

Observatory on Human Rights OF Children Annual Lecture 2015

Sir James Munby

I really reach out with the warmest welcome to you all joining us this evening, beautiful sunny evening. But, we're all delighted that you've come in from the sun for a short time and joined us this evening for what promises to be a particularly interesting and stimulating address.

Now, we are very deeply honored to have with us Sir James Munby, President of the family division of England and Wales. And, who has agreed or volunteered or been coerced into joining us on what is very important to us, the annual lecture of the Observatory on Human Rights of Children and Young People.

Now, I will be giving way in a few minutes, to Lynn [inaudible 00:01:09] who agreed introduce our guest. So, I am just going to use these few minutes at the beginning of the talk to do my advertising bit. And, we are all in a buoyant mood in the university aren't we? I'm talking to you colleagues, yes. We're all in an incredibly buoyant mood because things are going rather well. Everyone has been working intensely for some years, and all the evidence is now we're beginning to reap the benefits of the hard work and efforts that staff and colleagues have been putting in across the university as we've started to [inaudible 00:01:51]. And we've started being noticed in so many different ways.

Our greatest recent achievement was just before Christmas, and this great assessment that the government supports of analyzing and examining and assessing all research in all universities in the whole of the UK. And discovering as a result of this latest assessment, eight years after the previous one, that we have leapt up from 52nd place in the UK up to 26th place in the UK. Ahead of 4 Russell Group universities, tying with 2 Russell Group universities in the quality of the research that takes place here in Swansea.

We're all rather timid and quiet and shy about shouting about what we do. But here there are other people telling us we're not that bad, and this was good for us. But even more in that assessment, it was explicit that the assessment included an examination of what difference our research was making. We got extra points, we got extra advantage for making sure not only did we do work across, well readed research, but some of that research was translated into a real impact on industry platforms in society, in communities, culturally, whatever.

Basically, demonstrating that our research is helping to change the world. And I would interpret that as changing the world for the better in some way. Which begins to, I think, make clear the two critical things here. It's not just research, it's about values as well. Actually if you look at these assessments of impact that they've carried out as part of the assessment of research, Swansea was up there 22nd in the UK. So we're gaining ahead of half of the Russell Group universities.

We are making a real difference. And this evening we're amongst many people who are making quite specific differences in quite a specific area. Which brings me, very much indeed, to the situation as far as the observatory is concerned. It's absolutely clear that the observatory here is values-based. And it is very insistent, right from the beginning it has been insistent that the themes of values and the themes of research excellence are blended together in a way that values that helps to enhance the quality of research.

Value is not an add-on, it wasn't just something that helped provide an ethical frame of research, it was something right from the start. It was seen that by examining carefully, making careful decisions around values, you could actually enhance the quality of the research that you were doing about children and young people. And I should emphasize there, that this includes all children of all ages. I'm told to emphasize that, but I'm not quite sure exactly what it means. I mean, I'm wondering whether this is a

personal compliment to those of us in the room who would like to rediscover our youth. The bits of it you can remember anyway.

But we are, for example, particularly proud in the university of the observatory's work on what's called The Little Voices Project. Actually going in the other direction, going what's down to really quite young children, and allowing them to talk. Some of this work was developed with the Children and Young People's Assembly for Wales, which I'm told is called Funky Dragon, and that is all children as young as 7, taking part as researchers, helping them experience their own competence to bring about change.

It's about empowering and learning from children and you empower them, and even quite young children. A few people here have attended the Little Voices presentation in Swansea yesterday. And I don't think there will be any doubt in your minds, about the powerful potential of this groundbreaking engagement work in research. But it is a pretty good path to what this is achieving. And it can be seen, it's palpable and it's evidentiary. You can see it happening with young people.

So, the observatory is formed research, teaching, learning, and influencing change, making a difference. It informs public policy, practice, and law reform. And it helps children, young people and their families to hold as duty bearers to account for practical implementation of human rights. It grew from work led by Swansea University to influence the unique Welsh law on children's rights, the rights of children and young persons Wales measure of 2011.

