JUSTICE 1 COMMITTEE

Wednesday 21 September 2005

Session 2

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JUSTICE 1 COMMITTEE
27th Meeting 2005, Session 2

CONVENER

*Pauline McNeill (Glasgow Kelvin) (Lab)

DEPUTY CONVENER

Stewart Stevenson (Banff and Buchan) (SNP)

COMMITTEE MEMBERS

*Marlyn Glen (North East Scotland) (Lab)
*Mr Bruce McFee (West of Scotland) (SNP)
*Margaret Mitchell (Central Scotland) (Con)
*Mrs Mary Mulligan (Linlithgow) (Lab)
*Mike Pringle (Edinburgh South) (LD)

COMMITTEE SUBSTITUTES

Brian Adam (Aberdeen North) (SNP)
Karen Gillon (Clydesdale) (Lab)
Miss Annabel Goldie (West of Scotland) (Con)

*attended

THE FOLLOWING GAVE EVIDENCE:

Heather Coady (Scottish Women's Aid)
Louise Johnson (Scottish Women's Aid)

CLERK TO THE COMMITTEE

Callum Thomson

SENIOR ASSISTANT CLERK

Douglas Wands

ASSISTANT CLERK

Lewis McNaughton

LOCATION

Committee Room 4

Scottish Parliament

Justice 1 Committee

Wednesday 21 September 2005

[THE CONVENER *opened the meeting at 10:07*]

Family Law (Scotland) Bill

The Convener (Pauline McNeill): Good morning. I welcome everyone to the 27th meeting of the Justice 1 Committee in 2005. I have received apologies from the deputy convener Stewart Stevenson. I should also ask members to switch off their mobile phones, as they interfere with the sound system.

We have an unusually short agenda this morning. For the first item, we will take further evidence from Scottish Women's Aid on the Family Law (Scotland) Bill. I welcome to the meeting Mary Lockhart, the organisation's media and public affairs worker; Heather Coady, the national children's rights worker; and Louise Johnson, the legal issues worker.

We have approximately an hour to discuss your proposals, which is not a bad amount of time. Do you wish to make any opening remarks before we go to questions?

Heather Coady (Scottish Women's Aid): I will briefly outline the issues that we want to discuss.

We read with interest the committee's stage 1 report and the Executive's response and we thank the committee for asking us back to give further evidence. We would like to talk about various issues, which I will highlight in order.

Section 4 of the bill deals with the duration of occupancy rights. We agree with the stop-the-clock approach that the Deputy Minister for Justice has suggested with regard to actions raised for occupancy rights or additional exclusion orders.

On section 5, we also agree with the minister, providing that the same stop-the-clock principle is applied to the sale of a house. If members have any specific questions on that matter, my colleague Louise Johnson will provide further details on our present position.

On matrimonial interdicts, we believe that although it would be useful to have one legislative framework for domestic abuse, it should not be introduced at the cost of the protection that is currently available to women. For example, the Matrimonial Homes (Family Protection) (Scotland) Act 1981 contains an automatic power of arrest.

On the rebuttable presumption that we presented, it is clear from the committee's report and the Executive's response that there is a reluctance to introduce a rebuttal presumption into the bill, despite the acknowledgement that there are serious concerns that must be addressed. Having taken note of what has been said on the issue and having taken advice from academics and other legal experts, we have suggested an amendment, which members will have seen. We hope that the committee will agree that the amendment would strengthen the welfare principle without compromising children's and a non-abusing parent's safety by being too prescriptive. We feel that there is room in the bill for the provision in the amendment.

We understand that existing legislation focuses on the welfare principle. Indeed, in an ideal world, we would expect interpretation of that to be based on a clear understanding of the complex nature of domestic abuse and how it impacts on the safety, well-being and health of children and young people as well as those of a non-abusing parent. However, from our experience, and that of a variety of organisations, we are not convinced that the current approach has the desired effect; we do not believe that the welfare principle is always adhered to. We feel that the Children (Scotland) Act 1995 must be amended to strengthen the welfare principle.

We were involved in the stakeholders' group that drafted the parenting agreement, so we are interested in progress on it. We are concerned that the parenting agreement should be voluntary. If it were enforced, we believe that that would give a lot of scope for the continued abuse and control of women who have experienced domestic abuse. We are happy that the draft parenting agreement has a section on safety and refers specifically to domestic abuse. It states that it would not be appropriate to use an agreement within a context of abuse.

We are concerned about the enforcement of parental responsibilities and rights via contact orders for two reasons. First, the emphasis seems to be on a resident parent upholding the contact arrangements. No reference is made to sanctions if a non-resident parent fails to turn up or take their responsibilities seriously. In terms of the welfare principle, we feel that it is fair that children should be able to have contact with both parents. However, I do not understand why there should be an emphasis on sanctions for a resident parent but no similar reference to sanctions for a non-resident parent who fails to uphold the contact arrangements.

Secondly, we expressed previously to the committee our concern about contact orders being enforced when domestic abuse, which often does not come to light, is taking place. We know that there are strong links between domestic abuse

and all forms of child abuse. Therefore, we are concerned about sanctions being imposed on women who refuse to honour contact arrangements because they have real concerns for their children. We are happy to say more on that if the committee wants to ask questions.

