

Gwenda Thomas AC/AM  
Y Dirprwy Weinidog dros Wasanaethau Cymdeithasol  
Deputy Minister for Social Services



Llywodraeth Cynulliad Cymru  
Welsh Assembly Government

Eich cyf/Your ref PET-03-236  
Ein cyf/Our ref GT/05278/09

Val Lloyd AM  
Chair, Petitions Committee  
National Assembly for Wales  
Cardiff Bay  
Cardiff  
CF99 1NA

18<sup>th</sup> November 2009

*Dear Val,*

#### **Petition – Charter for Grandchildren**

You wrote to Jane Hutt and Brian Gibbons on 26 October on behalf of the Petitions Committee seeking Ministers views on the request from Grandparents Apart Wales to adopt the Charter for Grandchildren. I am replying as lead Minister for the safeguarding, and the welfare of children.

Unfortunately, the petitioners did not include a copy of the Charter. My officials have therefore spoken with the Committee Clerk and confirmed that the Charter is that published by the Scottish Executive. For clarity, I have attached an electronic copy as an annex to this letter.

The Charter for Grandchildren reflects a number of the key principles upon which our policies for children and young people are founded. There is a close correlation between the expectations set out in the Charter and the principles within the Welsh Assembly Government's Seven Core Aims such as participation, advocacy and equality, and enshrined within our policies and programmes.

I note the Charter in Scotland is adopted under on voluntary good practice principles. The National Assembly Petitions Committee has sought Ministers' position on the proposal that the Charter be made mandatory for professional workers who are employed in the welfare of children in Wales.

Whilst we respect the principle aims of the Charter and recognise the invaluable role grandparents have in the development, support and care of children and young people, I am not convinced of the added value the Charter would bring. In particular, if it was to be mandatory requirement in Wales.

The duties and responsibilities on professionals concerned with safeguarding and promoting the welfare of children and young people exist across a range of legislation and statutory guidance. The principle law is, as the Committee will be aware, The Children Act 1989 which sets out clear duties on the rights of the child and members of the families including the role of grandparents.

Although the Charter may be helpful in informing the rights of grandparents it may have the effect of complicating and confusing matters rather than enhancing current arrangements. Furthermore, the duties imposed by the Charter, if it were to be mandatory, may bring into conflict existing law in the Children Act 1989, the Human Rights Act and other legislation. It would also extend to reserved matters such as decisions taken by the family courts where the Welsh Assembly Government has no powers.

You will therefore appreciate the difficulties and possible unintended consequences if the Welsh Assembly Government to adopt the Charter for Wales.

I can however, assure the Committee, that the Welsh Assembly Government values and will continue to ensure the rights of grandparents in terms of their contact, care, education and broader development of their grandchildren's welfare are fully recognised and supported across all our policies and programmes for children and young people. For example:-

- reflecting the role played by grandparents within forthcoming guidance on the role of intergenerational approaches in strengthening the family; and
- legislating that placements with extended family or friends are given preference, where that is appropriate.

I trust that the Committee will find this helpful.

Yours sincerely



**Gwenda Thomas AC/AM**

# FAMILY MATTERS CHARTER FOR GRANDCHILDREN

**Scottish Ministers' vision for children and young people in Scotland is that they are safe, nurtured, achieving, healthy, respected and responsible, active and included.**

This means that parents or guardians, grandparents, teachers, doctors, social workers and other people who are responsible for helping children and making decisions about their lives must do all they can to protect and care for them, to help them to do well at school and to make sure that they are happy, supported and confident.

## **Families are important to children**

Families come in all shapes and sizes. Grandparents, aunts, uncles and cousins can all play an important role in nurturing children. While parents are responsible for caring for their children and making sure their needs are met, the wider family can play a vital supporting role.

Family life is usually happy but sometimes there can be difficulties. These can range from family quarrels through to divorce and separation to ill health or death. During these times, the children in the family may need extra support. They may want someone to talk to, or simply a safe place where they can have fun. Grandparents can and do play a vital role in helping children to maintain some stability in their lives.

Sometimes, children or young people may lose contact with their grandparents. This can be for a variety of reasons. There may have been a family quarrel, a house move, or a change in who is caring for the children.

When there are problems in families, it can be difficult to see a solution. Tempers can run high, and family members may take sides. Everyone involved should be prepared to put the welfare of the child first and be ready to compromise. Whatever the problem in your family, it is important to look beyond your own feelings to help the children stay in touch with the people who are important to them as well as to adjust to a new situation.



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SCOTTISH EXECUTIVE

# FAMILY MATTERS CHARTER FOR GRANDCHILDREN

It is important that parents, grandparents and other family members speak to, and treat each other, with respect. You may not get on, but you can still be civil for the sake of the children. Try to avoid arguing with, or criticising, family members in front of the children. It can be very upsetting for them.

On occasions professional organisations such as social work departments or the courts can become involved and may have to make decisions that will have a lasting impact throughout a child's entire life. In these circumstances it is vital that the loving and supportive role that the wider family, in particular grandparents, can play is respected and protected for the child.

## FAMILIES ARE IMPORTANT TO CHILDREN – GRANDCHILDREN CAN EXPECT:

- To be involved with, and helped to understand, decisions made about their lives.
- To be treated fairly.
- To know and maintain contact with their family (except in very exceptional circumstances) and other people who are important to them.
- To know that their grandparents still love them, even if they are not able to see them at the present time.
- To know their family history.
- The **adults** in their lives to put their needs first and to protect them from disputes between adults – not to use them as weapons in quarrels.
- **Social workers**, when making assessments about their lives, to take into account the loving and supporting role grandparents can play in their lives.
- The **courts**, when making decisions about their lives, to take into account the loving and supporting role grandparents can play in their lives.
- **Lawyers and other advisers**, to encourage relationship counselling or mediation when adults seek advice on matters affecting them and their children.

Further copies available from [www.scotland.gov.uk/familylaw](http://www.scotland.gov.uk/familylaw) or phone 0131 244 3581.

## Additional Information provided by petitioner

Thank you for your email.

I was unaware that the committee was waiting on a response from me, but I will be delighted to help the committee in any way I can.

A Charter for Grandchildren is really necessary to protect families in this modern age and I will explain why it so vital for our children and their wellbeing.

In doing so I hope to cover the points raised by Gwenda Thomas AM the minister for Social Services in her letter dated 18<sup>th</sup> November 2010.

I have enclosed correspondence that hopefully will prove that this is a generic problem across Wales and the UK which needs addressed by our government for the protection of children and families.

I have witnessed Private Law Court Orders issued by the Magistrates and County Courts being ignored and subsequently broken and now I am witnessing Public Law Court Orders being broken and wonder what is use of the Court's time in issuing such Court Orders and at what expense to the public purse.