And this law says that due regard must be given to the requirement of the United Nations convention on the rights of the child whenever our Welsh ministers exercise their functions. And we are just beginning to see the effect of that law in practice, and indeed the effect on other laws and policies developed and drafted following the agreement on that measure.

So, the observatory is focused on making a reality of laws promised to children and young people. It's a collaborative venture. And I'm delighted this evening to see many people who have helped with those collaborations, have been engaged in guiding, helping, collaborating in all sorts of other ways the observatory here in Swansea University.

And, I'm delighted to be able to share the news that we don't just work narrowly in South Wales, but we'll soon see the observatory operating at Bangor University, leaping up to North Wales to extend the reach and program of activities. We'll be building upon joint work that has been taking place for a while to establish that new link. And to recruit, I'm told, the Little Voices Project. Is that right?

Right. Well the inspiration beyond the first international Declaration of the Rights of Child in 1924 was Eglantyne Jebb, co-founder of Save the Children. She famously said that, "We should claim certain rights for the children and labor for their universal recognition, so that everybody not merely the small number of people who are in a position to contribute relief funds, but everybody who in any way comes into contact with children. That is to say the vast majority of mankind may be in a position to help forward the movement."

And it is in that spirit I'm delighted to see so many people joining us there this evening. And knowing so many people here have helped in support of this. I'm very pleased to invite Lynne [inaudible 00:10:40] to introduce our distinguished speaker. Lynne is somebody who certainly is one of those people who have been a great supporter, encourager, and guider of the whole observatory development. Thank you.

Thank you, Vice Chancellor. President, distinguished guests, ladies and gentlemen. Welcome to the Faraday lecture theater, named after Michael Faraday whose outstanding scientific career in Electromagnetism and Electrochemistry made him one of the best known of all British scientists. Or, natural philosophers as they were known in his time.

Faraday was a visionary and a very effective communicator, delivering the latest findings in science into the public domain. Tonight we have the privilege of listening in this theater to another visionary and

communicator who has become one of the best known family judges. A modern judge who delivers innovative solutions to complex family problems. Anyone who has delivered the public law outline, the Child Arrangements Program, and the single family court in a period of two years is a visionary who delivers on his promises.

This is particularly so, as his innovations in practice and procedure are far more radical and far reaching than we have seen for a generation. Sir James Munby was called to the bar in 1971, he took silk in 1988, he became a High Court judge in 2000, and became Chairman of the Law Commission for the period 2009-2012. I understand that his successor in this row is also in Swansea this evening.

Sir James became President of the Family Division and the Head of Family Justice in January 2013. Swansea University is privileged to welcome him to deliver the annual lecture of the Wales Observatory on Human Rights of Children and Young People. The observatory has gone from strength to strength as a center of research and advocacy on children and young person's rights, and tonight is another important milestone in its progress.

Can I please call upon the President of the Family Division to deliver the Wales Observatory annual lecture? Please give a warm welcome to the Head of Family Justice, Sir James Munby.

Gosh, what a buildup. How am I ever going to live up to expectations? I have to begin with two apologies. I either speak nor understand a single word of Welsh, I thought I'd get that out of the way. Secondly and perhaps even more importantly, I'm going to depart somewhat from my brief because my title is Unheard Voices, the Involvement of Children and Vulnerable People in the Family Justice System. So what I have to say is not confined simply to the row and position of children and young people.

As I would see it, too infrequently heard voice of a child in and about the family justice system is, I hope we can all agree, a matter of pressing and increasing concern. And when I speak of the family justice system, I do not have in mind only what goes on in court. The voice of the child is too little heard in other arenas. In local authority decision making, in mediation, a matter which has at last been taken in hand, and in other forms of negotiated settlement of family disputes.

But you will, I trust, forgive me if I do not confine what I have to say to children. The very important issues related to children are only part of a much wider range of issues extending in particular to those involved in the process, whether as parties and/or as witnesses who are in some way vulnerable.

