issued.

It is worth noting at the outset that many of the proposals contained in the DCA/DfES Review represent considerable input from those family practitioners engaged on a daily basis practising in the system that the Review seeks to reform. By applying this experience, coupled with evidence from research, to the debate from which the proposals in the *Review of the Child Care Proceedings* are drawn, practitioners were able to ensure that many of those proposals are based soundly in the practical, take proper account of research and are aligned properly with the needs of children and

families. The *Review of Child Care Proceedings* demonstrates what practitioners can achieve by engaging in and contributing to the policy debate.

### The Pre-Proceedings Protocol – Conception

Central to implementation of the recommendations in the Care Proceedings Review, and to resolving the practice issues under Parts III and IV is the proposal for a Pre-Proceedings Protocol. In his speech to the ALC Conference in November 2005, Sir Mark Potter, President of the Family Division, outlined his vision of the revised framework within which such a Pre-Proceedings Protocol would operate.

The framework envisioned by the President is one based on a “problem solving” approach designed to ensure proactive as opposed to reactive intervention under Part III of the Act or, if required, under Part IV. This approach is based on the “treatment evaluation for rehabilitative care” model used by healthcare professionals. The foundation of that model is the Case Plan, which, within the context of proceedings under the Children Act 1989, would contain the following key elements:

- (a) The key issues in the case.
- (b) The goals that need to be achieved for the child in question to receive the standard of care that he or she needs.
- (c) The components of those goals – i.e. clear and unambiguous inter-disciplinary advice on the steps necessary to achieve the goals.
- (d) A child centred timetable for the achievement of the goals and for decisions in the case.

- (e) Accountability for the delivery of the case plan and its component parts.
- (f) A mechanism for the re-evaluation of the case plan to take account of any change of circumstances.

It can be seen immediately that the key elements of the case plan also equate both with the key elements necessary for effective working with families under Part III of the 1989 Act and with the key elements of proceedings pursuant to Part IV of that Act, providing a framework in which to pursue concurrent planning for such proceedings should they be required. Elements (a) and (b) constitute those matters which are likely to comprise the threshold criteria pursuant to s.31(2) of the 1989 Act. Element (c) will describe the essential elements of an interim care plan. Finally, element (d) will proscribe the case timetable, the primary device for protecting the child from the detrimental effect of unnecessary delay and poor planning.

### The Pre-Proceedings Protocol – Implementation

Thus, within the foregoing framework, the Pre-Proceedings Protocol concept seeks to ensure consistent and effective application of good practice under Part III of the Children Act 1989 with a view to achieving a position whereby proceedings pursuant to Part IV of the Children Act 1989 are avoided where safe and appropriate, and that concurrent preparation takes place to ensure rigorously prepared applications under Part IV of the Act should proceedings be required.

As I have observed elsewhere (*Family Law* [2006] p.190), the Pre-Proceedings

Protocol, and the principles which underpin it, represent a tangible and tantalising move forward in the approach to working with families under the Children Act 1989, and in particular a welcome move away from the process based methodology that so bedevils much of the work currently undertaken pursuant to Part III of the Act. Within this context, and having regard to the President's proposals and the report of the Care Proceedings Review, I seek here to examine the key elements that the proposed Pre-Proceedings Protocol may contain upon implementation. However, before doing so, reference must be made, once again, to the issue of resources.

## Resources

Integral to the successful and effective operation of a Pre-Proceedings Protocol is the proper resourcing of the elements key to its implementation. The need for proper resources to be brought to bear is particularly acute in relation to the following areas:

- (a) A radical increase in the number of properly trained and skilled front line social workers is needed to ensure the effective application and operation of an "early intervention/treatment evaluation" based problem solving approach.
- (b) Proper resourcing of CAFCASS and the creative management of its resources by that organisation is required to ensure that the interests, views and wishes of subject children and young people are fully represented in a consistent manner within the pre-proceedings process.
- (c) Proper access to, and therefore sustainable and viable funding for, early and independent legal representation for parents and children at the pre-proceedings stage is vital to ensure that families have access to independent advice on their situation, including proposals of the Local Authority, their options legally and practically and what they need to do to influence positively the outcome for their children.

- (d) Sufficient specialist lawyers (both in private practice and within Local Authority legal departments) must be available to facilitate the progress of both the pre-proceedings process and any subsequent proceedings. This will require remuneration to be sustained at a level that will ensure the retention and recruitment of specialist family practitioners. The current DCA/LSC proposals for reforming remuneration for child care solicitors arising from Lord Carter's Review fail utterly to meet this requirement.
- (e) Consistent provision must be made on a national basis for early intervention and advice from multidisciplinary teams of professionals, including those with clinical experience of children and families.
- (f) Sufficient specialist judiciary (with significantly more family sitting days in some areas) are required to give proper effect to the concept of early neutral evaluation and to ensure procedural and legal rigour is maintained from the outset of proceedings with the concomitant reduction in delay and promotion of sustainable outcomes.
- (g) The availability of cross-departmental budgets is key to ensuring resources are available to sustain therapeutic input or other specialist services for parents, children and families where the same are demonstrably in the child's interests.

Unless these resource issues, human, structural and financial, are addressed, the proposed Pre-Proceedings Protocol will struggle to meet its full potential.

## Good Practice Guidance

The first element central to the implementation of a Pre-Proceedings Protocol as envisaged by the final report from the Care Proceedings Review is the comprehensive revision and centralisation of current good practice pertaining to work under Part III of the Children Act 1989.

At the present time, the good practice guidance relevant to practice under Part III of the Act is extensive in nature, widely dispersed in location and difficult for Social Workers and other professionals involved in the family justice system to access in the context of everyday practice (practitioners should note that the Law Society publication entitled "*Child Law Handbook*" by the ALC's Liz Goldthorpe and Pat Munro brings together well the key elements from the disparate resources). Coupled with this situation, there at present exists no formal method by which amendments and revisions to applicable good practice standards can be communicated on a consistent and planned basis to social work practitioners. The upshot is that the application of good practice varies markedly from region to region. The proposed Pre-Proceedings Protocol will endeavour to remedy this situation by bringing together in one place the key elements of good practice guidance. It is anticipated that this will involve the re-writing of Chapter 1 of the Guidance to the Children Act 1989. The DfES is hoping to publish a draft paper for consultation this autumn.

For such guidance to alleviate successfully current deficiencies in pre-proceedings practice, it should ideally be based around a framework of core elements including rights, duties, diversity, child centred practice, avoiding delay, partnership with families, the voice of the child, equality of arms, quality contact and a multidisciplinary approach to name but a few. This guidance will need to be made available to social workers and other practitioners in a usable format, accessible on a day-to-day basis so as to ensure that the central tenets of good practice are applied consistently in practice.

## Early Interdisciplinary Advice

The final report of the Care Proceedings Review also acknowledges the need for multi-disciplinary advice early in the pre-proceedings stage. Provision of such advice will be central to the operation of the Pre-Proceedings Protocol, aiding as it will the identification of key issues and in the planning of effective assessment and intervention.

The key difficulty in translating this ideal situation into practice within the context of a Pre-Proceedings Protocol is again one of resources. In many areas, the type of multi-disciplinary teams contemplated simply do not exist nor, apparently, is there the funding to set them up. Added to this is the continuing problem of scarce expert resources and the often disproportionate cost of instructing such experts. Finally, the report of the Chief Medical Officer, originally written in 2005, on the use of experts still has not been published and therefore the context in which access to specialist expertise would be facilitated is not entirely clear.

As with other resource issues, the paucity of multi-disciplinary teams nationally will have to be addressed if the Pre-Proceedings Protocol is to achieve its aims and objectives.

### **Pre-Issue Practice Direction**

The third key element of the Pre-Proceedings Protocol proposed by the Care Proceedings Review will be a new Practice Direction designed to ensure proper and effective preparation by Local Authorities of applications under s.31 of the Children Act 1989. Variation in the level of preparedness of applications coming before the Court has been identified as a key difficulty in the timely resolution of those applications. For example, research has shown that as many as 34% of cases are issued without a core assessment having been completed (Brophy, 2006).

The proposed Pre-Issue Practice Direction will provide Local Authorities with clear guidelines on the minimum standards required for the issue of proceedings under s.31 against which the readiness of an application for issue can be measured.

### **Procedural Reform**

The proposals for a Pre-Proceedings Protocol will necessarily result in a degree of procedural reform if they are to be effective. Chief amongst the reforms contemplated are the introduction of the

Case Plan, the introduction of some form of "family meeting" as an integral part of the pre-proceedings process and finally, the creation of a new directions appointment at the earliest stage of proceedings where the same are required.

### **Case Plan**

The key elements of the Case Plan have already been outlined above, central to this plan is the problem solving approach proposed by the President and that underpins the Pre-Proceedings Protocol as a whole. The Case Plan will encourage early issue identification and the garnering of adequate information on those issues from early on within the case.