The Children's Act 1989 needs amending so that it can incorporate a Charter for Grandchildren which would enhance the law and not confuse it, and I put it to you the Act is fine for the people who obey the laws of the land but what about the people who pay scant respect for the law and the children involved. Perhaps the committee could address or research the issues raised by the minister regarding human rights as we don't have the resources to relate to this or perhaps such matters should be brought to the attention of the Parliaments both National and European.

We accept the Welsh Government can only relate to these matters it has the devolved powers of authority and accept that the Charter in Wales would only extend to matters for which the Welsh Government has devolved powers.

The United Kingdom has precedent set up for the Charter for Grandchildren being recognised in Scotland by the Scottish Parliament and passed by the City of Glasgow Councillors to made mandatory for professionals working in the welfare of children.

We read in the papers that there are 160 children in care in the Borough of Conwy and 4705 in Wales in total so on that evidence alone we think there is a growing concern by grandparents on the laws that are failing to protect children in Wales and the UK.

The family starts when a child is born from the love two people have for each other, these two people have parents who are the loving dotting grandparents of the new born baby or child and society has its set of values and principles to protect the family enshrined in Family Law including the Children's Act 1989.

The tragedy in many cases for the child is when the parents fall out of love with each other but still love the child.

The two sets of grandparents still love the child and the child still loves his/her grandparents.

So the scenario is the only people who want change is the parents. The child still wants contact with his/her parents and grandparents. The child has not fallen out of love with anybody neither have the grandparents, in fact the grandparents now become vulnerable as does the child should the separation of the parents be anything other than civil.

In our experience as a charity and also personally the consequences for the child in many cases where the separation is not gracious and civil are, the children are immediately subject to emotional abuse by the resident parent who uses the child as a pawn or weapon in a futile battle for control. We have only to read in the daily papers what happens to many of our unfortunate children for evidence of this.

We need to change the culture and thinking in this so that when couples separate it is normal practice to allow the child contact with his/her parents and also the grandparents.

The authorities no doubt would argue that there are laws to protect parents rights of responsibility and contact but I would argue and can prove as in Emma's father's case that the law when not enforced is impotent to protect the wishes of the child who in Emma's case wanted to see her dad but the dad was denied access.

There are too many children in the country being denied access to their loved ones and this is a national disgrace because these children are being deprived of not only of their rights and desires to see their loved ones but denied in many cases of the knowledge of their families history and culture. They grow up asking the questions trying to gain the knowledge and understanding of their situation which in itself results in many cases to more heartache, as they realise what is and what could have been. Many children discover that their choices and options have been denied to them.

We must as a society learn to love our children and bring them up with open minds as to the concept of belonging to a family no matter what changes happen in that family.

The situation caused by the conflict in families today results in our children being suffocated and starved of the love and affection they so need and deserve to live full and normal lives.

This affects their physical and mental health, their education suffers resulting in many of them ending up unemployed some in magistrates courts or prison.

If governments were serious in trying to put a halt to the deterioration in families then having children brought up with the knowledge of family values would be a fit and proper place to start. The Charter for Grandchildren would be the first brick as every child loves to belong to a family and this should be nurtured and protected.

Many thanks Ryan to you and the committee for getting back to me on this issue. I could provide more case studies taken from cases here in Wales and have the permission of our friends and members to do so, but I thought was attaching enough.

Best wishes  
Frank Bradfield,

## **Case 19 Grandparents Can Make Life Safer For Children**

Baby David is in hospital he has broken ribs but he will survive. Children are being abused more often in one parent families because of alcohol and drugs with no one allowed to intervene until it is life threatening. Could this abuse be detected sooner? We believe grandparents could be the people to do this if the Charter for Grandchildren gave children the right for them to be relevant in their lives because of their unique relationship with them..

Grandparents are not a threat to anyone in asking for The Charter for Grandchildren to be made mandatory for professionals. They are not asking for personal rights like parental rights and don't want them to be. Grandparents support equal parenting and nothing delights us more than a happy family and for parents to have full access to their children. Equal Parenting would greatly reduce the using of children as weapons for revenge.

The Charter for Grandchildren is basically to make sure professionals dealing in the welfare of children acknowledge the role grandparents can play in their grandchildren's lives for their best interest especially if both parents are not in the picture. This is required because of social services and professionals cutting costs and skipping out on the real welfare of our children. It is an outside line to someone they trust if they are in care.

The Charter for Grandchildren would be advisory only but it would make a difference in the lives of grandparents and the children concerned because they would be recognised. However it needs power behind it, for being advisory we feel the social services would not interrupt their programme of cost cutting for a charter that was advisory.

Children need and love both parents, and grandparents should be providing a caring supportive backup to them. We must not be divided in this; our children need us all on the same side. We have so much in common that it is madness not to work together to this end.

### **To parents.**

If you are separated at the moment your children are vulnerable to isolation, self blame, low self esteem and lack of stability in their lives. Separation or divorce changes you and your children's lives whether you like it or not... But do the children need to suffer altogether, would it not be reassuring for them to feel they are not completely isolated.. Would you not be happier to know someone who loves them is at least trying to keep an eye on their comfort at least until your own problems have been sorted out?

Our aim is to have 'The Charter for Grandchildren' made legal in the best interests of yours/our children.

Write to your local councillor and ask them to be in support of this and you will be helping protect the children that are most at risk. It could be your own!

Ends  
Jimmy Deuchars

### **Case 20 Child abuse. Grandparent's prevention is better than cure.**

The last Scottish Executive and our group as part of a Stakeholders Group on family law produced the 'The Charter for Grandchildren' although it is advisory only at the moment it is a first step in the right direction. Now we are lobbying to have the Charter made legal giving the legal right of contact to children with their grandparents which in our way of thinking is the same as grandparents having the rights. The last Scottish Executive saw fit to have the charter and our input in it is the main content. So we are going with the flow rather than against it. The aim now is to have the whole of the UK recognise the Charter.

Meanwhile, the guidelines in our book 'Grandparents Speak out for Vulnerable Children' have eased the situation quite a bit and have helped lots of grandparents back into their grandchildren's lives.

We have been attending the National Pensioners Parliament in Blackpool and Scottish National Pensioners conferences Edinburgh to gain support and we have done very well. The Town's Women Guild with 40,000 members in the UK has taken up our cause this year to raise awareness of the unfair family laws and the need for grandparents/grandchildren legal contact.

NSPCC admit they cannot cope with the increase in cases of abuse. Social services despite having over 5000 social workers in Scotland and loads more in training cannot cope according to the Daily Mail 29<sup>th</sup> May 2007 [quote] "Huge army of social workers tops 5,000".

The NSPCC and social work can only act after the abuse, grandparents could provide the protection to prevent, or stop the abuse at an earlier stage. Respect for others and good behaviour education comes from a child's upbringing taught in the family. Social services or NSPCC cannot possibly fill this gap. Grandparents could, if only they had the legal right to do so with the help of family mediation and be accepted as relevant persons in their grandchildren's lives.