I have to tell you plainly that within these matters the family justice system lags woefully, indeed shamefully, behind the criminal justice system. As the Head of Family Justice for England and Wales, it pains me to have to say this but in this as in other matters we have to address whatever failings there are in the system with honesty and candor.

Let me illustrate the point. In 2008 a judge of the family division observed that within the family justice system we are obliged to tolerate what the Crown called to be forbidden, the cross examination of an alleged victim by the alleged perpetrator. A process which can sometimes amount, and on occasions, quite deliberately to a continuation of the abuse. The judge can of course control such cross examination up to a point, but it is doubtful whether the judge can prevent it.

Seven years later the problem remains. Legislation is required, like the legislation which was required to put a stop to such practices in the Crown Court. We are still waiting, as are the victims of this unacceptable system. How much longer, I ask.

It is precisely because these issues are so intertwined, that in the summer of last year I set up a working group under the chairmanship, if Miss Justice Russell will forgive my use of that archaism, of two family division judges, Mr. Justice Hayden and Miss Justice Russell, to examine the law and practice in both children and the vulnerable. Their interim report was presented with commendable speed on the 31st,

July, 2014. The final report followed in February of this year. I shall come back in a moment to what is being done to implement the working group's recommendations.

Let me however start, as I should, with children. If one stands back from the system and tries to view it without an insider's assumptions and expectations, there are I suggest two aspects of the process in the family courts in cases involving children which are striking. First, although by statute the welfare of the child is our paramount concern. The child is by and large completely invisible in court, in marked contrast to the Crown Court, the child is very rarely present and very rarely gives evidence.

The child's wishes and feelings which by statute with direct to that regard are typically communicated to the court by others. The guardian if there is one, the social worker if there is social work involvement, or the parents.

The second thing which is striking is, that in the typical private law case where the child is not at party or otherwise represented, the matters are of course different if the child is the subject of public law care proceedings. The court will not hear from anybody other than the parents. The court proceeds, if I'm bold as to think about what is going on, and most of the time we do not. On the blithe assumption of the truth and the proper place of what's in the child's best interests, we'll in some mysterious way emerge from the adversarial process between the parents.

The questions we have to ponder include, whether our traditional approach is right, whether the courts or the demands of our international obligations, how we can continue to justify it when so many other countries take so many a different approach. And perhaps most of all, most important of all, how we can continue to justify it when so many of those that represent the voice of the child, particularly on the other side of [inaudible 00:19:34], the Family Justice Young People's Board, are pressing and rightly pressing for change.

You would not, I think, thank me if I was to give you a law lecture, that is not my intention. But I do give this point to draw attention to our international obligations. I start with Article 12 of the United Nations Convention on the Rights of the Child, now of course part of Welsh law not as yet directly part of English law. And just to remind you what Article 12 says, "State parties shall assure to the child whose capable of forming his or her own views, the right to express those views freely in all matter effecting the child. The views the child being given due weight in accordance with the age of maturity of the child. For this purpose the child shall in particular be provided the opportunity to be heard in any judicial and administrative proceedings effecting the child, either directly or through a representative on the appropriate body in a manner consistent with procedural rules of national law."

"The child by convention has the right to be heard," in both I stress this judicial and administrative proceedings. Article 8 of the European Convention is also important for amongst the rights it protects. It is the right of anyone whose rights to a prideful family life may be effected, and this applies as much to the child as to the parents. To be involved in the decision making process, whether that process is judicial or administrative.

This is important because the procedural protections afforded by Article 8 extend beyond those afforded by Article 6. Article 8, for example, requires the proper involvement of both the parents and the child, both before and after the judicial phase of care proceedings. To put the point plainly, local authorities exercising their statute of child protection and child welfare functions must comply with their procedural obligations under Article 8, legally enforceable obligations which they owe to both the parent and the child.

