



Ministry
of Justice

Lord Bellamy KC
Parliamentary Under-Secretary of State
for Justice

Lord Farmer
Baroness Tyler of Enfield
Baroness Meyer
The Lord Bishop of Derby
Lord Davies of Brixton
Lord Ponsonby

MoJ Ref: SUB114528

30 April 2024

Dear colleagues,

As promised, I am writing to follow up on our parental separation debate on 22 April and to provide additional detail on the questions and comments raised throughout. I am grateful to the noble Lord, Lord Farmer, for tabling the debate on this important issue, and to all noble Lords for their contributions.

I very much appreciated the points raised by Lord Farmer and thank him for his work as an advocate for Family Hubs. I reiterate my view that strengthening the links between the programme of work the Ministry of Justice is undertaking on Early Resolution, and Family Hubs, the Reducing Parental Conflict Programme and other services provided by local authorities will be vital to supporting families at the earliest possible stage. In response to Lord Farmer's question on family justice system costs, I would like to provide more detail on this specific point. HM Courts & Tribunals Service published Annual Reports and Accounts outline total family courts expenditure for 2022/2023, including a share of relevant overheads, at £311.8m. Over the same period of time, the total Legal Aid spend on matters completing in the period 2022/2023 totalled £779m, of which £159m related to private family law and £620m relates to public law family law.

Baroness Tyler of Enfield made an important point on the value of parenting programmes, and I share her view that parenting programmes equip families with the tools to help put the needs of their children first and work together in the children's best interests, reducing the harmful effects of parental conflict. For in-court programmes, the majority of parents are referred by a judge during proceedings, often at the final hearing in proceedings. We are working with Cafcass and Cafcass Cymru to increase the number of referrals made earlier in the process by Family Court Advisers, where they feel it is safe and appropriate. We are also working to help more separating parents access parenting programmes outside of the court process, working with partners to support a sector offering a wide range of high-quality programmes suitable for a range of circumstances, and breaking down any stigma surrounding parenting programmes so more separating couples can benefit from them.

Baroness Meyer spoke movingly of her own experiences, and I would like to follow up on her questions regarding both statutory time-limit requirements and the Pathfinder project. Baroness Meyer highlighted the statutory limit of 26 weeks for public law. Whilst we have no current plans to consider something similar for private law proceedings, I have recently agreed with the members of the Family Justice Board, including the Minister for Children, Families and Wellbeing, that reducing delay in all family proceedings is the key focus for this year. All the members of the Family Justice Board, who represent key delivery partners in the system, will align their plans with the specific priorities for public and private law which we have agreed. In the Ministry of Justice, we are introducing a package of measures to help reduce the

duration of cases, including our work to encourage earlier resolution where appropriate and offering early legal advice for parents considering making an application to the family court. This will counter the negative effects of delay and ensure the resources of the court remain focused on families and children who are most in need of the court's involvement and protection.

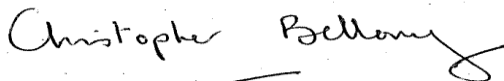
Baroness Meyer also raised a question about judicial training and judicial decisions around domestic abuse. The Lady Chief Justice has the responsibility for the training of the independent judiciary who sit in the civil, family, and criminal courts, and this is exercised through the Judicial College. There has been considerable training for judges in the criminal and family courts on domestic abuse over a long and sustained period, and issues of domestic abuse are addressed on an ongoing basis as part of the College's regular training. It would not be appropriate for me to comment on this training, or judicial decision making in general, in order to ensure there can be no risk of perceived or actual interference in the independence of the judiciary.

In relation to Pathfinder and the experience of children and domestic abuse victims, this is a key focus of our ongoing evaluation, which involves two strands of research. The first is a process evaluation looking at how the model has been implemented and which factors contribute to its success, as well as helping us to understand any challenges for wider rollout. This will be published later this year. The second strand of evaluation will capture the views and experiences of children and families who have had cases under the Pathfinder model. It will consider how parents feel allegations of domestic abuse or risk of harm to their child have been addressed by the court, and how children and young people feel their views have been considered in proceedings. This should be completed in December.

Lastly, Baroness Tyler of Enfield, supported by Lord Ponsonby of Shulbrede, raised a question in the debate regarding the possibility of introducing a universal voucher scheme for a general advice appointment, at which point individuals can be signposted to alternative dispute resolution mechanisms. The sustained demand for the mediation voucher scheme demonstrates that a dispute resolution process which is accessible, affordable, and tailored to the needs of individuals works. I agree, however, that mediation will not be a suitable form of dispute resolution for everyone. By offering funded early legal advice through the new pilot scheme, people are provided with information tailored to their individual circumstances and are given the freedom to choose the type of dispute resolution process that best suits their needs.

I hope this letter has provided clarity on these important points raised during the debate. A copy will also be deposited in the House Library.

Kind Regards,

A handwritten signature in black ink that reads "Christopher Bellamy". The signature is written in a cursive style and is positioned above a horizontal line.

LORD BELLAMY KC