Grandparents Apart Self Help Group Scotland does not want to intrude into anyone's lives but the way our children are treated determines how they behave in society, it really affects us all whether we have children or not. Please take a moment to support grandparents/grandchildren having the legal right of contact for children's protection and education in respect for others which is best taught in the early years of family life.



## Case 21 Couple jailed for child torture

A couple who subjected their four-year-old disabled daughter to a systematic campaign of cruelty have been jailed for a total of 22 years. S....., 27, and his 23-year-old partner, ....., kicked and scalded the girl, who has cerebral palsy, and also pulled out her hair.

They were sentenced to 10-and-a-half and 11-and-a half years respectively at ..... Crown Court. The couple, from ....., admitted three counts of child cruelty.

They had denied charges of causing grievous bodily harm with intent between 1 February and 18 March last year, but were convicted at the end of a trial last December. The little girl had boiling water poured over her hands, had huge clumps of hair ripped from her head, was kicked so hard in the groin she suffered internal injuries and was locked naked in the toilet each night. She was also forced to eat her own faeces.

Det Sgt Anthony ....., from the Child Abuse Team, said: "This is without doubt the worst case of child abuse I have personally had to deal with. "When I met the young girl she was in a terrible condition.

"But I'm now happy to report that she's improved dramatically with the care that she's now receiving."

'Would have died' Jurors heard the youngster was in almost constant agony until her grandmother began to suspect what was going on and called in social services. The little girl had suffered such "horrific injuries" that she would almost certainly have died without treatment, the court heard. She was in such pain that she had to be examined by doctors under general anaesthetic.

The court heard how the little girl, who cannot be named for legal reasons, was born prematurely and afflicted with cerebral palsy as a result.

Shortly after her second birthday she was taken into care following concerns about domestic violence.

'Mental scars' She was due to be fostered to a family but a report from the County Council in January last year recommended the girl be placed back into the care of S.....and .....

Although it is understood up to 20 visits were made to the family home by social services and other care professionals, no abuse was suspected.

But the court heard that, within a month of being placed back with her family, the girl was being abused by her carers.

Passing sentence, Judge Paul ..... told the pair: "The physical scars may well heal in time, but I doubt the mental scars ever will.

"No tear of remorse has been shown by either of you for what you did."

The girl's injuries have led to urgent calls for a full independent inquiry into the City Council's handling of the situation.

Councillor P..... D....., Leader of Council's opposition Labour Group, said: "We believe there needs to be an inquiry into the circumstances of how this baby girl was allowed to go back to her parents."

"There appears on this occasion to have been no shortage of experts involved but they appear to have got it very badly wrong."

## **Case 22 Grandson Stolen by The Social Services.**

Jack McConnell talked about how much he saw the worth of grandparents promising, Granny Grants, The Charter for Grandchildren, which was supposed to alert people working for the welfare of children to take more consideration of the role grandparent's can play in their grandchildren's lives. Behind our backs they were planning with social service to legally steal children without consent from their families to reach their bonus targets for adoptions.

**Now read the story below, it will show you how much good all his talking has meant.**

A phone call recently (in the past 6 weeks) to say the social services had adopted a grandmother's 4 year old grandson without letting her or her daughter (the child's mother) know anything about it. She was phoning the social worker to check that her meeting with her grandson the next day was still on when she was told the terrible news.

The heartbroken gran said "I knew something was wrong when I got put through right away and didn't get the usual rubbish, she is not at her desk, or she is not in. I was so shocked at her attitude when she said, "Have you not heard the adoption went through 3 weeks ago". I asked her if I was ever to see him again, the answer was, "what do you think?" Then "I don't think so! he is adopted you know" She was told it as if it was nothing to do with them as he is no longer a child in care.

The gran had just received a letter from the Clerk of the Court to tell her she would be getting a court date soon for a hearing to continue her contact with the boy. Even the Sheriff's Court had no idea this had happened and her own solicitor was totally shocked.

This is adoption without consent and it is a terrible horrible thing to happen to this little boy who loved his gran's visits and was looking forward to home visits with her. His young life has just been cut off from the person who really loved him. The gran believes this was because she could not take him to live with her as she has a job and mortgage to pay and the social services would

not assist her if she gave up work. The gran was willing to take all the children, if only she had been given the grant to keep a decent home for the kids. The grandson has two brothers that he will not see either, one older that does live with the gran and one younger that the gran has never seen or been allowed contact with.

Heartbroken Grandmother

### Case 23

This reflects the **unselfish** of the majority of grandparents who do not try for contact or give up because they know their own sons or daughters so well and how the children would suffer ingenious parental alienation. This is an ongoing case, so the names have been changed.

Grandparents! An **unselfish love**.

A dilemma of wondering if it is better to back off from their grandchildren haunts just about every gran & grandad, they are torn between abandoning the case because of the tension the children go through even after having obtained the legal right from a judge to see them on a regular basis. One gran, said, "I don't know what to do, if I leave them be, it will break their heart and if I don't, what kind of life are they having being subject to with parental hostility." The gran does not question the children but she senses a strain in their young lives.

The gran called Mary and her daughter had a normal relationship and had no problems like this until her daughter got involved with another partner. The new partner made it quite clear from the outset that he was now in charge and a gran was no longer required. The children, a boy aged 10 (from her daughter's first marriage) had lots of contact with his gran. The present partner is the father of the little girl and is not allowed a lot of contact.

On visitation day after Mary had traveled 150 miles to see the children. The partner appeared and told Mary his daughter did not want to see her ever again. When they were alone her grandson said "Gran no matter what anyone says to me, I **love** you and I will always want to see you"

Mary has been accused of being insane, an alcoholic and unfit to have contact with her grandchildren. Her doctor of 24 years said there is no evidence of mental illness or alcoholism. Mary does not drink! When in court her daughter hangs her head and says nothing. Mary said "she knows her accusations are not true, and I cannot understand how she can allow these lies to be told, she is a very changed daughter. The partner glares at Mary throughout.

There is a very strong determination for the partner to win over a decision the judge arrived at when all evidence gathered pointed to continue contact was in the children's best interest.

Mary said "I would walk away if the children did not want to see me, if it was in

their best interests. I have no stomach for all these lies said about me and the pressure is taking its toll. If it was not for the support of Grandparents Apart I don't know how I would have coped"

We can only hope the judges involved stick to their guns and continue to make decisions in the best interests of the children. Mary wonders how many court cases they must go through before it is finalised or the judges get weary and give in to the partner's manipulation of the law.

We have grandmothers that have been told by judges 'you are a loving caring gran' but still gave a ruling against them because of animosity between the adults. This makes us wonder about the effectiveness of our courts when decisions made are really not in the best interests of the children.

The continuing story of Mary.