The implications of this in the context of parental involvement in the process has been compared to the well explored in the case law. The implications of the child's involvement less so, particularly in the context of the administrative rather than judicial decision making. But the cases show that where the

child's rights potentially conflict with the parents, public authorities even in the context of purely administrative decision making have to have regard to the possibility to involve the child in the process and have to recognize that this may require separate representation of the child, not just in the court arena but in the local authority's offices. This is a developing area of law and practice, so we will have to wait and see.

I merely suggest as an example, that local authorities may wish to ponder the implications of Article 8 in the context of their use and on occasions their misuse or even abuse of Section 20 of the Children Act 1989, or the corresponding arrangements in Wales. That said, my primary focus today is on the concepts articulated by Article 12 of the UN Convention, for whatever its legal status is a matter of English or rather differently Welsh domestic law. They take it to a complex area into which there's no need for me to mention today. There can be little doubt that it is Article 12 which is driving thinking in this area.

How specifically are children to be able to participate in proceedings in the family court? In particular, when and how should we go about permitting and enabling children to give evidence? What indeed do we mean by the participation of a child in the proceedings? I suggest it means at least three things. First, there is participation of the child as a party to the proceedings, invariable in public law care case, much less frequent in a private law case.

Secondly, there's what for want of a better expression, I will call the child's physical participation in the proceedings. Thirdly, there is what again for want of a better expression, I will call the child's intellectual participation in the proceedings. Of the first of these I propose to say nothing. You can ask your questions about that later if you wish.

So let me turn to what I call the child's physical participation. What do I mean? It's really very simple, the child may want to visit the courtroom to see what it looks like, so as to have a mental picture of what will be going on. The child may want to see the judge, simply put a face to the name. The child may want to meet the judge. The child may want to sit and be able to watch and hear the proceedings or parts of the proceedings. What should our approach be to such requests? How should we go about finding out whether or not the child wants to do any of these things? Should we indeed try and find out what the child wants?

My answer to each of these questions is straight forward. In principle we should try and find out what the child wants, and unless the particular child's welfare points in another direction, or what the child wants is plainly inappropriate, we should do our best to meet the child's wishes. Obviously, we have to have regard to the statute requires for the child's age and understanding. And obviously, if the child wishes to sit in and watch the proceedings we need to be very careful to ensure the child is not exposed to anything from which they should be protected.

But in the past we've been too cautious, too over protective. For the future I suggest we must be more flexible and accommodating. So much I will call the child's physical participation. And, what do I mean by the child's intellectual participation? It comes down I suggest to two things, first making sure what the child wants to say is communicated to the court in the way the child wants. And that qualification is very important.

Secondly, making sure that the child knows what is going on and why. And, in particular is told after the proceedings are over what the judge has decided and why. Much of what the child has to say within the nature of things be communicated to the court by adults, by the parents, by social workers, by [inaudible 00:26:34] offices, or offices of [inaudible 00:26:36]. That's the one word I know. Forgive my mispronunciation, and others.

But whether or not these channels of communication are available, it is surely essential that if the child wants to, the child should be able to communicate with the court independently. Saying whatever the

child wants to say, and using whatever means the child is most comfortable with. Always bearing in mind that today's child may be more familiar and comfortable with some form of electronic communication, perhaps unfamiliar to the judge than with pencil, crayon, ink, and paper.

And this surely should extend to the child being able to see the judge face-to-face, if that is what the child wants. Equally important, the child must be told in an appropriately child centered way what is going on and why. Who is to do that? That's a difficult question to which there's probably no simple one-size-fits-all answer. Crucially, the child must also be told of the outcome. Who is to do that? Is there not a role here for the judge in many cases, perhaps writing a letter to the child to explain what the judge has decided and why.

And the question we need to consider, should the judge be writing a letter for the child to read today, written in the language appropriate to the child having regard to their present age or understanding? Or, should the judge be writing a letter for the child to be read by the later at some, and if so at what point in the future?

