

**WRITTEN QUESTION TO H.M. ATTORNEY GENERAL
BY DEPUTY K.G. PAMPLIN OF ST. SAVIOUR
ANSWER TO BE TABLED ON MONDAY 25th NOVEMBER 2019**

Question

Will H.M. Attorney General outline the reasons why any court proceedings relating to cases involving a child may be delayed beyond two weeks and provide an anonymised breakdown of all such cases in the past two years, showing the duration of each case?

Answer

The Deputy has clarified that the question relates to the average duration of public law proceedings in relation to children who are subject to applications for care or supervision orders under the Children (Jersey) Law 2002 (“the Children Law”).

The following table sets out the number of cases in each bracket for 2015 -2018. The information has not yet been collated for 2019 but will be provided early in 2020.

Duration of Proceedings

Year	≤26 weeks	>26 ≤ 39 weeks	>39 ≤ 52 weeks	≥52 weeks	Average in weeks
2015	1	NK	NK	NK	44.2
2016	3	3	5	4	42.7
2017	3	3	4	4	45.8
2018	7	2	10	8	42

It is accepted that any delay to proceedings is contrary to the best interests of children. Article 2 of the Children Law provides that in proceedings in which any question with respect to the upbringing of a child arises, the court shall have regard to the general principle that any delay is likely to prejudice the welfare of the child. Delay must therefore be purposeful and the court will intervene to ensure that progress is made. The Royal Court has issued a Practice Direction in relation to the case management of care and supervision proceedings which should assist with ensuring that cases are dealt with as expeditiously as possible.

There are various reasons for the duration of proceedings, including availability of suitable experts, consideration of extended family members who have come forward during the course of the proceedings, purposeful delay (i.e. rehabilitation of the child with parents under the auspices of the proceedings), lack of involvement in the proceedings by parents and availability of court dates which accommodate all the parties and witnesses’ availability. The court continues to treat these cases with urgency. It is obviously important that any decision made takes into account the particular needs of that child. Such decisions are significant and cannot be made without all of the information being placed before the court.

There exists in England and Wales a 26 week target for such cases. This target has caused some difficulties that have been publicised and to which I referred in my speech following the publication of the Independent Jersey Care Inquiry on 7 July 2017. It has sometimes led in England and Wales to delay in local authorities issuing proceedings, which is contrary to the interests of the child and the parents, who cannot obtain legal aid until the application has begun. In some cases the desire to conclude matters within 26 weeks has meant that the final order has not been properly tailored to the child. Figures produced by CAFCASS (Children and Family Court Advisory and Support Service) show that the average duration of proceedings in England & Wales for Quarter 1 of 2019 was 33 weeks. Seven local authorities had an average of 26 weeks or less, four had an average of 27-29 weeks, and 32 had an average of 30 or more weeks.