The court case continued last week. The Judge that animosity between them would rub off on the children. The daughter and her partner have confirmed that is the reason they are keeping going costing themselves a fortune because of the partners burning desire to win the case.

Under cross examination in court the daughter's witnesses have all proven to be to be unsure and unstable in their testimony and look across to the daughter for confirmation of what they were saying was correct.

The Judge had a long talk with Mary about animosity. Mary said she has never had animosity and has tried every way possible to bring this court case to an end by offering mediation on many occasions but the partner refuses point blank. Mary said she does not want to have a relationship with her daughter and partner if that's what they want but she has been a major part in the children's lives and knows the children **love** her otherwise she would walk away. (The Psychologist backed this up by saying it would be harmful to the children if contact was stopped)

Mary said the claims her daughter and partner have made are ridicules and very hurt full and are pure lies. "I cannot believe my daughter would go to these lengths on her own she was always brought up to tell the truth and is certainly not the girl she brought up.

The case continues. The best interests of the children have been proven that Mary should have contact but like so many cases before contact has been stopped because of animosity real or conjured up just to win the case of very bitter people. We pray that justice will prevail with this Judge The case continues

The ongoing case of Mary.

Mary has just received a call from her solicitor to say the person who interviewed her grandchildren had been speaking to her. Her report states that the children say they have a great time with gran but don't want to see

her again. Why not? I don't know was all they would say. The oldest boy said he will see his gran when he is old enough to protect himself. From what he was asked "I don't know" was the reply.

The same court reporter interviewed the children before and found them to be delighted with the contact and found it would not be in the best interests of the children to stop contact.

However the expected ruling will be to cancel the contact Mary has. Animosity from the new boyfriend will win the day with parental alienation a close runner up.

Phone call from a broken hearted Mary.

She has had contact withdrawn. Because of the kids saying they did not want to see her again and the mother was upset, no other consideration was taken into account. The judge said we have to live in the real world.

Once again the judgement was in the best interests of the partner who was not even the father of the boy. The children admitted they had a great time with the granny and remember the love they had.

Don't worry he's only a child. He'll get over it. Was he a fit man to father a child? His will be done, at any cost.

## **Case 28**

The rights of children.

The rights of children are being ignored and the family values that used to educate children to have respect and not to steal or mug vulnerable people, will be a thing of the past and we the public are allowing it to happen. We complain about how society is deteriorating but when it comes down to it we do not really want to know. You think if you ignore it, it won't affect us, but we are wrong. Violent crime is getting so bad nowadays nobody is safe in their own home. Every day more people are being conned, mugged and harassed.

The cause of the problem? The demise of family values due to past governments cost cutting policies. Children's welfare appears to have been very low on their list, very strange as they are tomorrow's voters. Grandparents being older and wiser are not legally recognized in their grandchildren's lives. We allow resident parents so much power over children that they are often used as weapons in divorces and contact issues. These children grow up with twisted values when they live deceit, lies, and manipulation.

The cure! A small change in the law to replace this dictator like power to fairer shared responsibilities would eliminate the reason for the use of children in these issues. Members of Parliament must restore real family values. Loyalty to the family unit must be encouraged to restore respect for grandparents.

Why grandparents especially? They are the largest group of carers of children from problem homes and usually love their grandchildren without reservations. They step in at a moments notice when needed and look after them mostly without assistance. They provide a warm loving home environment that children recognize and need when they are terrified and in trouble.

So you don't have children, not your concern? Think again. The treatment of children depends on how peacefully and safely we all live in the future, how can a child care or respect anyone when they do not learn this from us. High numbers of children from broken, drug and alcohol related homes are mostly affected. The children concerned are reported to be under-achievers and are associated with vandalism and crime incidences. These children are usually inflicted with a low self esteem and feel the whole world is against them. Their human rights are ignored and they are being treated like goods to be traded by Social Services (SS). SS have failed miserably in helping these families and now resort to turning children over for adoption as quickly and cheaply as they can. The word went out to SS from the government that big bonuses were to be won for achieving adoption targets. The methods they use are very clever and underhand.

Methods used. 'Alienation' They stop children's contact with their family at the flimsiest excuse and the child is left feeling unloved and rejected thinking nobody wants them making them easier to manipulate. Any opposition of concern from the family in the past has now been overcome by a recent new law of 'Adoption without Consent' from any member of their family to a newly created market of non traditional family people, opening the floodgates to paedophile rings. A paedophile has already been passed for fostering a child in Aberdeenshire.

You can help. Do something about it now. Please support our group for children to have the legal protection of their grandparents when faced with broken homes due to drug and alcohol problems. Join us in lobbying for the restoration of real family values. Care and respect the children and they will look after you in your old age because children learn what they live.

Ends

Subject: Case Study (1)

The 4 year nightmare of abuse for little Emma aged six.

The 4 year nightmare of abuse endured by a little girl called Emma is now over. Four years of hell just because the social services would not listen to her grandparents. Now the stepfather has been charged with assault and the mother with neglect. At last putting an end to 4 years of the horror the social Services said was not happening.

Emma has been disturbed by her experience and will need specialist help.

The story.

A couple split up in 2005 when Emma was just 20 months of age. At the time the mother said that she did not want Emma unless the father stayed too so the grandparents took Emma in and cared for her for 11 days before the police arrived to say that the child should be returned to the mother.

The grandparents and the father told the social services continually by telephone and letter about the emotional and physical abuse suffered by Emma but they were ignored.

That began a period when for 10 months they were denied access to their granddaughter.

In February 2006 the grandparents were given access to Emma but not so the father, who had in his possession Parental Responsibility and contact Court Orders. The grandparents kept reporting to the father that Emma had bruises and on one occasion because of the child's pain they had to take her to the local A&E as there was puss including blood droplets coming out of her ear where she had been allegedly slapped hard by the step father. So the child informed the medical team in the hospital.

While the grandparents were there they were told by the doctor that there were signs of an old injury to her other ear that he said had been the result of hitting over a period with no medical evidence that the injury had ever been attended to and still the social services after thorough investigations did nothing saying the injuries could have been caused accidentally and that they were not sure what Emma was saying as she didn't speak clearly. The social services said it was difficult to determine just how she came to get these bruises as the mother always maintained when asked, that Emma got them whilst playing with her siblings. Even when the hospital contacted the Child Protection Units of the police and Social Services and the subsequent videoed interview of Emma the social services still refused to accept these injuries were due to Emma being physically abused in her home.

This family has been the subject of social service scrutiny since 2002 and even although Emma was placed in the fathers care four times in one year and is now the subject of Child Protection Conferences the social services never once acknowledged until now the possibility that the mother or stepfather could have inflicted these injuries.

