

Family Proceedings Advisory Service Committee Meeting

Wednesday 18th January 2017 at 2pm

Royal Court Library

MINUTES

FPAS Present:

Chief Probation Officer, Chair

Deputy Children's Convenor, CYCT

Family Proceedings Advisor

NGO Representative

Advocate from Randell & Loveridge

Alderney Greffier

Representative of Royal Court

Legal Aid Administrator

Children's Social Care. - HSC

1. FPAS Apologies

Head of Family Proceedings Advisory Service

Chief Secretary of the Office of the Committee *for* Home Affairs

2. Minutes of previous meetings

Minutes of the meeting dated 14th September 2016 were approved. The Committee were advised that the minutes are accessible on the gov.gg website

3. Matters Arising

- Contact Centre

The NGO representative informed the committee that due to some additional funding, there were now two additional contact centre sessions. She added that one of the problems the Contact Centre was facing was that of some contacts going on for extended periods of time.

The extended waiting list is causing problems and there is a need to be accountable to the court and be able to accommodate referrals.

Action:-

Review meetings should be booked in at the start of a contact period to ensure the process is timely. Any extensions over 12-16 weeks to be agreed at review meeting between FPAS and Contact Centre.

Should more funding become available, more sessions could be accommodated.

ACTION: FPAS and Contact Centre.

- Children First Course

The NGO representative offered an introductory session to interested parties to see the content of the course which is designed to give information to parents on the effects of separation on children.

The representative of the Royal Court expressed interest in a session for the judiciary.

ACTION: NGO representative

4. Family Proceedings Advisory Service Update Report

The Chair reviewed the report with the Committee.

Workloads and Statistics

Meetings of the Committee will be scheduled three times a year in January, May and September. To ensure consistency in reporting FPAS workloads, the statistics will be reported on a rolling 12 month basis with a comparison to the previous 12 months. As this system of collecting data only commence in May, the following data only covers the 7 month period between May – December 2016. At the meeting in May, 12 months will be reported for the first time with this system.

Number of new cases referred by:	2016	2015
Magistrates Court	38	32
Royal Court	15 (includes 2 transferred from mediation and 5 adoptions)	19 (includes 5 adoptions)
CYCT	11	10
Juvenile Court	7	13
Total New Cases	71	74
Mediation cases referred by:		
Royal Court	2	7
Magistrate's Court	2	2
Greffe	1	2
Advocate	1	1
Self	12	1
Total New Mediation	18	13
Short Notice Hearings		
Number Attended	12	7

Time Spent		
Specific Work (at Request of Court)		
Number of cases	3	
Time Spent	5 hours	
Complaints Received		
	2	1

5 FPAS officers have a total case load of 81 with 16 cases currently unallocated.

Although staff are doing their best to manage the caseloads, they are in a position where taking on any more cases depends on time available. All allocations are prioritised.

The cost of bringing people over from the UK to fill posts/do sessional work was discussed. Preference would be to get local people to pick up the backlog and give current staff some breathing space.

Marshall Report

The Chair distributed the Action Plan to Members.

External Inspection

There were 9 recommendations following the Scrutiny Review in 2015. Five of these have been completed and the remaining four are ongoing.

The Chair advised that Inspectors would likely need access to case files. The Royal Court representative advised to liaise with the Bailiff over such a request.

The Terms of Reference for the inspection will be the same as those used to inspect similar UK services with the addition of the CYCT aspects of the local service.

Legal Aid

Recommendation 6 of the Marshall Report stated that consideration should be given to providing legal aid for mediation by suitably trained Advocates in appropriate circumstances. A report had been submitted to the legal aid administrator in regard to the provisions of current mediation services. It is anticipated that there will be further meetings to discuss this recommendation.

The Legal Aid Administrator stated that a trained advocate/mediator should already be able to access some level of legal aid and she was unsure where the recommendation in the Marshall report stemmed from as she was not aware there was a problem in this respect.

The Chair advised that she thought it was likely that Dr Marshall may have considered what could help at all points of the process to expedite dispute resolution.

There was a discussion around whether there is Legal Aid for mediation in the UK

The FPA advised that FPAS always encourage mediation but not everyone wants it and sometimes it's not appropriate due to a power imbalance between couples.

The Legal Aid Administrator agreed that it should not be made mandatory.

It was noted that acute family cases are seen in the Magistrates Court; often including parents who have not been in settled relationships and where there are substance use issues, domestic abuse and / or neglect.