Related to this is a point which I've intimated in the past, but do not shrink from repeating today. Should not every final judgment in every child case with substance be recorded and transcribed so that it available in future years for the child, perhaps by then an adult? To be able to learn and understand why the judge decided as she did. Knowledge of who one is, who one's family is or was, why has one arrived at where one is, is fundamental to our needs as human beings just as it is a necessary aide to personal well being.

It is also, I remind you, an aspect of the private life which Article 8 of the convention requires the state to respect. Why should the child whose fate was determined in an extemporary judgment which for some reason was never transcribed be denied what is available to the child whose fate was determined in the judgment which for some reason was either written or subsequently transcribed, perhaps for reasons having little to anything to do with the needs of the child?

Consideration of what I've called the child's intellectual participation in the proceedings brings me naturally to the related question of children giving evidence. Again, change is in the air. Until recently there was a presumption that children should not give evidence. The Supreme Court has recently told us that this is not so, and we can accordingly expect to be faced more often hitherto to suggest that the child should give evidence, and that I venture to think is all to the good.

Thus far you will have noted, I've just been talking about children generally. Are all children to participate whatever their age? How old is a child to be before it can provide reliable information or give evidence? The answer is that although it all depends not least on the nature of the issues and critically the age and understanding of the child. We have got to recognize, I suggest, the minimum age of participation may be indeed has to be much there, that until very recently we would have been prepared even to contemplate.

There are cases where children as young as only 5 years of age have given evidence leading to convictions in immensely seriously cases in the Crown Court. There are family courts abroad which regularly see children not much older than that. The idea that family judges should be seeing or hearing evidence from children, only if they are all soon be teenagers, has ceased to be tenable if it ever was. We have to rethink our approach.

Why is all this so important? The reason is surely very simple, judges in family courts are making what are often life changing decisions. Too often at present children feel excluded from the process and resentful that profoundly important decisions about them are being taken, as it were, over their heads and without reference to them.

How are we to move forward on this? The recommendation of the working group which I've accepted is, that the fundamental architecture should consist of a high level of rule prominently placed very near the beginning of the family procedure rules, providing the support of practice directions and practice guidance which will supplement the rule and supply the detail. A draft of this rule will be published very shortly for consultation. So far as it relates to children, I can summarize present thinking as follows. It is contemplated first that the rule will apply where the child is either a party to proceedings, the subject of proceedings of the other party, or is otherwise effected by matters in the proceedings. So it's intended to be wide reaching in its gambit.

Secondly, it's contemplated that the rule will require the court to consider whether the child should participate in the proceedings and if so make a direction that the child should participate. And thirdly, it's contemplated that the rule will provide that if the court has decided that the child should participate in the proceedings, it will go on to require the court consider how the child is to participate in the proceedings or give evidence. Should the child participate in the court proceedings? Should the child have the opportunity to visit the court, meet, address, or communicate with the judge or attend the hearing? Should the child give evidence? Should the child have the assistance of one or more special measures? I'll come back to that in a moment.

Should the child be informed of the outcome of the proceedings, and in each case, how? Let me turn for a moment to consider the question of vulnerability. Children, precisely because they are children, are vulnerable. So are many of the adults who come before the family court, whether as parties or as witnesses. Vulnerability comes in many forms, physical, mental, and social to mention but three. Let me give some examples to illustrate the range of the issues which the family court deals with all the time.

For many litigants in family cases English is not their mother tongue. Some are illiterate, some are deaf or blind or have other physical disabilities. Studies show as this suggests that a significant number of parents involving care proceedings have often very significant learning difficulties. Another kind of vulnerability is exemplified by the victims of domestic, actual anticipated domestic violence, forced marriage, female genital mutilation, or even worse. Can we honestly assert that we are as alert as we should be for the problems? And the imperative need to ensure that the vulnerable who come before us, whether as parties or as witnesses, are enabled to participate as they are entitled to, fairly and properly in the proceedings and not left in the position of disadvantage.