### **"Family Meeting"**

Whilst there remains some controversy over the proper format of a family meeting, and in particular significant reservations concerning the "Family Group Conference" model, the Care Proceedings Review has acknowledged the need to ensure that families better understand the proceedings in which they are involved, the need to ensure their participation from the earliest possible stage and the desirability of a form of "family meeting" as a means of meeting these needs.

A perennial complaint from parents involved in public law proceedings is that they were not told by the social worker what was wrong, that they were told what was wrong but not how to fix it and, sometimes, that they were told they were doing well when in fact they were not. Within child protection processes parents and families often feel themselves a small boat in a stormy sea, blown in whichever direction the wind generated by the power of the Local Authority chooses to send them. This tends to result in the family battering down the hatches and weathering the storm defensively if they are able rather than working with the Local Authority to reach calmer waters.

The introduction of a specific meeting involving the family during the pre-proceedings stage will ensure that families are properly informed of what is wrong, what needs to be done to fix what is wrong, what assistance will be made available to fix what is wrong, how long they have to fix what is wrong and what will happen if they do not fix what is wrong. A family meeting will also ensure that families are fully involved in the planning that is required to answer and address each of these questions.

### **Children Dispute Resolution Appointment**

Effective work under Part III of the Children Act 1989 will, it is anticipated, reduce the number of cases that come to Court under Part IV of the Act. There will however be cases that require the intervention of the Court. In respect of these cases, the President has made clear that key to achieving continuity in the problem solving approach when moving into proceedings will be a revised early directions appointment (the provisionally titled "Child Dispute Resolution Appointment"). This new directions appointment will have the following key aims:

- (a) An early neutral judicial evaluation of the case.
- (b) The provision of interdisciplinary advice to the Court on key issue identification, case management and assessment.
- (c) Early and comprehensive case planning and management.

The procedural reforms set out above are likely in turn to require some revision of the Judicial Case Management Protocol to account for the matters now to be covered in the Pre Issue Practice Direction and for the creation of the new Child Dispute Resolution Appointment. The Care Proceedings Review contemplates the collapsing of many of the elements of Steps 1 through 3 of the Judicial Case Management Protocol into a single step.

## An Effective Way Forward

The ALC has consistently lobbied for a Pre-Proceedings Protocol and for the resources that are required to ensure that such a Protocol is able to meet its aims and objectives (see *Family Law, January [2006] p.3; Family Law, March 2006] p.190 and Family Law, August [2006] p.619*). The proposed Pre-Proceedings Protocol, and the principles which underpin it, represent a clear and important step in the right direction in working more effectively with families under the Children Act 1989, both before and within proceedings.

There remains however, much to be done. In particular, urgent work is still required within the context of the

recommendations of the Care Proceedings Review to guarantee the provision of a sustainable means of ensuring effective and independent representation during the pre proceedings stage for the child as an individual. Those charged with formulating the recommendations of the Care Proceedings Review have not yet grasped adequately the extent to which systemic resource issues, human, structural and financial, drive the problems that the Pre-Proceedings Protocol now seeks to address. Finally, having regard to hard pressed practitioners weary of initiatives, consultations and seemingly perpetual change, if the key elements of the Pre-Proceedings Protocol are to be effective they must change as little of the current system as possible whilst giving proper effect to the reforms that are needed.

As an organisation, the Association of Lawyers for Children will be represented on the bodies responsible for implementing the recommendations of the Care Proceedings Review, in particular the Ministerial Advisory Group and the Stakeholders Group on Care Proceedings. In this capacity we will continue our efforts to ensure that the Pre-Proceedings Protocol realises fully its potential, is properly resourced and, most importantly, is implemented in a manner that ensures effective access to justice for children and their families.

---

### Alistair MacDonald

Co-Chair, Association of Lawyers for Children

24th September 2006

---

# Searching for an Independent Social Worker?

---

**The NAGALRO Independent Social Work Directory is easy to search as it is on-line on the NAGALRO website <[www.nagalro.com](http://www.nagalro.com)>.**

It provides details of ISWs in all regions, and shows their qualifications, background and specialisms. Anyone applying to join the ISW Directory has to go through a number of checks and satisfy NAGALRO's criteria. All members have professional indemnity insurance.

Members include many very experienced ISWs from diverse backgrounds. Their specialisms include parenting assessments for courts, Form F assessments for local authorities, therapeutic work with children, cultural issues, assessments of attachment and contact, complaints investigation and others.

**Karen Harris at the NAGALRO office will be happy to assist anyone who has difficulty in locating a suitable ISW. Tel: 01372 818504 email: [nagalro@globalnet.co.uk](mailto:nagalro@globalnet.co.uk)**

# Substance Misuse Analysis for Family & Children Law

## Arjun Sikand BSc, MSc Trimega Laboratories

Substance misuse, which includes both drug & alcohol misuse, is not a new problem, but an escalating one within the UK as well as on a global scale. Not only are individuals affected by their own usage, but since the majority of substance abusers exist in a social context, which includes family members, either as parents, siblings, partners, children or wider kin (Velleman et al, 2003) the number of those affected are significantly increased.

Recent figures have estimated that there may be 250,000 – 300,000 people with a serious drug problem in the UK (Home office, 2002) and over 1.8 million adults using alcohol at a harmful level (more than 50 units a week for men 35 for women – Office of National Statistics, 1997). If we were to use a conservative assumption that every substance misuser will negatively affect at least two close family members (Copello et al, 2000), then approximately 4.2 million people in the UK alone are living with the negative consequences of someone else's drug or alcohol problem. This leads to a huge financial cost, where an estimated £40 billion per annum is spent on substance misuse in the UK, due mainly to expenditure on health and social care, absence from work, criminal activity, and costs to criminal justice system.

## What is Substance Misuse?

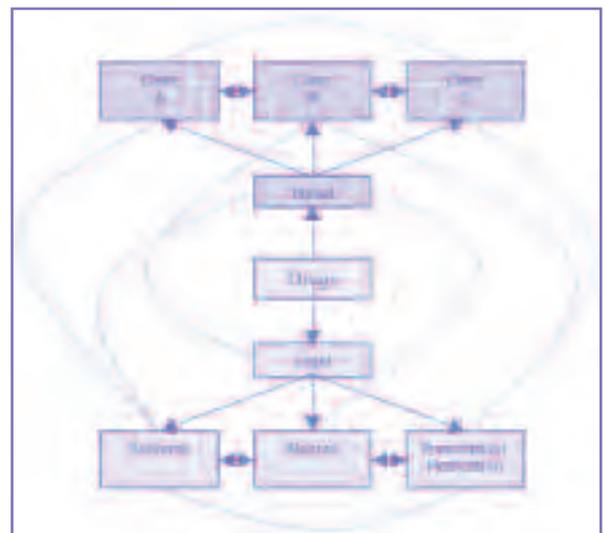
Substance Misuse can be defined as the use of illegal drugs and/or the misuse of other substances likely to lead to adverse physical and mental effects. There are many forms of substance misuse, and the motivation for consumption can range from recreation to depression; with possible serious health implications for users. Five stages can be used to define a user's progression through substance misuse, starting with experimentation, moving on to regular use, risky use, dependence and finally addiction. It is important to realise that substance misuse is treatable, usually with close cooperation between the user and the healthcare provider. Before any treatment can be offered, the first stage is to identify which substances are being misused, at what levels and over what periods of time.

Identification can be a complicated process due to all the different classification of substances (illegal, legal controlled & legal) and the interactions between substances. Some people will mix and match different drugs to get enhanced or new effects, or the two components are legal and easily available for example alcohol and over the counter pain killers (figure 1).

## Detection of Substance Misuse

Although alcohol is a drug, for the purpose of detection it is better to consider it in its own category separate from conventional "drugs", which can be defined as any substance that is used to modify a chemical process or processes in the body, for example to treat an illness, relieve a symptom, enhance a performance or ability, or to alter states of mind. A number of laws have been implemented in the UK to control the manufacture and supply of medicinal drugs (Medicines Act 1968) and prevent the misuse of non-medicinal drugs (Misuse of Drugs act 1971). Non-medicinal drugs are the drugs used for recreation and comprise mainly of psychoactive drugs, drugs that that affects the brain to produce alterations in mood, thinking, perception and

Figure 1 – Overview showing the many different interactions between legal and illegal substance misuse.