This came to a head when Emma attended the school with a large bruise on her forehead and informed her teacher that she had been hit by her step father. The Child Protection agencies were informed by the school and two days later Emma was placed again into the care of her father. Two weeks earlier Emma's brother had been placed in care after he complained that he had been physically assaulted by the step father.

The story told by Emma is that she was asleep when the step father entered the bedroom in an intoxicated state and hit her without reason. Emma was interviewed on camera and then subjected to another medical which surprisingly the Social Services had complained about to the grandparents previously in connection to the injury to Emma's ear saying it was very stressing for Emma to under go such medical procedures.

The Social Services never listened to the child or the grandparents and suggested she only made the stories up so that she could stay with her dad. We are extremely lucky that she had only a bruised face and nothing more serious but the physical and mental abuse she has suffered is beyond believe.

The couple responsible for looking after Emma have problems which are significant and in need of professional attention which is recognised by the protection agencies, they cannot control their tempers and have been advised to attend anger management sessions. Both have dependency on alcohol and the social services knew of the domestic violence in this house yet refused to acknowledge it or take any action to protect the children in it saying they had to be certain of their facts.

There is a lot more to this story but it is cloaked under the veil of confidentiality and public law. The question needs answering why when the Social Services knew of the physical and emotional abuse these children were suffering did they not take action sooner to protect them. Social Services failed to believe the father was the birth father preferring to believe the step father who said he had a DNA test which proved conclusively that he was Emma's birth father, they did not engage with the real father until late 2008. Even after the real father had produced evidence of Court Orders the Social Services still preferred to believe the step father who had tried to change Emma's name claiming he was the father

This case is well documented by the amount of correspondence written to the Social Services case workers and their superiors highlighting the concerns of the father and grandparents regarding the child but sadly they have mostly been ignored.

The Social Services are having trouble with the complexities and magnitude of this case which is of their own doing having not listened to the grandparents over the past five years and now they have to deal with the uncooperative attitude of the mother regarding the children's arrangements and welfare.



Emma is safe now but had there been a Charter for Grandchildren which was mandatory for Children's agencies then this story would not have happened nor Emma's story needing to be told.

Dear sir/madam  
10<sup>th</sup> April 2010

We are Emma's grandparents and have been working with Grandparents Apart UK and the people associated with it for many years. We are campaigning for a Charter for Grandchildren here in Wales to help children to keep up with their family connections in the event of their parents separating.

Naturally this brings a new concept into family culture, but one we feel should be recognised for the protection of children and the strengthening of the family unit. Our reason for saying this is quite simple and it is this, had we been involved and consulted at the start of this case then Emma would have been spared both physical and emotional abuse. Emma's grandparents both maternal, and paternal would have been there to support the parents, and the Social Services and could have forged a partnership with them improving the welfare and interests of Emma, saving her a lot of trauma and unhappiness. As it was we had no idea of what actually happened in the UK when couples split up and thought that the different factions in conflict, mainly fathers who were fighting to see their children were just a few and that on the whole everything was civil and enshrined within our family law.

We were soon to learn different as away back in 2005 we were informed that we had no rights as grandparents and our concerns were irrelevant to the proceedings when we brought them to the attention of the Social Services. We of course did report our concerns to the Child and Protection Agencies including the NSPCC and have recorded and documented the path taken by Emma from March 2005 until now and sadly as we feared all these years ago the situation has developed exactly as we thought.

It is sad to say but, we were lucky that the last attack on Emma happened without our knowledge and that the gutsy wee lass had the courage to state what actually happened to her teacher or Emma would still be a prisoner in that house under the strict control of her mother and step father. Emma has been freed for some 142 days now and is improving well at school, having changed her attitude to learning, however she still is delayed in many areas although extremely bright.

This I appreciate is a contradiction but had Emma been given the same opportunities as children of similar ages she would be at the top end of her class rather than attending a class that caters for her special needs which we are so glad she attends.

This is a massive case, and one that had the father equipped with Court Orders for Parental Responsibility and access to Emma spending a fortune over three and a half years just to have restricted contact which had no stay over's for his daughter.

The father never saw Emma at all for over three years but the little girl never forgot her dad and suffered as a result as the guardians tried to persuade through force that the step father was actually her dad.

We are told that the court proceedings that were near conclusion regarding the residency of Emma between the father and the mother were now unnecessary as public law had superseded the private law action. This has been brought about by the Social Services applying and succeeding in obtaining an interim Court Order on Emma and placing her in the care and protection of the father which both he and Emma had been fighting for since March 2005.

We send this attachment to help you and the committee in your deliberations Emma is not her real name but the name we use for her.

Name and Address supplied  
Grandparents Apart Wales

AM

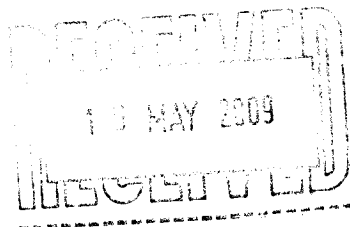
Cynulliad Cenedlaethol Cymru

National Assembly for Wales

Letter from Children and Young People's Committee

**Children and Young People  
Committee**

**Y Pwyllgor Plant a Phobl Ifanc**



Christine Chapman AM  
Chair, Petitions Committee  
National Assembly for Wales  
Cardiff Bay  
Cardiff  
CF99 1NA

Bae Caerdydd / Cardiff Bay  
Caerdydd / Cardiff  
CF99 1NA

18 May 2010

*Christine Chapman*

**PETITION: P-03-236 The Charter for Grandchildren**

Thank you for your letter dated 5 May 2010 and enclosed copy of the charter for grandchildren.

The Children and Young People Committee recognises the important part all family members play in a child's life and would welcome a charter that sets out the rights of grandchildren to have a relationship with their grandparents. Such relationships can be especially important to children and young people who experience intervention from professionals such as social workers or healthcare professionals in often stressful and destabilising situations.

The Committee will be interested to monitor progress of this petition over the coming months.

*Helen Mary Jones*  
**Helen Mary Jones**  
Chair, Children and Young People Committee

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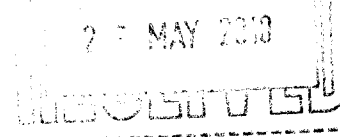
**Gwenda Thomas AC/AM**  
Y Dirprwy Weinidog dros Wasanaethau Cymdeithasol  
Deputy Minister for Social Services



Llywodraeth Cynulliad Cymru  
Welsh Assembly Government

Eich cyf/Your ref P-03-236  
Ein cyf/Our ref GT/00235/10

Christine Chapman AM  
Chair, Petitions Committee  
National Assembly for Wales  
Cardiff Bay  
CF99 1NA



27<sup>th</sup> May 2010

*Dear Christine,*

Thank you for your letter dated 5 May requesting the Terms of Reference of the Family Justice Review.