Although I'd like to think so, the truth is that much more, much, much more needs to be done. Are we indeed complying with our international obligations? Here, the critical provision is Article 13 of the United Nations Convention on the rights of persons with disabilities. That provides that states parties shall ensure effective access to justice to persons with disabilities on an equal basis with others, including through the provision of procedural and age appropriate accommodations in order to facilitate their effective role as direct and indirect participants, including as witnesses in all legal proceedings including at investigative and other preliminary stages.

Article 13.2 provides that in order to ensure effective access to justice for persons with disabilities states the party shall promote appropriate training for those working in the field of administration of justice. Article 1 of the convention explains its purpose. The purpose of the present convention is to promote, protect, and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities and promote respect for their inherent dignity.

Persons with disabilities include those who have long term physical, mental, intellectually, or sensory impairments which in interactions of various pasts may hinder their full and effective participation in society on an equal basis with others. The language is very broadly expressed, the imperative obligations imposed on the state there are far reaching. The obligations are clear but are we meeting them?

I've referred to the draft we're going to publish very shortly for consultation. So far as it relates to vulnerable parties and witnesses, I can summarize present thinking as follows. It's contemplated the rule will require the court to consider whether a party's participation in the proceedings is likely to be diminished, and if so whether it is necessary to make a direction for special measures to assist the party.

It's contemplated secondly, that the rule will require the court to consider whether the quality of evidence given by an adult party or witness is likely to be diminished in terms of its completeness, coherence, and accuracy. And if so, whether it is necessary to make a direction for special measures to assist the party or witness to give evidence.

The special measures I've referred to would include such matters as preventing a party or witness from seeing the other party. Allowing a party or witness to participate by live link. Providing for a party or witness to use a device to help communication. Providing for a party to have the assistance of an intermediary. All this in addition of course to the provision of interpreters in doing all of the other things required of us by disabilities and equality legislation.

It's contemplated the rule will require the court in deciding how to exercise its powers to consider any views expressed by the child, taking into account the child's age and maturity, or as the case may be by the party or witness. The rule that is contemplated will also set out a number of maps to which the court have particular regard in decided how to exercise its powers. For example, whether the child, party, or witness suffers from mental disorder or otherwise has a significant impairment of intelligence or social functioning, has a physical disability, or suffers from a physical disorder, or is undergoing medical treatment. They should extend the information before the court, the issue is raised in the proceedings, whether the maps are contentious, the age of the party or witness, the social and cultural background and ethnic origins of the child, party, or witness.

The domestic circumstances and religious belief of the child, party, or witness. And very importantly, any behavior towards the child, party, or witness of other connected with the proceedings. And finally, whether a measure is available in the court and inevitably the costs of any available measure.

The framework of what I call the overarching architecture is, I hope, clear. Work is already underway on drafting the practice directions which will provide the additional detail and importantly revise and update the Family Justice Council's 2010 guidelines for judges meeting with children, and the Family Justice Council's December 2011 guidelines on children giving evidence. This work is crucial, it will demand interdisciplinary input. Not least, the continuing input of the [inaudible 00:39:26] by the multiple disciplinary Family Justice Council.

May I digress for a moment? This is the point at which some of the lawyers will think the present has finally lost its reason, but I press on. Proper participation of the parties, the parents in particular, in family cases surely raises questions about the layout of the courtroom. Family courts essentially come in three different layouts. There's the traditional court with the furniture arranged in rows. There's the District Judge hearing room with the parties and their representatives sitting around a large table. There's the horseshoe shaped preferred by many magistrates.

I do not propose to enter into that thorny debate, a debate which raises just about as much controversy as the future of wigs and gowns. Except, message to HMCTS, to urge that future courtrooms are provided with movable furniture so that the court can be easily and quickly reconfigured.

What I want to raise is, the question of where the parents and the child, if the child is present, should sit if the case is being heard in a traditional court. The convention is that the front row is reserved for leading council. The second row for junior council. The third row for their solicitors, with the parties being relegated to the back row where their ability to see and hear the proceedings may be compromised if the court, as most are today, are laid out on the flat and the acoustics are not too good.