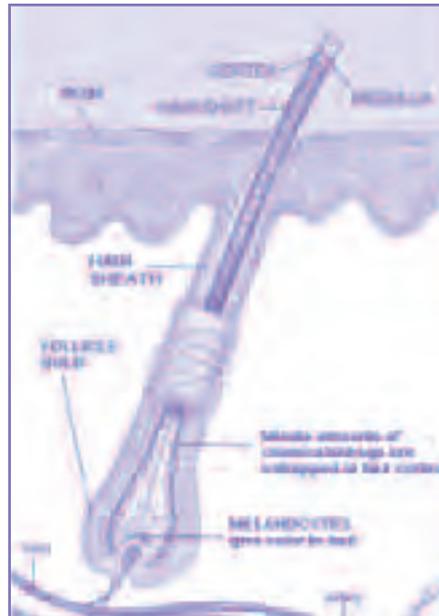
behaviour. There are four main ways by which they exert their effects; depress the nervous system, stimulate the nervous system, reduce pain & alter perceptual function.

In order to have the desired effect the drug must first be absorbed into the body, this can occur via various routes which include; Ingestion, Inhalation, Intravenous Injection & Intranasal Administration. The drug is converted by enzymes in the body into specific pharmacological metabolites which are excreted, most commonly via urine, but also by salivary glands, sweat glands or incorporated into growing cells/tissues (hair cells – figure 2).

Detection of drug misuse is evidenced by the presence of metabolites within the sample of blood, urine, saliva or hair. The choice of sample is determined by the specific objective, as each sample type has its own advantages and disadvantages, for example, the window of detection for a drug to be detected in urine/blood is 3-6 days (depending upon the drug). Therefore to establish that the drug was consumed recently a urine/blood analysis would be the best choice. However, if chronic misuse of a substance needs to be established, then hair analysis would be the better sample to use. Of course other factors such as possibility of adulteration of the sample, storage of sample, ease of collection and expense should all be taken into consideration.

Trimega Laboratories predominantly utilises Hair analysis, sometimes referred to as a trico-test, as the preferred method of drug detection. Numerous studies indicate that head hair grows at an average rate of 1cm a month, therefore for every 1cm length of hair we can go back 1 month in time establishing a historical pattern of misuse. However should the substance misuser be unable to provide a head hair sample, for whatever reason, we can also test body hair, but due to a differentiation between the lag and growth phases we cannot give a specific month by month breakdown but rather give the results over a 12 month period as we know body hair generally regenerates within 12 months.

Figure 2 – The incorporation of drugs into hair. Omega Laboratories



When hair is analysed for drug use, it is first washed to remove dirt and any external drug deposits, then stripped of melanin. The first stage analysis, known as a screening is performed by Enzyme Linked Immuno Sorbant Assay (ELISA) that detects not only traces of drugs but their metabolites; these are chemicals that appear only when the body has metabolized the drug. All positive samples are confirmed by gas chromatography/mass spectrometry (GC/MS). This second test has a cutoff level to eliminate specimens containing drug levels that could come from environmental exposure. To be considered positive a sample must show the presence of drug in these two assays using different techniques. This two step analysis protects against false positive reports.

The Parliamentary Office of Science and Technology states in a report published on Hair Drug Testing in the UK: 'Gas chromatography-mass spectrometry (GC-MS) is considered by the Forensic Science Service the gold standard in hair testing. It is usually the only test which is accepted in the Courts. GC-MS is the tool of choice because it has good sensitivity, selectivity, specificity, a high degree of

standardisation, sample throughput, and instrument ruggedness' (POST note 28, 2004).

## How is alcohol abuse diagnosed?

When alcohol is consumed it is absorbed from the stomach and intestines into the bloodstream and is transported to the liver where the toxins can be processed and removed. The liver is the first organ that all the blood from the stomach and intestines enters before circulating throughout the rest of the body. So, the highest concentration of alcohol will be in the blood flowing through the liver making it more prone to its damaging effects.

## Liver Function Test (LFT)

In order to perform all of the functions of the liver, the liver cells produce chemicals called enzymes which act as catalysts for the chemical processes (metabolism). When the cells are damaged due to excessive alcohol consumption these enzymes leak out into the bloodstream altering the normal levels in the blood serum and thus providing indicators to assess liver damage by way of a standard blood test.

The liver function test assesses a number of liver produced enzymes within a blood sample, which indirectly can tell you something about how the liver is working. The most common enzymes tested for are:

- Alanine Aminotransferase (ALT)
- Aspartate Aminotransferase (AST)
- Alkaline Phosphatase (ALP)
- Gamma-Glutamyl Transferase (GGT or "Gamma GT")
- Bilirubin
- Albumin
- Clotting Studies (Prothrombin Time)

Each of these enzymes have results assigned to them in numbers and values. Laboratories in the UK provides a "normal value" or "reference value" to the test,

which can give the doctor, nurse or specialist a guide as to whether or not your test is within the range for normal function or is outside of the normal range and may be abnormal. How abnormal can be assessed from the variation below or above the normal range. The level of accuracy in identifying whether an individual has alcohol dependency is greatly increased by combining the above tests. Moreover, the tests have a high negative predictive value (between 83 and 91%) making them very useful in identifying individuals who are not dependent.

## Carbohydrate Deficient Transferrin (CDT) Test

Transferrin (Tf) is a globular glycoprotein produced by the liver and found within blood serum. The primary responsibility of Tf is the transportation of iron, however, it is also one of the most accurate markers used to indicate chronic alcohol consumption by clinicians and researchers due to its sensitivity and specificity (Sillanaukee, P. 1996). Carbohydrate Deficient Transferrin (CDT) is a collective term referring to the isoforms of transferrin which are produced when blood alcohol levels are increased. Stibler & Kjellin (1989) first reported the increased presence of transferrin isoforms (transferrin protein molecules with slightly altered chemical structures by loss of carbohydrate molecules) in serum obtained from alcoholics, which normalised after abstinence with a mean half-life value of 14-17 days. This means that for most people who are alcohol dependent their elevated CDT level will be detected even if they have abstained for a short period before the test.

The current hypothesis for the mechanism is that increased ethanol in the blood affects the structure of the transferrin protein by removing/inhibiting the binding of carbohydrate molecules resulting in increased levels of CDT (Niemela et al 1995), which can be detected by means of a standard blood test conducted by a GP.

Studies have shown that CDT values increase after 10 days of alcohol consumption at a level of 50-80 g ethanol per day indicating consistent consumption (Anton et al. 1994), this makes CDT a suitable biochemical marker for routine work in the detection of alcohol abuse and for monitoring either abstinence or relapse during treatment.

## Interpretation of results

In interpreting the results from LFTs & CDTs, certain considerations must be taken into account. For example in a CDT test, false results may occur in individuals suffering from chronic hepatitis, cirrhosis and other related conditions, however these conditions would cause corresponding anomalies in the LFT results. For these reasons, combining LFT tests with a CDT test increases the level of confidence in results than simply utilising one test technology in isolation.

Drug Analysis, the LFT test and the CDT test are useful tools for specialists to call upon when dealing with drug & alcohol abuse & addiction. However, they do only provide part of the overall picture which make up addiction assessments and should not be solely relied upon.

---

### Arjun Sikand

Trimega Laboratories Ltd.

Arjun received his Masters from Imperial College in 2004 specialising in Molecular Biology and is now using his extensive knowledge base to assist and develop the business for clients needs. Having successfully provided professional development training to over 300 clients across the UK, Arjun is now developing our professional training programmes to educate clients on the benefits and limitations of Hair Drug testing and substance misuse.

For further information on our CPD training courses please contact Trimega Laboratories on 0845 388 0124, visit our website at [www.trimegalabs.com](http://www.trimegalabs.com) or email us at [info@trimegalabs.com](mailto:info@trimegalabs.com)

## References:

- Anton, R. F. and Moak, D. H. (1994) Carbohydrate deficient transferrin and gamma-glutamyltransferase as markers of heavy alcohol consumption: gender differences. *Alcoholism: Clinical and Experimental Research* 18, 747-754.
- Baumgartner, W.A, Cheng, C.C., Donahue, T.D, Hayes, G.F, Hill, VA & Scholtz, H. Forensic Drug Testing by Hair Analysis, *J Forensic Sci*, 6,(1994).
- Copello, A., Orford, J., Velleman, R., Templeton, L., Krishnan, M. (2000). Methods for reducing alcohol and drug related family harm in non-specialist settings. *Journal of Mental Health*, 9 (3), 329-343.
- Das, S. K. and Vasudevan, D.M. (2004) Should we use carbohydrate deficient Transferrin as a marker for alcohol abusers? *Indian Journal of Clinical Biochemistry* 19, 36-44.
- Home Office (2002). *Updated Drug Strategy*, 2002. Home Office: London.
- Niemela, O et al (1995) Carbohydrate deficient transferrin: as a marker for alcohol abuse. Relationship to alcohol consumption, severity of liver disease and fibrinogenesis. *Alcohol Clin. Exp.Res.* 19, 1205 – 1208.
- Office for National Statistics (1997). *Living in Britain – Preliminary Results from the 1996 General Household Survey*. Office for National Statistics: London.
- Omega Laboratories, "The role of the medical review officer in hair testing" (2005).
- Rosman, A. S., Basu, P., Galvin, K. and Lieber, C. S. (1995) Utility of carbohydrate-deficient transferrin as a marker of relapse in alcoholic patients. *Alcoholism: Clinical and Experimental Research* 19, 611-616.
- Sillanaukee, P. (1996) Laboratory markers of alcohol abuse. *Alcohol Alcohol.* 31, 613-616.
- Stibler, H. (1991) Carbohydrate-deficient transferrin in serum: a new marker of potentially harmful alcohol consumption reviewed. *Clinical Chemistry* 37, 2029-2037.
- Salter, G. & Clark, D. 2004. The Impact of Substance Misuse on the Family: A Grounded Theory Analysis of the Experience of Parents. *WIRED and Department of Psychology, University of Wales Swansea*.
- Velleman, R., Bennett, G., Miller, T., Orford, J., and Tod, A. (1993). The families of problem drug users: a study of 50 close relatives. *Addiction*, 88 (9), 1281-1289.
- <http://www.drugs.gov.uk/drug-strategy/facts-and-statistics/>
- <http://www.britishlivertrust.org.uk/content/liver/diagnosis.asp>
- <http://www.patient.co.uk/showdoc/27000446/>
- <http://www.gastromd.com/lft.html>
- [www.parliament.uk/post](http://www.parliament.uk/post)