Priority Based Budgeting

The Committee for Home Affairs is currently undertaking a budgeting exercise. This process is across the whole committee but in relation to FPAS, will inform recommendation 5 of the Marshall Report – ‘The Home Department should review the staffing, resources, and expectation of the Safeguarder Service to ensure that it is equipped to fulfil its responsibilities.’

The Overall budget for the FPAS is £433,833 with 90% dedicated to staff costs.

The Comparative Breakdown of work areas has been approximated as follows:

- Public Law Proceedings – 20% (£86,767)
- Private Law Proceedings – 60% (258,800)
- Mediation – 10% (£44,383)
- Tribunal (CYCT) – 10% (43,833)

There are very limited opportunities for budget savings in FPAS. The 3% savings required for 2017 have been achieved by:

- cutting 6 hours of FPAS time (as requested by an FPA and in line with states policy on flexible working)
- removal of the last vestige of overtime (there has been no provision for overtime/additional hours payments for 5 years but a small reserve was kept to pay additional hours in case of staff sickness or a spike in demand for services) This is no longer available and all additional work is managed as far as possible through flexible working practices.
- Further cuts in non-staff budgets – travel, stationery etc.

The Chair reported that although the budgeting exercise is primarily about cost cutting, we are putting evidence together that actually, FPAS are in need of at least a maintenance of current levels of funding.

Legislative change in relation to private law, residence and contact disputes involving children being managed through the Tribunal system is a recommendation in the Marshall Report which would need to be addressed by the CfHSC as sponsors of the Law, in close consultation with the Courts.

The representative of the Royal Court indicated that there is a tension in the Law (section 22.5) and each case is reviewed on its individual merits. If it is a case where the court has a long standing relationship with the child, the court will retain responsibility. In cases where the longstanding relationship is with the Convenor, the responsibility will lie there. Although this system is working adequately at the moment, that is primarily because both organisations work collaboratively and a review would be useful.

A working group to consider this further was discussed to look more closely at the law, comprising of a judge, a member of FPAS, a member of the Bar, a member of the FPAS Committee and a member of the Convenor's office. This group could consider cases and the different categories of the cases, whether that should be reflected in the law and whether section 22.5 should be amended.

The HSC representative informed the Committee that she will be presenting a paper on the Marshall report to the CfHSC on 8th February with recommendations, practical solutions etc.

It was agreed to try to have an initial meeting of the working group prior to this date.

There was a discussion surrounding the Children (Children's Convenor) (Guernsey & Alderney) Regulations, 2010 (the "**Regulations**") and the recommendation that the applicant, or their advocate notifies the Convenor within five days of a section 17 application.

The Convenor will be writing a letter to all members of the Bar informing them of the need to comply with these regulations.

The Advocate advised sending the letter to the Chair of the Family Bar, who has a mailing list.

ACTION: Deputy Children's Convenor

It has been noted that legal aid costs have been reduced through more stringent criteria being applied. There appears to be a corresponding trend for more litigants in person which tends to increase demands on FPAS and Court time.

There was a discussion about why numbers of litigants in person may be increasing. From an Advocate's perspective, litigants in person primarily result from private law cases where lower paid individuals cannot afford to continue to pay legal costs. If a family is entitled to Legal Aid, this support tends to continue throughout the case.

Conference 31st March

FPAS are hosting a one day conference / training opportunity for local advocates and social workers working with children in legal proceedings.

The Key note speaker is Barbara Hopkins, Assessor for the Law Society Children's Panel, and there will be other input from David Briggs, Consultant Forensic Psychologist, and Bryn Williams, Consultant Child Psychologist.

Initiations will be sent out at the end of the week

Staffing

The Chief Probation Officer is providing additional support to the FPAS. An FPA is acting up as a senior practitioner to cover some supervision and allocation tasks.

An FPA retired in September has been replaced by a new full time FPA. No external FPAs are employed.

5. Progress on Marshall Report

It was agreed that all necessary discussing regarding the report had already been discussed in item (4).

6. AOB

The NGO representative advised that she has stepped down from a number of Charities and so is not doing as much with NGO's as she was. She asked whether she should continue being involved with the Committee as a result.

The Chair stated that the Committee would be grateful if she would continue to be involved for the time being. She emphasised the importance of history and experience. She agreed to review this in a few months.

7. Date of Next Meeting

It was agreed that the next meeting should be held in June after the next FCUG meeting and that a date should be obtained for this from The Greffier.

The meeting concluded at 15:00