And most importantly, where they're likely to feel marginalized, sitting as spectators rather than participants.

The problem is only partially ameliorated if this often happens today, the parties sit beside their solicitors. That this organization of the court is far from being necessary, let alone even desirable, is shown by two departures from the norm. In cases involving leading council, the solicitor and client will sit in front of the leader at the table in the well of the court if there is one. Where as the litigant and person, they likewise sit in the well of the court. This if my recollection of the practice of the bar you need to go by, there is not disadvantage to the advocates.

My experience as a judge suggests this is positively advantageous. Most important of all, surely it brings the parties, the people the case is all about center stage as it were, which is surely where they ought to be. Why do we not adopt this simple reorganization of where the parties sit in every family case?

I look at one of brethren who is with us here tonight, I speculate as to what is going on through his mind. But more particularly, what could be going on through the mind of some other of my brethren if they were hearing what I was saying. Anyway, I throw it out, it's not my idea. It is my idea, actually, which come from the Family Justice Review, David Norgrove. And if I can shelter behind my leader, which is a cowardly thing to do, Andy McFarlane, Lord Justice McFarlane who is on the committee and got this idea when they were visiting, I think, Sweden. They came back enthused with the idea that the Swedes do it rather better than we do. Anyway, there we are, we can think about it.

There is, coming back to the serious points, much to be done and rules and practice directions alone will not necessarily accomplish much. Two things I suggest are needed. The first is a complete change in the culture of the family court. The second is training. Training for judges, training for advocates, and for everyone else involved in the family justice system whether in or out of court.

Many of the recent changes and reforms in the family justice system have at root been about changing more or less deeply rooted cultures. Some of these changes have been a little short of revolutionary, here as elsewhere. And I've said this in other contexts and I repeat it in this context. What is needed is nothing short of a cultural revolution. Most of you here are probably too young to pick up the political connotation of that phrase, go and look it up.

I am ashamed to be, on this topic at least, align myself with the late Chairman Mao. For those who have even longer memories, the cultural revolution involves a hearts and minds campaign, that was Field Marshall Sir Gerald Templer in Malaya in 1950s fighting the communist backed insurgency. So I happily pillage my concepts from both the right and the left.

Coming back to what is serious again. We must, I suggest, put the parties, the children in particular, center stage both metaphorically and as I've suggested quite literally. We need to make the process something they can feel they're engaged in, rather than something which merely happens to them. They must be welcomed as participants not as mere spectators. They after all is what it is all about. We must be astute to ensure that those who are vulnerable are not made to feel marginalized or excluded.

Training is fundamental. Anyone who doubts has only to consider the immensely important work done in the context of the criminal justice system by the Advocacy Training Council and the Advocate's Gateway Toolkit. We in the family justice system need to learn from what's been done so successfully and with such profoundly important outcomes in the criminal justice system. It is, I fear, a steep hill to climb.

How many of us in the family justice system have ever heard of the toolkits, let alone studied them? How many in particular are aware of Toolkit 13, Vulnerable Witnesses and Parties in the Family Courts, published in November 2014? It is an astonishingly valuable companion of wisdom and guidance,

developed by the most distinguished working group and intended for use by advocates, solicitors, social workers, guardians, [inaudible 00:46:03] officers, and judges.

I have no financial interest in what I'm about to say, but I say it should be on the bookcase and in the briefcase of every family practitioner. Work on devising appropriate training for family judges is being carried forward by the Judicial College. Similar work needs to be undertaken by the legal and other professions. We may think we know all there is to know but we must have the humility to acknowledge that perhaps we do not. There are great challenges ahead, I am confident we will meet them. We must, if the family justice system is to live up to its aspirations.

That is where the sermon ends. I will happily, to the extent I'm allowed to by those running this event, take questions and try and provide answers. But more particularly, welcome any comments anybody has. The process of reform is still underway ...