# Anna House

## Precision Care Therapeutic Children's Services

As a result of a growth in need, the level of residential childcare service provision for young people in London has been in decline for the past 30 years. This has led to pressure on courts, social services, families and has indirectly contributed to an increasingly negative perception of young people in our society – a situation not helped by the UK media. However, the positive side to this story is that the success of government fostering policy has helped stabilise a number of difficult young people who are “looked after” by the state, and in turn enabling them to integrate with society and take full advantage of mainstream services such as education, sports, the arts and so on.

Precision Care was inspired to develop its Children's division by the realisation that there still remain a significant number of young people whose needs are simply not being met, and that this lack of support is leading to their being denied access to basic services. For the young people we are referring to, foster placements are not an effective way of dealing with their challenging behaviour and related issues. Yet a secure facility is not always appropriate, and may be of little use to society or the young person, unless they posed a serious danger to themselves or others.

We believe that there is a need for discrete, residential homes based around a family model, wholly embracing the working practices of therapeutic communities. For the relatively small group of young people that we work with, a therapeutic residential environment is the most effective way to help them integrate with society and build the foundations of a rewarding adult life. Only in this way can we provide

intense therapeutic input and a stable home-like environment. Furthermore, we feel that there is a lack of provision of single sex units in the London area – such units are necessary when helping young women overcome issues relating to sexual and physical abuse in their past; this kind of work is made extremely difficult by the normal distractions of adolescence found in mixed gender homes.

For these reasons Precision Care is delighted to introduce the Association of Lawyers for Children to Anna House. The home is based in Lewisham, South East London and is a brand new facility, with 3 bedrooms and modern facilities to match. The service base of Anna House is to meet the needs of **young women** who require short term care often against the backdrop of leaving a secure or custodial environment, placement breakdown, Court ordered Remand or accommodation needed for a short period to facilitate transition to a different environment. The greater the emergency or need that is required the more likely this facility will be able to help – it has been commissioned to provide a place of immediate safety to young women in need.

Our care practice and ideology is firmly rooted in the principles of psychodynamics and is particularly influenced by the work of Docker Drysdale, J Bowlby, V Falberg, Kate Cairns and more recent research from therapeutic communities and education institutions such as Reading University and the Tavistock Clinic. We aim to offer holistic assessment and support to those young people who are “looked after”. We recognise that in some cases young women have been emotionally scarred as

a result of past experiences and often have difficulties in areas such as attachment, trust and boundaries. It is crucial that these young women are provided with the opportunity to explore past life events and address any difficulties they are currently experiencing. The principle aim of our approach is to break patterns or cycles of negative behaviour that so often lead to family or placement breakdowns.

### How do we work with solicitors?

Anna House has established good working relationships with several firms of lawyers – we provide a place of safety and care for the young women for whom they act, and hopefully make the lawyer's role that bit easier when acting on behalf of their clients. Such links are important as it means young women in the home can be represented by lawyers with the appropriate experience and skills in this specialist field.

Hence our reason for writing this article – we wish to establish further relationships with firms of lawyers and progress the good work underway at the moment.

If you work with looked after children and would like to find out more about our organisations and the care we give, please contact Mikael Buck via any of the following methods:

**Email:** [m.buck@precisioncare.co.uk](mailto:m.buck@precisioncare.co.uk)  
**Telephone:** 020 8506 5790  
**Fax:** 020 8505 8296  
**Web:** [www.precisioncare.co.uk](http://www.precisioncare.co.uk)

# Hershman/Levy Memorial Lecture

**This year's Memorial lecture was held on 29th June at Birmingham University. It was a balmy summer evening as the 80 or more strong audience gathered to hear Lord Justice Wall give a significant lecture about privacy within family proceedings. David Hershman's widow Abi, and her four delightful daughters were present, and His Lordship wondered if perhaps they may prefer to be outside in the sunshine, rather than listening to a legal lecture; however it was Mr Justice McFarlane who got up to leave, setting the tone for a good natured evening which at the same time gave ALC members and others the opportunity to explore a very topical issue with some of the leading protagonists.**

Lord Justice Wall began by paying tribute to both Allan Levy, a contemporary of his from the bar whom he described as a broadcaster and author who did so much in the field of Child Law, and David Hershman whom he described as a star, and someone he had anticipated becoming a colleague on the bench. He also confided in those present that as he rarely gets out of London, he welcomed the opportunity to find out what is happening in the legal world outside the capital.

The lecture (which is available at [http://www.judiciary.gov.uk/publications\\_media/speeches/index.htm](http://www.judiciary.gov.uk/publications_media/speeches/index.htm)) dealt with the pros and cons of more open and transparent family courts, drawing on recent case law. His Lordship concluded that while it is, in his view, entirely appropriate for the family courts to be open to members of the press, a general public gallery to allow former lovers and nosy neighbours to gawp at evidence of intimate details of family breakdown was not in the public interest.

Following the lecture, which, practising what he preaches His Lordship had disseminated to the press, both in full and by press release, Alistair MacDonald, Joint Chair of the ALC, chaired a discussion on the issues raised. Alistair was of the view that this was guaranteed to be the subject of debate in the coming months. Lord Justice Wall was joined on the discussion panel by Mr Justice McFarlane, Michael Keehan QC from St Ives Chambers in Birmingham and Jonathan Baker QC from Harcourt Chambers in Oxford. (What was notable was the absence of women on this panel = perhaps a matter to be remedied in the future?).

His Honour Donald Hamilton from Birmingham opened by questioning how "the media" are to be defined and checked in order to restrict access to people who may have an adverse impact on witnesses. Lord Justice Wall felt that Article 10 (ECHR) rights to freedom of expression must allow people to report what happens in family courts. Jonathan Baker QC was concerned about abuse of the freedom by father's groups, and His Lordship did then concede that accreditation was necessary, but went on to say that the press don't want rogues, and he was sanguine that the media would not abuse their position.

Dr Julia Brophy commented that the Radio 4 programme about Wells Street Family Proceeding Court, mentioned in the lecture, was not representative of Family Proceeding Courts as a whole, District Judge Crichton not himself being representative of judges as a whole. Mr Justice McFarlane felt that in fact there are a number of judges who are in tune with the open process, but he felt that children's groups and social workers may not be. The point was also made, that in fact openness of the courts may allow social services departments to put their case, and they could therefore benefit from greater transparency. Michael Keehan QC even suggested that extra resources may follow a greater awareness of the work of social workers in child protection work. Mr Justice McFarlane agreed, suggesting that if courts were open, and MPs could see what is going on, then family proceedings would become part of the mainstream and attract more resources.

Caroline Little, Joint Chair of the ALC, raised the issue of experts within proceedings. Lord Justice Wall felt that if experts do their job properly, they won't get flack. He did however say that it was not generally helpful to name social workers, local authorities or Guardians for getting things wrong, particularly when any failings are systemic.

Liz Goldthorpe set a controversial note by suggesting that His Lordship was approaching the issue of openness from a metropolitan manner, not appreciating how things are different in rural areas. In such areas even anonymous reporting can identify children. The response from Wall LJ was robust, stating that the judge is always open to say in a case that the welfare of a child remains a live issue, and therefore details should not be reported – an example of Article 8 rights over-riding Article 10 rights. Mr Justice McFarlane suggested that having to anonymise judgments and prepare a summary would add to a judge's workload. This was countered by an assertion that judgments should be transcribed, but that the government was too mean to pay for that!

