

Legal Aid: Funding Reforms
Consultation Paper CP18/09

Family Rights Group
Response

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If you are a representative of a group, please tell us the name of the group and give a summary of the people or organisations that you represent

I am a representative of Family Rights Group, a charity in England and Wales that advises parents and other family members whose children are involved with or require social care services. We run a confidential telephone advice service for families. Established as a registered charity in 1974, we work to increase the voice children and families have in the services they use. We promote policies and practices that assist children to be raised safely and securely within their families, and campaign to ensure that support is available to assist grandparents and other relatives who are raising children who cannot live at home.

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1. We are concerned about the proposal to cap the fees for independent social workers. Although independent social workers are not mentioned in part 3 of the Legal Aid Reform proposals, we must assume that the proposal contained in the Legal Services Commission response of 21 October 2009 at page 66 should have been included in the Legal Aid Reform Proposals, as they are clearly professionals performing the role of an expert witness.
2. The proposal to cap independent social worker fees at a figure of £30/£33 per hour would limit the availability of expert social work opinion to the Courts. It is a contradiction to propose a figure of £30/£33 to independent social workers whilst proposing £70 - £100 for other professionals; some of whom, for example nurses, drug testers and other medical practitioners, bring far less influence on the profound decisions being made about the lives of children.
3. We find it surprising that independent social workers are not mentioned at all in the list of experts included at annex B of the reform proposals. This perhaps reflects a significant devaluation of social work at the very time the Government is expending much energy and money on improving the image of social work in order to boost recruitment including to attract more graduates to the profession.
4. In our view, this proposal will further erode the quality of evidence available to a court charged with making decisions about the futures of some of the most vulnerable children in our society. This proposal comes at a time when funding for residential assessments of children and parents has already been withdrawn and there is a high level of concern amongst family law practitioners over their ability to continue to represent families and children in public law proceedings, due to decreasing levels of remuneration.
5. Whilst we agree in principle that it is appropriate to pay the same rates for the same type of expert in both civil and criminal cases, it is wrong to assume that all experts will do both types of work. Therefore, it is submitted that any review of expert's costs should examine all professions, involved in both or either criminal and civil work, at the same

time. In this way, any difference of rates paid would be based on well informed evidence about the contribution of any particular professional to the outcome of the case.

6. We do not believe that it is appropriate to use fixed fees in relation to any childcare case. Fixed fees do not allow an expert to take full account of the individual circumstances of each case, and have the effect of undermining the quality of evidence provided.
7. There has been no proper impact assessment of the LSC proposals on the quality of future decision making within Court proceedings. We believe that the quality of decision making will be significantly adversely affected.

Andrea Hopkins
Legal Adviser
Family Rights Group