I have enclosed the Written Ministerial Statement I made on 20 January which appended the Terms of Reference for the Review<sup>1</sup>. Also enclosed is my joint announcement<sup>2</sup> with Whitehall Ministers, the Rt. Hon Jack Straw MP and the Rt. Hon. Ed Balls MP, confirming that David Norgrove had been appointed as the independent Chair of the Panel. The Chair will be supported by:

- Mr Justice McFarlane, the Family Division Liaison Judge for the Midlands;
- John Coughlan CBE, Director of Children's Services at Hampshire County Council;
- Dame Gillian Pugh, Chair of the National Children's Bureau; and
- Keith Towler, the Children's Commissioner for Wales.

I am particularly pleased that Keith Towler has accepted the nomination to participate in the Review and I am confident that he will ensure that the voices and interests of children are paramount in both the Panel's deliberations and the development of any recommendations.

The Panel has been established to bring robust independent scrutiny on how the system is operating and to make recommendations on what steps can be taken to promote informed settlement and minimising conflict.

There is a shared recognition that the adversarial nature of the family justice system does not support discussion and agreement of safe, positive agreements that enable family members to continue to play a full and active part in the development of children.

Maintaining relationships with their family, enables children to adjust to the changes and upheaval associated with parental separation.

<sup>1</sup> <http://wales.gov.uk/about/cabinet/cabinetstatements/2010/100120fjr/?lang=en>

<sup>2</sup> <http://www.justice.gov.uk/news/newsrelease160210a.htm>

You are aware of my commitment to safeguarding children and that I have set up the Welsh Children's Safeguarding Forum which is currently chaired by the Head of Social Services in Wales. One of the guiding principles of the Family Justice Review is to ensure that the family justice system is focussed on protecting the vulnerable from abuse, victimisation and exploitation and safeguards must be at the foundation of any improvements for supporting families during this difficult time.

More broadly, I am pleased that the (previous) UK Government indicated its intention to remove the requirement for grandparents to obtain the leave of the court before making an application for a contact order. The detail and timing of the proposals are unclear at this stage but subject to there being appropriate measures to maintain safeguards for children, this would appear to be a positive step to promoting and maintaining cross generational relationships.

Yours sincerely

A handwritten signature in cursive script, appearing to read 'Gwenda Thomas'.

**Gwenda Thomas AC/AM**



Llywodraeth Cynulliad Cymru  
Welsh Assembly Government

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## **WRITTEN STATEMENT BY THE WELSH ASSEMBLY GOVERNMENT**

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**Title: Family Justice Review**

**Date: 20 January 2010**

**By: Gwenda Thomas, Deputy Minister for Social Services**

As part of my role as co-chair of the National Family Justice Board, I have agreed with the Lord Chancellor and Secretary of State for Justice (Jack Straw MP) and the Secretary of State for Children, Schools and Families (Ed Balls MP) a review of the family justice system in England and Wales.

The family justice system involves life changing decisions for many thousands of children and their families each year at a cost to the taxpayer of over £800m. There have been some important elements of reform in recent years. But we need to be certain that the system, as it is currently set up, supports parents as fully as possible in establishing and maintaining a co-operative approach to agreeing future arrangements when relationships break down, and does not unwittingly cause additional stress at what will already be a difficult time. It is also important to ensure that valuable court time is focused on protecting the vulnerable from abuse, victimisation and exploitation and that the system is being managed as effectively as possible.

The review will be conducted by a panel, comprising four representatives independent of UK and devolved Government and senior representatives from the Ministry of Justice, Department for Children, Schools and Families, and the Welsh Assembly Government..

The review will be asked to make recommendations in two core areas: (1) what steps can be taken to promote informed settlement and agreement; and (2) whether improvements need to be made to the way in which the family justice system is managed.

It will be guided by the following principles:

- The interests of the child should be paramount in any decision affecting them (and, linked to this, delays in determining the outcome of court applications should be kept to a minimum)
- The court's role should be focused on protecting the vulnerable from abuse, victimisation and exploitation and should avoid intervening in family life except where there is clear benefit to children and vulnerable adults in doing so
- Individuals should have the right information and support to enable them to take responsibility for the consequences of their relationship breakdown
- Mediation and similar support should be used as far as possible to support individuals themselves to reach agreement about arrangements, rather than having an arrangement imposed by the courts
- The processes for resolving family disputes and agreeing future arrangements should be easy to understand, simple and efficient
- Conflict between individuals should be minimised as far as possible

Copies of the full terms of reference are attached at Annex A.

The review will have an impact on families in Wales and CAFCASS CYMRU whose primary functions are to safeguard and promote the welfare of children involved in Family Proceedings and give advice to any court about applications made to it.

Members will recall that on 9 December 2009 the National Assembly for Wales considered the recommendations of the Health, Wellbeing and Local Government Committee's Report on the Children and Family Court Advisory and Support Service Cymru (<http://www.assemblywales.org/bus-home/bus-chamber/bus-chamber-third-assembly-rop.htm?act=dis&id=157038&ds=12/2009>).

We have asked for the review panel to provide a final report to respective Government leads in 2011.



## **Family Justice Review – Terms of Reference**

The Secretaries of State for Justice and Children, Schools and Families and the Welsh Assembly Government Minister for Health and Social Services have commissioned a review of the family justice system in England and Wales.

The following guiding principles have been identified which are intended to provide a framework within which the review's work should be undertaken:

- The interests of the child should be paramount in any decision affecting them (and, linked to this, delays in determining the outcome of court applications should be kept to a minimum)
- The court's role should be focused on protecting the vulnerable from abuse, victimisation and exploitation and should avoid intervening in family life except where there is clear benefit to children or vulnerable adults in doing so
- Individuals should have the right information and support to enable them to take responsibility for the consequences of their relationship breakdown
- Mediation and similar support should be used as far as possible to support individuals themselves to reach agreement about arrangements, rather than having an arrangement imposed by the courts.
- The processes for resolving family disputes and agreeing future arrangements should be easy to understand, simple and efficient
- Conflict between individuals should be minimised as far as possible

The review should assess how the current system operates against these principles and make recommendations for reform in two core areas: the promotion of informed settlement and agreement; and management of the family justice system.

Specifically, this will include examination of the following issues:

- The extent to which the adversarial nature of the court system is able to promote solutions and good quality family relationships in private law family cases and what alternative arrangements would be more effective in fostering lasting and positive solutions
- Examination of the options for introducing more inquisitorial elements into the family justice system for both public and private law cases
- Whether there are areas of family work which could be dealt with more simply and effectively via an administrative, rather than court-based process, and the exploration of what that administrative process might look like

- Examination of the roles fulfilled by all of the different agencies and professionals in the family justice system, including consideration of the extent to which governance arrangements, relationships and accountabilities are clear and promote effective collaboration and operational efficiency

The review will be conducted by a Panel, comprising four independent representatives and senior representatives from MoJ, DCSF and the Welsh Assembly Government (as relevant for devolved matters). The Panel will be assisted in its work by an expert consumer and stakeholder group, made up of experts from across the family justice system, academics and consumer specialists. Membership of the Panel and Advisory Group will be approved by Ministers.