Jonathan Baker QC wondered if there would be an increase in satellite litigation to decide what should be published and what not. His Lordship did not think so, suggesting that the issue could be raised at the end of the hearing, and good local judges know their local area, and would know what it was right to report.



*Alistair MacDonald (ALC Co-Chair), Liz Goldthorpe and the Hershman family pictured at the Hershman and Levy memorial lecture.*

Piers Pressdee asked if judges should give press conferences, but this interesting idea did not find favour, just the judgment would be released. However, Lord Justice Wall did say that he felt all judges should have media training, and discrimination training, and also that they should be appraised as magistrates are.

The discussion was brought to an end by Liz Goldthorpe, reminding us that the family courts are some of the few places where children's voices are heard and we must be mindful of our responsibilities to them. Her sentiments were endorsed by Lord Justice Wall, and the interactive part of the evening closed.



# Association of **Lawyers for Children**

Promoting justice for children and young people

## **Notice of Annual General Meeting**

To be held at the 17th National Conference, at the  
Queens Hotel, Leeds at 16:00 pm Friday 3rd November 2006.

---

### **Agenda**

---

1. Approval of minutes of last Annual General Meeting held on 18th November 2005.
2. Matters arising.
3. Election of Officers and Management Committee to serve until next Annual General Meeting.
4. To consider a report from the Chair on the work of the Association since the previous Annual General Meeting.
5. To consider the accounts of the Association.
6. To amend the constitution.
7. To consider plans for the Association for the following year.
8. Any other urgent business.

# Notice of Elections

## Annual General Meeting 18th November 2006

**Under the constitution the Committee shall consist of the Officers and up to 12 ordinary members. The Officers shall include the Chair, two Vice-Chairs, Treasurer, Secretary and any such Officers as may from time to time be considered appropriate.**

### Officers

Under the constitution the Chair and Vice-Chairs hold office for two AGM's from the AGM where they are first elected. All other **Officers** hold office from an AGM until the next AGM.

### Chair

Alistair MacDonald was elected as Joint Chair at the 2005 AGM and therefore does not need re-electing.

Liz Goldthorpe stepped down from the position as Joint Chair in April 2006. Caroline Little has been acting as Joint Chair since that date and is nominated to continue in this role.

There have been no other nominations.

### Vice-Chairs

As the Association currently has Joint Chairs it is not felt necessary to have Vice-Chairs as well.

### Secretary

Helen White has been nominated. There have been no other nominations.

### Treasurer

George Eddon has been nominated. There have been no other nominations.

### Press and Publicity

Barbara Hopkin has been nominated. There have been no other nominations.

### Education and Training

Dr Julia Brophy has been nominated. There have been no other nominations.

### Newsletter Editor

Liz Goldthorpe has been nominated. There have been no other nominations.

### Website Co-ordinator

Christine Dean has been nominated. There have been no other nominations.

### Student Co-ordinator

Claire O'Rourke has been nominated. There have been no other nominations.

### Ordinary members of the Committee

The term of office is for three years. The Committee may co-opt to fill casual vacancies.

### Resignations

Stephen Switalski has indicated that he will be stepping down from the Committee.

### The Committee at present is as follows:

1. Barbara Corbett
2. Liz Dronfield
3. Jackie Jones
4. Nicola Jones-King
5. Gaye Moran
5. Paul Murray
6. Louise Noblett
7. Piers Pressdee
8. Beth Prince
9. Pauline Troy
10. Richard White
- 11.
- 12.

During the year Liz Dronfield, Nicola Jones-King, Paul Murray, Louise Noblett, Beth Prince, and Pauline Troy were co-opted on to the Committee.

### Vacancies

**There are currently two vacancies for ordinary members of the Committee and nominations are requested for these positions. We are particularly looking for proactive people who would like to join us in promoting children's access to justice at this very challenging time. To make a nomination or to discuss the vacancies further please contact Julia Higgins on 020 8224 7071 or by email [admin@alc.org.uk](mailto:admin@alc.org.uk)**

**Alternatively you can speak to Julia or a member of the Committee at the Conference.**

On the basis of the above, there is no need for any formal elections, unless nominations received for the vacant positions outnumber vacancies, or there is a contest for one of the other positions already nominated.

# Press Release

## Prime Minister out of touch with his ministers on proposals for early intervention

**The Association of Lawyers for Children today expressed incredulity at the Prime Minister's proposals for early intervention in what he describes as dysfunctional families.**

Reacting to the proposals contained in an interview with Tony Blair by the BBC, Joint Chair of the ALC Alistair MacDonald said, "Early intervention and support for vulnerable children and families with a view to achieving sustainable and positive outcomes for them is, and always has been the key function of our existing child protection system and our system of family justice."

MacDonald continued "It simply beggars belief that the Prime Minister cites early and effective intervention in families as a Government priority at a time when his Government continues to starve the child protection and family justice systems in this country of sufficient human, structural and financial resources to assist vulnerable children and families; leaving the youth justice, criminal justice and mental health systems to pick up the pieces."

Citing a continuing and acute lack of resources in frontline child protection departments, the recent Government decision to freeze funding for CAFCASS and proposals for family legal aid from the Department of Constitutional Affairs which will lead to a reduction in the number of specialist solicitors able to represent children and families, MacDonald asserted, "It is difficult to avoid the conclusion that the Prime Minister is entirely out of touch with views and the actions of his Ministers on this issue".

MacDonald concluded, "Rather than seeking to grab headlines by re-packaging existing measures in the guise of new policy initiatives, the Prime Minister would do better to investigate why his Government is failing to invest properly in the under-resourced and under prioritized child protection and family justice systems already in place to achieve early intervention and sustainable outcomes for children and families."



# News

## ACPO Police and Family Disclosure Pilot Evaluation

The final Evaluation Report on the Disclosure of Police Information in Family Proceedings is now available on the DCA website, along with a slightly revised protocols and the Explanatory Memorandum. The link to the documents can be found at:

<http://www.dca.gov.uk/family/famfr7.htm#implempol>. The website also incorporates electronic versions of the forms Annexes B (standard request form) and C (standard police response form), to allow practitioners and police to complete the forms online and/or download accordingly.

## Family Proceedings: Court Bundles (Universal practice to be applied in all Courts other than the Family Proceedings Court)

This practice direction issued on the 27 July replaces President's Direction (Family Proceedings: Court Bundles) [2000] 1 FLR 536 and shall have effect from 2 October 2006. The practice direction covers the contents and format of the bundle, timetable for preparing and lodging the bundle, lodging the bundle (and additional requirements for lodging the bundle in cases being heard at First Avenue House or at the RCJ), removing and re-lodging the bundle, time estimates, taking cases out of the list and penalties for failure to comply with the practice direction.

The contents of the bundle are as follows:

4.1 The bundle shall contain copies of all documents relevant to the hearing, in chronological order from the front of the bundle, paginated and indexed, and divided into separate sections (each section being separately paginated) as follows:

- (a) preliminary documents (see paragraph 4.2) and any other case management documents required by any other practice direction;
- (b) applications and orders;
- (c) statements and affidavits (which must be dated in the top right corner of the front page);
- (d) care plans (where appropriate);

- (e) experts' reports and other reports (including those of a guardian, children's guardian or litigation friend); and
- (f) other documents, divided into further sections as may be appropriate.

Copies of notes of contact visits should normally not be included in the bundle unless directed by a judge.

- 4.2 At the commencement of the bundle there shall be inserted the following documents ("the preliminary documents"):
- (i) an up to date summary of the background to the hearing confined to those matters which are relevant to the hearing and the management of the case and limited, if practicable, to one A4 page;
  - (ii) a statement of the issue or issues to be determined (1) at that hearing and (2) at the final hearing;
  - (iii) a position statement by each party including a summary of the order or directions sought by that party (1) at that hearing and (2) at the final hearing;
  - (iv) an up to date chronology, if it is a final hearing or if the summary under (i) is insufficient;
  - (v) skeleton arguments, if appropriate, with copies of all authorities relied on; and
  - (vi) a list of essential reading for that hearing."

# Newcomer of the Year

The ALC Newcomer of the Year Award was made following the successful Hershman/Levy Memorial Lecture at Birmingham University on 29th June 2006.



*From left to right: Caroline Little, HHJ MacFarlane, Charlotte Rhodes, LJ Wall, Deidre Fottrell and Alistair MacDonald*

Nominations for the award are sought each year in order to recognise the work done by newly qualified lawyers in the area of Child Law. Increasingly a Cinderella subject, constrained by funding difficulties and with its importance as a discipline not always recognised, Child Law needs to attract more keen young solicitors and barristers to ensure succession as some of the more experienced members of the professions move on to the bench, or well-earned retirement. The Newcomer of the Year Award was therefore launched in 2005 at the inaugural Hershman/Levy Memorial Lecture, with nominations invited in respect of students, trainees, pupils and lawyers working in the field of Child Law for five years or less.

This year two awards were made, to Charlotte Rhodes, an assistant solicitor with Nuneaton firm John Bromfield and Co., and Deidre Fottrell, a barrister at Coram Chambers. Charlotte was nominated because of her dedication, compassion and professionalism towards her client in a particularly emotional series of cases, always being available for her client, and continuing to support her, despite the difficult circumstances. Deidre, who has a particular interest in human rights and children's rights in particular was nominated for her general contribution to the area of Child Law as a barrister, lecturer (both here and abroad) and journalist, and her involvement in Human Rights organisations. These two awards show how contributions to Child Law, whether locally or nationally and internationally are valued and encouraged by the ALC. The awards were presented by Lord Justice Wall, and consisted of a cheque and a copy of Hershman and McFarlane, donated by Jordans.

# Correspondence

## Dear Editor

### Delays in Adoption

I refer to Richard White's rather gloomy article in the July 2006 newsletter on this topic. Whilst I agree with many of his points I hope in this letter to offer some more positive thoughts and some pragmatic solutions, having the benefit of recent case law not available to Richard in July.

I write as chair of the BAAF legal advisory committee, but the content is entirely my own.

### Placement orders

Richard argues that "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... 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."

This structure, aimed specifically at avoiding delay, was created by the Adoption and Children Act 2002 section 22 (2) – a legal obligation for a local authority to apply for the placement order within care proceedings where the care plan is adoption.

My experience of teaching ACA 2002 is that this is being achieved in most local authorities, and is relatively easy for local authorities who regularly applied for freeing orders within care proceedings under the previous legislation.

A consensus seems to be emerging that success lies in knowledge of and acceptance by courts and lawyers as well as local authorities, of the requirements of statutory guidance as well as the Act and regulations, and integration of them all within care planning and court timetabling. BAAF has been urging the need for a joint protocol between all the players for over year now but the call remains unheeded by the DfES and DCA so far.

### No notice period for placement order application

I am aware that some courts have tried to impose a notice period for the placement order application issued within care proceedings, but there is none in the Act or Rules, and the Court of Appeal has confirmed this very recently – [PO application issued on the third day of the final hearing of a care order application] *Re P-B (A Child) [2006] EWCA Civ. 1016 15th June 2006.*

### Likelihood of placement

Another previous cause of delay has been removed. Under previous legislation -the court had to be satisfied in a freeing application as to the likelihood of placement [often wrongly interpreted as the need to prove a placement had been found before a freeing order would be granted.]

There is no such requirement in the new law – the court [and Children's Guardian] considering a placement order application is not entitled to know if an adoptive placement has been identified – their decision is only that of whether *in principle* adoption is the right plan for the child or not.

Some 'quality control' input on this issue comes from the adoption panel who, independently of the local authority, must consider a recommendation that the child should be placed for adoption before the placement order can be applied for. [Re P-B above]. This meeting follows the filing of assessments and expert evidence in the care proceedings – it is a crucial and necessary part of care planning and should be scheduled into court timetable.

**Concurrent placements** – children who are unlikely to be cared for in their birth family placed with foster carers who are also approved to adopt. Richard says this is ‘an exception to the principle that a child may not be placed with prospective adopters before the making of a Placement Order’.

I disagree – the children are placed initially under the Fostering Services Regulations 2002 with their foster carers. The placement only becomes adoptive *if and when* the placement order has been granted. It remains open to the child’s parents to argue in the placement proceedings that adoption is not the right plan for the child, and that a placement order should not be granted.

**Placement with relatives abroad** I agree with Richard that the law [section 84] is unhelpful by requiring that the relatives who are to adopt must ‘come and live in this country at considerable inconvenience and with almost certain unnecessary delay before the child can be placed with them as adopters’. A pragmatic solution – placing the child with the court’s permission [Schedule 2 para 19 of the Children Act 1989] for something other than adoption initially – has recently been suggested in the judgment in [A London Borough Council v M and another](#) 27th July 2006 EWHC 1907 (Fam).

### Adoption order applications at the Principal Registry of the Family Division in London

Richard pointed out in his article some of the problems causing severe delays in this court. The Allocation of Proceedings Order has been amended – it is no longer necessary for an adoption order application to be issued at the court which granted the previous care, freeing or placement order. Therefore the PRFD delays might be avoided by issuing in another court. [The Children \(Allocation of Proceedings\) \(Amendment No. 2\) Order 2005 SI 2797](#).

### Provision for parents and adopters to hear the proceedings at the same time

The rules provide that courts can give permission for the prospective adopters not to attend court for the final hearing of their application for an adoption order, if they are legally represented.

Her Majesty’s Court Service has accepted that the final adoption order hearing, which parents with parental responsibility are entitled to attend [section 141 and rule 32] and the subsequent ‘adoption ceremony’ [attended by the child and adopters for the pronouncement of the order] can be occasions separated in time [and possibly venue], at the court’s discretion.

Thus, some of the problems cited by Richard might be avoided – especially in ‘unopposed’ adoptions which are likely to be the majority.

### Government Departments DfES and DCA

To echo Richard’s complaint of neglect, and 2 months later – we still do not have the revised Statutory Guidance on assessing applicants for adoption, nor do we yet have Chapter 8 of the Statutory Guidance – Court Reports in adoption and placement proceedings, although both are promised for this summer.

---

**Mary Lane**  
Solicitor

### Note from the Editor

*The comment on concurrent planning is entirely correct and it was not intended to convey otherwise.*

*Since this letter was received the Statutory Guidance on assessing adopters has been made available.*

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](mailto:admin@alc.org.uk). The Chair and Committee always welcome any thoughts, ideas or contributions to the development and running of the Association.

# Book Reviews

---

**Hershman, D. and  
McFarlane, A. (2006/7).  
*Children Act Handbook.*  
Bristol, Family Law**

582 pages  
Paperback  
£35  
ISBN 0-84661-032-X

This portable book with selected statutory material to assist practitioners in court, was designed to accompany *Children Law and Practice* and it was first published by David Hershman QC and Andrew McFarlane in 2001. It contains selected parts of the Adoption and Children Act 2002, the Children Act 1989, the Family Proceedings Rules 1991, and the Family Proceedings Courts (Children Act 1989) Rules 1991, the Children (Allocation of Proceedings) Order 1991, the Children (Allocation of Proceedings) (Appeals) Order 1991, various Protocols, President's Directions, the President's Guidance (Private Law Programme), the Protocol for Judicial Case Management in Public Law Children Cases, CAAC Best Practice Guidance, calendars 2004-2007 and rather intriguingly, tables for weights and measures conversions.

Readers will perhaps wish to know that the President's Direction (Family Proceedings: Court Bundles) on 10 March 2000 1 FLR 536 in the book has now been superseded by a new President's Direction (Family Proceedings: Court Bundles) dated 27 July 2006, which will be effective from 2 October 2006.

---



---

**Hershman, D. and  
McFarlane, A. (2006/7).  
*Children Law and Practice.*  
Bristol, Family Law**

Encyclopaedia in 3 Volumes

The three familiar gold lettered red volumes of *Children Law and Practice* are probably already on the bookshelves of most experienced child law practitioners, court officers and CAFCASS. However, new practitioners and trainees are coming along all the time, and they all have to make effective choices about their reference books, particularly because most such books are expensive and finances may have to be budgeted carefully, so it is worth writing a review even for such a well known work.

*Children Law and Practice* contains reliable information about just about all the major legal and practice issues that practitioners will need to know in the course of their daily practice, along with source materials including Acts, Circulars, Cases, Guidance, Practice Directions, and useful precedents. In addition to this, the volumes are also available on CD.

A further benefit of *Children Law and Practice* is that, being loose leaf, it can be regularly updated with the payment of an annual subscription. I used to find the process of filing the updates rather boring and so delegated the task whenever I possibly could, but recently, filing the updates myself, I have found that paying attention to each one as it is filed provides an easy and relatively painless way of maintaining awareness of all the various recent changes.

The new Adoption law and procedural rules are complex and therefore it is a great bonus that *Children Law and Practice* has caught up with the new law, and all the up to date relevant material is included in it.

So, if you are looking for a comprehensive, reliable, up to date resource on child law and practice for your reference library – look no further!

---



---

**Pearce, N. (2006).  
*Adoption Law Manual.*  
London, Callow Publishing**

557 pages  
Paperback  
£49.50  
ISBN 1-898899-82-7

Fresh off the press from Callow Publishing, HH Judge Nasreen Pearce, an experienced member of the judiciary and lawyer in the field and a long standing author on adoption law and practice, has now brought out an up to date and comprehensive book on adoption, taking in not only the Adoption and Children Act 2002 but also the subsequent raft of subordinate legislation, including the Adoption Rules and guidance.