In examining these matters the Panel will be required to obtain and consider the views of key stakeholders, including children and families, the judiciary, family lawyers, Cafcass practitioners and social workers. The review will also be expected to engage in wide consultation, to draw on relevant family justice research studies and literature, consider available qualitative and quantitative data and take into account international comparisons.

The review should take account of value for money issues and resource considerations in making any recommendations. Recommendations should be costed and have regard to affordability.

Following examination of available research and evidence, the Review Panel is expected to report the likely timeframes for moving Review forward within a three-month period following the Review's announcement. A final report setting out the Review's findings is expected to be submitted to the Secretary of State for Justice, the Secretary of State for Children, Schools and Families and the Welsh Assembly Government Minister for Health and Social Services in 2011.



## **David Norgrove appointed as Chair of Family Justice Review Panel**

**16 February 2010**

David Norgrove has been appointed as Chair of the government's new review of the family justice system to examine how the current system can be reformed to better support children and parents.

He will chair a review panel comprising:

- Mr Justice McFarlane, the Family Division Liaison Judge for the Midlands
- John Coughlan CBE, Director of Children's Services at Hampshire County Council
- Dame Gillian Pugh, Chair of the National Children's Bureau
- Keith Towler, the Children's Commissioner for Wales.

The remainder of the panel will be made up of three senior officials from the Ministry of Justice, the Department of Children, Schools and Families, and the Welsh Assembly Government. The panel will look at the best methods of avoiding confrontational court hearings, and resolving family disputes outside of the court system, together with management of the family justice system.

### **Justice Secretary Jack Straw said:**

'The appointment today of five independent, highly qualified experts is the vital first step in reforming and improving our family justice system, making it less adversarial and ensuring the needs and interests of children are at the heart of the system.'

'The panel brings together invaluable knowledge of the current legal system, as well as years of experience from the field of children's services and best practice from the private sector. Members also have a wealth of experience in reform and change management, including the chair David Norgrove who has knowledge of change in both the public and private sector.'

'Together, these appointments provide the right mix of experience, skills, and commitment to improving the results for children and parents involved in the family justice system.'

**Ed Balls, Secretary of State for Children, Schools and Families, said:**

'The panel announced today is the right mix of legal and children's professionals. With their wealth of experience they are best placed to look at ways to reform the family justice system so that it better protects the interests of children and gives more help to families experiencing breakdown.

'The government is concerned that the confrontational nature of the private law system can sometimes inflame parental conflict, leading to greater distress for children. That is why we are asking the panel to explore whether the legal system can deal with the issues more effectively, for example out of court in certain cases, and how it can provide more mediation to resolve conflict.

'We are improving the advice and information given to parents about mediation and providing this earlier so that they can reach an agreed separation arrangement without resorting to the courts. This will help parents to agree arrangements for contact and continue to parent cooperatively, which will ultimately lead to better support for children to get through this difficult time. In our Families and Relationships Green Paper we are also consulting on what more we can do to encourage the take up of family mediation, for example making information sessions on mediation compulsory, before a parent can take court action.'

**Welsh Deputy Minister for Social Services, Gwenda Thomas, added:**

'I am pleased that the panel will include an independent strong advocate to represent the voice of children through the Children's Commissioner for Wales. I am sure that Keith will maintain his reputation to ensure that children's best interests are at the heart of decisions.'

The review was announced as part of the cross-government Families and Relationships Green Paper, published by the Department for Children, Schools and Families in January. It will include calls for evidence, focus groups and formal consultation as part of its work, and will also be seeking the views of children.

The panel will be asked to make recommendations in two key areas: providing better information to promote fair settlements and agreements between family members; and whether improvements need to be made to the way in which the family justice system is managed. It will be guided by the following principles:

- the interests of the child should be paramount
- the court's role should be focused on protecting the vulnerable from abuse, victimisation and exploitation
- individuals should have the right information and support to enable them to take responsibility for the consequences of their relationship breakdown
- mediation and similar support should be used as far as possible
- the processes for resolving family disputes and agreeing future arrangements should be easy to understand, simple and efficient
- conflict between individuals should be minimised as far as possible.

The panel is expected to hold monthly meetings, beginning shortly. The final report of the review panel will be published next year.

### Notes to editors

1. For more information, please contact the Ministry of Justice press office on 020 3334 3536.

2. More information on the Family Justice Review, including the terms of reference <http://www.justice.gov.uk/news/newsrelease200110a.htm>

3. Information about the five panel members appointed today.

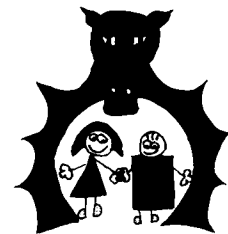
- **David Norgrove** is currently Chair of the Pensions Regulator and the Low Pay Commission and has knowledge of reform and change management in both the public and private sectors. As panel chair he will operate independently and objectively with no preconceptions about the way in which the family justice system currently operates.
- **Mr Justice McFarlane** will represent judicial and legal interests on the panel. Currently the Family Division Liaison Judge for the Midlands, McFarlane J has been a family division judge since 2005.
- **John Coughlan CBE**, Director of Children's Services Hampshire County Council. John is a respected Director of Children's Services and was influential in establishing the Association of Directors of Children's Services (ADCS) in. He formerly represented ADCS on the Ministerial Group on Care Proceedings – the forerunner to the National Family Justice Board.
- **Dame Gillian Pugh**, Chair of the National Children's Bureau. Formerly Chief Executive of Coram Family, Gillian is also a member of the Children's Workforce Development Council, a Board member of the Training and Development Agency for Schools and has held numerous advisory positions to government departments.
- **Keith Towler** is the current Children's Commissioner for Wales following his appointment in 2007. He has previously worked at Save the Children in Wales and NACRO. He will represent children's interests and will also provide a Welsh perspective on the panel's work.

NSA

## Letter from Children's Commissioner Wales

Oystermouth House, Charter Court, Phoenix Way, Llansamlet, Swansea SA7 9FS  
Tel: 01792 765600 Fax: 01792 765601  
Email: [post@childcomwales.org.uk](mailto:post@childcomwales.org.uk)  
Website: [www.childcomwales.org.uk](http://www.childcomwales.org.uk)

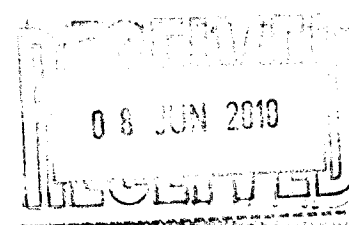
Ty Ystumllwynarth, Llys Siarter, Phoenix Way, Llansamlet, Abertawe SA7 9FS  
Ffôn: 01792 765600 Ffacs: 01792 765601  
E-bost: [post@complantcymru.org.uk](mailto:post@complantcymru.org.uk)  
Gwefan: [www.complantcymru.org.uk](http://www.complantcymru.org.uk)



Comisiynydd Plant Cymru  
Children's Commissioner for Wales

24 May 2010

Christine Chapman AM  
Chair – Petitions Committee  
National Assembly for Wales  
Cardiff Bay  
Cardiff  
CF99 1NA



Dear Christine

### Petition: P-03-236 The Charter for Grandchildren

Thank you for your letter of 5<sup>th</sup> May 2010 asking for my views on the proposed charter.