Topics covered include: Background, applicants, the child, special guardianship orders, placement orders, preconditions and conditions for adoption applications, dispensing with consent, restrictions, transitional provisions, and the principles and effects of adoption orders. Other issues addressed include contact, Adoption Registers, disclosure of information, intermediary services, Adoption Agencies, Adoption Support Agencies and Adoption Support Services, Overseas adoptions, and other adoptions with a foreign element. In addition to all of this the procedure is covered, along with inclusion of the text of the Adoption and Children Act 2002 and the Family Procedure (Adoption) Rules 2005. Thank goodness, there is also an easy to use and comprehensive index!

This book will be very much welcomed by those of us who are trying to make sense of the complexity of the new provisions, and implement the new law, and who want to find it all explained clearly and concisely, with the relevant source materials all together in a reasonably compact format.

---

**The Rt Hon Lord Justice Thorpe and Budden, R (2006).  
*Durable Solutions.*  
Bristol, Family Law**

---

280 pages  
Paperback  
ISBN 0-84661-003-6

---

Edited by The Rt Hon Lord Justice Thorpe and Rosemary Budden, this book is a collection of the Papers given at the Family Justice Council's Interdisciplinary Conference at Dartington Hall between 30 September and 5 October 2005, together with a record of the plenary sessions of the Conference.

The contributors to the book are all well qualified and have made significant contributions in their field, and the papers therefore make very interesting reading. It is not possible to do justice to

them all in the short space available here, but at least I can list the contributors: Amanda Checkley, Bruce Clark, Dr Christopher Clulow, District Judge Nicholas Crichton, Prof Gillian Douglas, Prof Judy Dunn, Katherine Gieve, Dr Danya Glaser, Gill Gorrell-Barnes, Dr Cath Humphreys, Joan Hunt, Prof Charlie Lewis, AP (a parent), Dr Gillian Schofield, John Simmonds, Prof Carol Smart, David Spicer, Prof June Thoburn CBE, Dr Liz Trinder, Dr Judith Trowell, and last but certainly not least, Lord Justice Wall.

The contributors have a wealth and variety of experience, and the topics addressed were very relevant to the day-to-day work of most child law practitioners. They included: court experience and development outcomes, models for achieving successful agreed and ordered outcomes, gender, parenting and the courts, contact in public and private law cases, care planning, permanence for looked after children, and helping to ensure solutions for children in the longer-term.

The chapters on aspects of contact, permanence and dispute resolution in intractable cases were interesting and informative. They will also be very helpful for practitioners in thinking through issues affecting our own practice and therefore an invaluable tool for advocate practitioners in many types of child law cases, and in particular contested contact and child protection matters.

---

**Carr, A. and Turner, A. (Eds)(2006).  
*Stone's Justices Manual,*  
2006.  
London, Lexis Nexis**

---

3 Volume Encyclopaedia  
£ 425, including postage and packing  
ISBN 1-4057-1100-0  
Orders by email  
customer.services@lexisnexis.co.uk  
(website www.lexisnexis.co.uk)

---

I am including a review here of **Stone's**

**Justices Manual**, because, although it is very well known as an essential reference work for Magistrates, Magistrates' Clerks and criminal law practitioners, it is not so well known perhaps to civil lawyers, who may not think of it as a potential resource for them.

**Stone's Justices Manual** contains, in a well indexed and comprehensive form an absolutely amazing amount of information on law, practice and procedure which provides all that is usually needed by practitioners in the Magistrates Court in a wide variety of areas of law (including crime and sentencing options, traffic law, civil matters including family and matrimonial law, licensing, and child protection) and of course the Family Proceedings Court is included.

Children and young people may become involved in criminal proceedings, whether it is theft, violence, illicit use of drugs, or vehicle TWOC (if you are thinking that this is an unfamiliar term, then Stone's is just the place to look it up!), or they may be involved as witnesses in criminal investigations, or taken in to be questioned under the provisions of PACE, or asking about driving tests and licences ... so those of us who act for children and families may receive a panic telephone call from a police station or anxious questions from worried parents or the child themselves and we may need quick and accurate answers for the many questions of criminal law or other aspects of the Magistrates' Court practice that can arise unexpectedly.

**Stone's Justices Manual** is also very useful for reference in Family Proceedings matters, including maintenance, contact, residence, all the child protection legislation and the new law on adoption. The Adoption and Children Act 2002, Family Procedure (Adoption) Rules 2005, Adoption Agencies Regulations 2005 etc are all in there. Statutory provisions are cross-referenced with useful notes, relevant case law, and other linked statutory provisions.

**Stone's Justices Manual** has to be up to date and is re-issued annually. There is also an accompanying CD for ease of use.

## Story Sacks

**Reading, speaking and listening resources for children – Storysack Ltd**  
Resource House, Key Street,  
Bury BL9 6BU.

Orders by phone 0161 763  
6232/Fax 0161 763 5366  
website [www.storysack.com](http://www.storysack.com)

Reviewed Example:

Story Sack: Badger's Parting Gifts  
Cost £70

Contents: Story book, activity materials,  
5 glove puppets, information pack, all in  
a sack!

**Story Sacks** are used by schools and playgroups and by therapists working with children, who seem very enthusiastic about their potential. I then saw a demonstration of one in use, and immediately felt that, as a resource to create opportunities for talking and listening to children on specific topics, they might be of great interest to ALC members, other professionals working with children... and indeed perhaps to any of us who are parents or have children in the family!

The **Story Sacks** are an innovative idea, using a variety of materials which interlink, to work with children on specific topics or themes. Badger's Parting Gifts, for example is all about facing bereavement. The basis of the pack is a wonderful story book called 'Badger's Parting Gifts' by Susan Varley (2002), published by Harper Collins, London, ISBN 0-00-664317-5. The book is included free as part of the **Story Sacks** pack. The story takes a child through the process of preparation for dying and death. Badger is an elderly, much loved person, who is preparing for death. The book, used as part of discussion, will help a child to think about death, and to think of good things that they value about the person's life, and to help them to come to terms with bereavement. To help discussion, there are puppets for all the characters in the book, badger, fox, rabbit, mole, and frog. The puppets re

beautifully made. Fox has a removable tie, which is all part of the story – the child can take off the tie and learn to tie it, and put it back on fox again. The instruction books help adults with ideas about the potential use of each story sack.

There are over forty story sacks, on all sorts of topics... and if they are as good as this one, they represent excellent value for their cost. Another favourite of mine is **The Gruffalo** – a funny, lively, fantasy story which is all about developing self esteem... it was used by a group and acted out amidst a lot of enthusiasm and laughter... The **Story Sack** website is well worth a visit to see their other products on offer, including stories, games and story boxes.

---

**Barbara Mitchels**

**Pressdee, P., Vater, J.,  
Judd, F. and Baker, J.**  
**Contact: The New Deal.**  
**Jordans Family Law**

Paperback  
£40 (inc P&P)  
ISBN 0 85308 973 6

Anticipating as it does the Children and Adoption Act 2006, "*Contact: The New Deal*" by Piers Pressdee, John Vater, Frances Judd QC and Jonathan Baker QC of Harcourt Chambers (Oxford & London) is a timely and comprehensive addition to the family practitioner's library. Whilst one may expect that a review written by the Co-Chair of the ALC in respect of a book authored by four members of the ALC and which mentions the ALC in a number of contexts would inevitably be generous with its praise, this is a book that should draw generous praise from all quarters.

The arrival of a new statute invariably sees the publication of a number of books that purport to be the definitive guide to the Act in question. What separates this book from other publications on this subject matter, and what makes its contribution so valuable is

the manner in which it succeeds in placing the provisions of the new Act so firmly within the context of the central subject matter of the Act itself.

"*Contact: The New Deal*" achieves this by recognising from the outset that the resolution of contact disputes is not simply a legal problem. To this end, the book rigorously examines the historical, sociological and psychological context in which disputes over contact arise, in addition to providing a comprehensive analysis of the legal aspects of these disputes. The book as a whole is firmly grounded in the research available in respect of, and central to, its topic. In short, this is much, much more than a book on a new Act. Rather, it can arguably lay claim to being the most comprehensive book on the subject of contact currently available.

The authors begin by examining the importance of contact for children and families, including the vital issue of what factors make contact work. The manner in which the law relating to contact has evolved within the context of social change, and the pressure for change continuing to drive that evolution are evaluated. The book does not shrink from a frank discussion of the deficiencies in the system. The guiding principles underpinning the law's approach to the resolution of contact disputes are covered in detail together with a complete examination of alternative methods of dispute resolution including mediation and collaborative law. The book provides a detailed guide to and analysis of the recent reforms to the Court system aimed at bettering practice and procedure, including the Private Law Programme and dedicates a chapter to the difficult and sensitive topic of contact with the context of domestic violence. Enforcement, arguably the most publicised element of the changes brought in by the new Act, is given comprehensive treatment, as are the other provisions of the Act.

The book also looks forward to the future. Of particular note is the timely examination of the issue of openness in the family courts and the question of how we can better give effect to the

voice of the child within contact proceedings. At a time when serious and informed discussion on these subjects is required, it is refreshing to see topical issues of debate given treatment in a book that will be sought after by busy practitioners.

The book contains a comprehensive set of appendices that practitioners will find of assistance in everyday practice and in particular the text of the Children Act 1989 with the prospective amendments to that Act effected by the Children and Adoption Act 2006 and the text of the Private Law Programme. It is also to be commended that the authors have seen fit to include the provisions of the United Nations Convention on the Rights of the Child.

The subject of contact has undergone unprecedented reform and development over the past few years as the issues it gives rise to have been brought closer to the public conscience. At a time when it is increasingly important to obtain a comprehensive understanding not only of the law, but also of the issues and the debate that underpin it, *Contact: The New Deal* will ensure that new and experienced practitioners alike are well equipped to deploy both the law and the principles that underpin it to the benefit of all clients whether adults or children.

---

#### **Alistair MacDonald**

Co-Chair, Association of Lawyers for Children

#### **Elizabeth Walsh, *Working in the Family Justice System: The Official Handbook of the Family Justice Council.***

**Jordans Family Law**

2nd Edition

As a young practitioner, one of the most daunting prospects when seeking to establish a practice in the field of family

law was the thought of mastering the developing interdisciplinary nature of the subject. Being a family practitioner was, as one quickly found out, increasingly about much more than being simply a family lawyer. Today, a successful and respected family practice can only be built upon a foundation grounded in an understanding of the nature, extent and operation of the multi-disciplinary approach to family proceedings.

In Elizabeth Walsh's excellent book ***Working in the Family Justice System*** practitioners both new and experienced have available to them that foundation in the form of a comprehensive and eminently readable guide to the professionals, the systems and the fundamental principles underpinning what has come to be known as the family justice system. This is the 2nd Edition of the ***Working in the Family Justice System***. The new edition encompasses the developments that have taken place since the 1st Edition was published in 1998 and reflects the extent to which the multidisciplinary approach to cases involving children and families has now become the accepted *modus operandi* of family practice. That this book is the official handbook of the Family Justice Council speaks of just how clearly and completely it describes nature and extent of multidisciplinary practice within the family justice system.

The book explains the roles of each of the multitude of professionals involved in the family justice process, together with their responsibilities and, importantly, how they interact with one another. The roles, responsibilities and interactions of the professionals are placed firmly within the context of the operational structure of the system as a whole. Whilst not a book on family law per se, ***Working in the Family Justice System*** places the people and the systems in the framework of overarching legal principles that are the foundation of good practice.

For the multi-disciplinary approach to family justice to be successful, it is vital that all components integral to that approach understand their place within

the system and that they communicate with each other using a common language and set of principles. ***Working in the Family Justice System*** ensures that all involved professionals speak the same language and operate from the same common knowledge base when applying the multi-disciplinary approach to proceedings.

As Lord Justice Thorpe points out in his Forward to the book when referring to the knowledge contained in it, "no one, no matter how able and experienced, could carry so much information in the mind." In a professional environment where it is now vital that all family practitioners, both new and experienced, have such information at their fingertips if they are to work effectively, ***Working in the Family Justice System*** constitutes an indispensable guide to the requirements of modern family practice.

---

#### **Alistair MacDonald**

Co Chair, Association of Lawyers for Children

# Dates for your Diary

## NAGALRO TRAINING 2006

### 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, 23 November 2006**  
**London: Tuesday, 23 January 2007**  
**Norwich: Thursday, 8 February 2007**

**Trainer:** Pat Monro, Child Care Solicitor and Ann Haigh, Children's Guardian.

£95.00 – £145.00

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's lawyers interested in promoting kinship (family and friends) 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, likely to be implemented on 31.12.05, will have a profound impact on reshaping all family court practice in relation to assessing members of family networks and other close friends of a child needing immediate or long-term placement.

**Manchester: Tuesday, 6 February 2007, 09.30 – 4.00 pm**

**Trainers:** Carol Edwards, Social Work Consultant and Family Therapist and Leonie Jordan, Child Care Solicitor.

£95.00 – £145.00 – all day course

6 CPD credits

### COMMUNICATING WITH CHILDREN

Ascertaining children's wishes and feelings through a variety of techniques and with a full knowledge base of recent theoretical developments is essential in the family courts. The course has been welcomed by practitioners from many roles who need the skills and evidence-base to work directly with children. Join your colleagues for a stimulating day of skill and knowledge development.

**London: Wednesday, 29 November 2006**

**Trainer:** Mary Corrigan, Child Care Consultant and Play Therapist.

£95.00 – £145.00

6 CPD credits

### INTRODUCTORY COURSE FOR INVESTIGATORS OF COMPLAINTS AGAINST LOCAL AUTHORITIES – DOING SOMETHING DIFFERENT – DEVELOPING NEW KNOWLEDGE AND EXPERTISE

This 2.5 hour evening course which will focus on the complaints process in a local authority and the expertise required to investigate complaints made against a social service department. The course is aimed at those who wish to extend their portfolio and acquire a new perspective and relevant knowledge. It will use case studies, some formal teaching and discussion as a basic programme.

**London: Tuesday, 6 March 2007, 5.30 pm – 8.00 pm**

**Trainers:** Carol Edwards, Social Work Consultant and Family Therapist and Eva Gregory, Children's Guardian.

£45.00 – £70.00

2.5 CPD credits

# Dates for your Diary

## ACT BY RIGHT SKILLS FOR ACTIVE INVOLVEMENT OF CHILDREN AND YOUNG PEOPLE – REGIONAL WORKSHOPS

18 October 2006 – University of Surrey, Guildford  
 1 November 2006 – Thistle Hotel, Exeter  
 15 November 2006 – University of Durham, Durham  
 29 November 2006 – University of Leeds, Leeds  
 13 December 2006 – MIC Conference Centre, London  
 11 January 2007 – Manchester University, Manchester  
 25 January 2007 – Fitzwilliam College, Cambridge

### PLACES ARE STILL AVAILABLE ON ALL THE EVENTS

Act By Right helps to equip young people with the skills to work with organisations who wish to involve them. It recognises children and young people need the chance to develop the knowledge and skills to work together to get things done and make changes to where they live.

Act By Right provides these in a safe and supported environment, ensuring that when the young people are ready to take action in their communities they have the tools to make it happen and ensure that their intervention is successful.

The Workshops aim to:

Increase and demonstrate the effective use of Act By Right and the meeting of its aims with children and young people across the country.

By the end of the day participants will:

- Be given information about Act By Right and its practical application
- Experience elements of Act By Right
- Be given information on the need for, and the value of accreditation
- Identify mechanisms for supporting the delivery of Act By Right at local level
- Create an action plan for local delivery
- Identify mechanisms for tracking and monitoring progress and delivery

Further details are available on our website [www.nya.org.uk](http://www.nya.org.uk) or call the events team on 0116 242 7501 or email [sarad@nya.org.uk](mailto:sarad@nya.org.uk)



## Association of Lawyers for Children

Promoting justice for children and young people

### STOP, LISTEN, LEARN

#### Understanding good practice from children and young people

Friday 8th December 2006  
 Kings College London, London SE1

To be attended by The President.

A unique conference where there will be workshops on key themes presented by children and young people. Workshops will cover topics such as: disability & special educational needs, looked after children, asylum & unaccompanied minors and children of separated parents.

This event will attract 4 CPD hours.

**Due to the nature of the event spaces are extremely limited so book early to avoid disappointment.**

### CHILD PROTECTION: EXPANDING BOUNDARIES?

#### Joint conference with Brunel University

Saturday 3rd March 2007  
 Brunel University, Uxbridge

The 3rd joint conference with Brunel University aimed at students and practitioners alike. The 2007 conference will cover topics such as child protection in sports and the interaction between care and education.

This event will attract 5 CPD hours.

For more information on any of the above courses please email: [admin@alc.org.uk](mailto:admin@alc.org.uk) or telephone: 020 8224 7071

**ADD THIS DATE TO YOUR DIARY NOW!**

Start the CPD year with 11+ hours of valuable points



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**

**Keynote Speaker:**

**The Hon Mr Justice Ryder, High Court  
Judge of the Family Division**

We have a full programme of workshops and plenaries to entice lawyers and social work practitioners alike.

This will be a conference to address the conflict between the Every Child Matters Programme and the lack of resources in every aspect of the child protection system.

**For a copy of the Programme, please visit the  
ALC website at [www.alc.org.uk](http://www.alc.org.uk)  
or to receive a copy via email contact  
[karen.goldthorpe@btinternet.com](mailto:karen.goldthorpe@btinternet.com)**

Sponsored by Jordan Publishing Ltd



**Family Law**

- 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*

**Annual Conference**