I know that a great majority of children and young people benefit from their contact with their grandparents and other members of the extended family and that grandparents can be an invaluable source of family support. In the great majority of families there is no need for such a charter.

I would also question whether such a Charter is necessary when children already have rights which are afforded to them by the United Nations Convention on the Rights of the Child – in particular:

#### Article 5

*States Parties shall respect the responsibilities, rights and duties of parents or, where applicable, the members of the extended family or community as provided for by local custom, legal guardians or other persons legally responsible for the child, to provide, in a manner consistent with the evolving capacities of the child, appropriate direction and guidance in the exercise by the child of the rights recognized in the present Convention.*

And:

#### Article 8

*1. States Parties undertake to respect the right of the child to preserve his or her identity, including nationality, name and family relations as recognized by law without unlawful interference.*

Also at:  
Penrhos Manor, Oak Drive, Colwyn Bay, Conwy LL29 7YW  
Tel: 01492 523333 Fax: 01492 523336  
Email: [post@childcomwales.org.uk](mailto:post@childcomwales.org.uk) Website: [www.childcomwales.org.uk](http://www.childcomwales.org.uk)

Hefyd yn:  
Plas Penrhos, Oak Drive, Bae Colwyn, Conwy LL29 7YW  
Ffôn: 01492 523333 Ffacs: 01492 523336  
E-bost: [post@complantcymru.org.uk](mailto:post@complantcymru.org.uk) Gwefan: [www.complantcymru.org.uk](http://www.complantcymru.org.uk)

Christine Chapman AM

Page 2

24 May 2010

*2. Where a child is illegally deprived of some or all of the elements of his or her identity, States Parties shall provide appropriate assistance and protection, with a view to re-establishing speedily his or her identity.*

It is sad when relationships break down, and as a result, the child may lose contact with some members of the extended family. Many estranged couples handle this well and encourage contact with the wider family but we are aware that many do not. Indeed there are occasions where the court seeks to limit such contact, on occasion even with one parent, in the best interests of the child.

The United Nations Convention on the Rights of the Child also stresses the importance of listening to the child's wishes in decisions that affect them:

**Article 12**

*1. States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.*

*2. For this purpose, the child shall in particular be provided the opportunity to be heard in any judicial and administrative proceedings affecting the child, either directly, or through a representative or an appropriate body, in a manner consistent with the procedural rules of national law.*

If a child wishes to have contact with grandparents, the child's views should be taken into account and such contact arranged with the consent of the parent who has care and control of the child.

It is likely that the proposed Charter, especially if made mandatory, would prove to be a hindrance to professionals in such circumstances when there are disputes over contact arrangements within families. It could be used as a tool to force

Christine Chapman AM

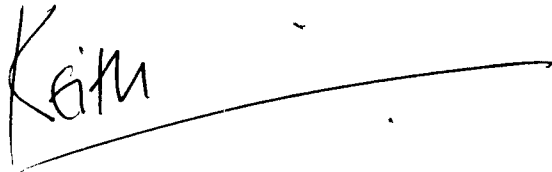
Page 3

24 May 2010

arrangements for contact that may not be in the best interests of the child and could cause considerable friction in the household in which the child lives.

I question, therefore whether the proposed charter is necessary and whether it would work in the best interests of grandchildren. It would seem to me rather to be a charter for **grandparents** than for **grandchildren**.

Yours sincerely

A handwritten signature in black ink that reads "Keith". The signature is written in a cursive style and is followed by a long, horizontal, slightly curved line that extends to the right.

**Keith Towler**  
**Children's Commissioner for Wales**





# Ministry of JUSTICE

**Jonathan Djanogly MP**  
Parliamentary Under-Secretary of  
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[www.justice.gov.uk](http://www.justice.gov.uk)

Ms Christine Chapman AM  
Chair, Petitions Committee  
Bae Caerdydd  
Caerdydd CF99 1NA

Our ref: 283276  
Your ref: P-03-236

9 August 2010

*Dear Ms Chapman*

## THE CHARTER FOR GRANDCHILDREN

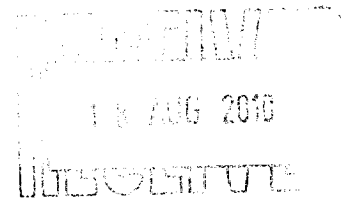
Thank you for your letter of 12 July to the Rt. Hon Kenneth Clarke QC MP expressing your concern for grandparents' rights in the justice system. I am responding as Minister with responsibility for family justice.

I am pleased to report that the Family Justice Review promised in the Coalition Agreement and referred to in your letter is underway, jointly commissioned by the Ministry of Justice, the Department for Education and the Welsh Assembly Government. The Review will explore how Government can support better contact between children and grandparents when parents separate. The Review will also determine what more can be done to promote the use of mediation in family cases. The final report is expected to be published in 2011.

You also asked whether the new Government has plans to consider removing the requirement for grandparents to obtain the leave of the court before making an application for a contact order. This will be looked at as part of the Review's work on contact. You will appreciate that at this stage it is too early to say what the Review's recommendations might be.

The review recently launched a 'call for evidence', and any interested parties can submit their views. More information is available at the address below.  
<http://www.justice.gsi.gov.uk/reviews/family-justice-intro.htm>.

The Panel is also meeting key representative bodies as part of the evidence-gathering process. The Grandparents Association and Grandparents Plus have both been invited to meet the Panel. I expect that the Charter for Grandchildren and the leave requirement will both be discussed at this meeting.



As the Review covers family law in England and Wales, it is imperative that the Ministry of Justice, the Department for Education and the Welsh Assembly Government work closely together. I am very grateful to Keith Towler, Children's Commissioner for Wales, and Robert Pickford, Director of Social Services in the Department of Health and Social Services, Wales, for representing Welsh interests on the Panel leading the Review.

Thank you very much for taking the time to write. If you need any further information on the Review, the Secretariat supporting the Panel can be contacted at [familyjusticereview@justice.gsi.gov.uk](mailto:familyjusticereview@justice.gsi.gov.uk) or 020 3334 4200.

*Yours sincerely*  
*Jt*

JONATHAN DJANOGLY