We strongly support the position of other organisations in the children are unbeatable! alliance and we believe that what it seeks should be included in the bill. Currently, Women's Aid has a no-smacking policy in refuges, because we believe that everyone, including children, has the right to freedom from violence.

The Convener: Thank you for your helpful opening statement. On your final point, the committee does not propose to discuss that matter at this meeting.

Heather Coady: That is fine. I just wanted to put our position on record.

The Convener: We are more anxious to get something workable around your primary concern about domestic violence and contact orders. We will go straight to questions.

Marlyn Glen (North East Scotland) (Lab): It strikes me that, although we are concentrating on one issue, we must be clear about other issues. I ask the witnesses to expand on the occupancy rights issue. Am I correct in understanding that they are now pleased with the Executive's position? If not, are they still concerned about the proposed change to the time limit?

10:15

Louise Johnson (Scottish Women's Aid): We are content with the Executive's proposal for the two-year period, as long as it goes ahead with its proposal that the clock would stop if the non-entitled spouse raised an action for enforcement or declaration of their occupancy rights or—this has not been mentioned—if they sought an exclusion order. We discussed the periods and thought that two years would be acceptable and sufficient; we did not want to be unreasonable. However, we considered what would happen if the non-entitled spouse applied for an exclusion order and did not get it, for whatever reason. I will touch on something relating to the Matrimonial Homes (Family Protection) (Scotland) Act 1981, which the committee needs to look at. If, for whatever reason, the non-entitled spouse wanted to appeal—perhaps because she did not get legal aid or because a sheriff did not grant an exclusion order—what would happen? Would the clock stop or would it continue to tick until the appeal was heard and had gone through?

On exclusion orders, the committee may want to review section 5(3) of the 1981 act, which deals with the sheriff's reasons for not granting an exclusion order because it would be unjustified or unreasonable. We have heard from our local groups that sheriffs are not granting exclusion orders on the ground that the women can go to a refuge. The sheriffs are saying that they will not grant exclusion orders because temporary accommodation is available. However, that is a quite erroneous interpretation of the legislation; they are failing to consider the spirit of the 1981 act. It is the actions of the other person that should be considered, rather than the fact that the woman can get temporary accommodation. That is a worrying development that the committee might want to consider. If there are going to be more such decisions, that will affect the two-year period, and the committee will have to take that into consideration.

Section 5 of the bill deals with the occupancy rights of third parties. Having discussed the matter, we think that stopping the clock would be sufficient. However, if the non-entitled spouse has raised an action for the enforcement or declaration of occupancy rights or for an exclusion order, our comments in relation to what happens if they do not get an order would apply. The same point probably arises in relation to section 6 of the bill.

We have no points to raise in relation to section 7. I will go on to talk about the interdicts in later sections, but that is our position on occupancy rights.

Marlyn Glen: I have no more questions on occupancy rights.

The Convener: I am interested in what Louise Johnson said about the 1981 act and the reasons that sheriffs can give for not granting an exclusion order. What does a woman generally need to show to get an exclusion order?

Louise Johnson: She would have to present affidavits to the court substantiating evidence from herself and from third parties—perhaps police and medical evidence—showing that, for the protection of herself and the children, the other person needed to be excluded from the house. However, we are not necessarily questioning the evidential issues; we are questioning the sheriff's judgment not to grant an exclusion order on the ground that alternative accommodation is alleged to be available to the woman.

The Convener: In such cases, the sheriff has accepted that there is evidence to show domestic abuse but has decided that the remedy is—

Louise Johnson: I was not given a lot of information about that. The crux of the matter is the fact that he does not grant an order not because the evidence is insufficient, but because it appears that the woman can go to a refuge and there is no need to exclude her partner from the

house. He reckons that, because a temporary refuge is available, to which the woman could go, it would be inequitable to exclude her partner from the house. However, that is not in the spirit of the 1981 act; it completely reverses the emphasis. Instead of looking at the partner's offending behaviour, the sheriff is penalising the woman because she can go to temporary accommodation. A refuge is not permanent accommodation—the house is permanent accommodation, and that is where the woman wants to be. She does not want to go to a refuge unless she absolutely has to.

The Convener: Could you remind the committee how long a woman could remain in the house for if she were successful in achieving an exclusion order and enforcing her occupancy rights as a non-entitled spouse?

Louise Johnson: She can remain for as long as the court allows, if her occupancy rights are declared. The non-entitled spouse has an automatic right to occupy. If she is locked out of the house by her partner, she can go to court to have her rights declared and the court will say, "You have the right to go back in." If she then attempts to go back in and her spouse still refuses to let her in, she can get an enforcement order from the court to ensure that she gets into the house. The other side is the exclusion order, which ensures that the spouse is taken out of the house. So one provision makes sure that she gets back into the house and can stay there with the spouse, and the exclusion order ensures that the abusing spouse is taken out, so that she is there on her own.

Marlyn Glen: There has been some movement on interdicts. Will you expand on that?

Louise Johnson: We are concerned about the possibility of women losing protection in the consolidation of the legislation. We noticed that the Law Society of Scotland said in its evidence that the focus of the 1981 act was on the matrimonial home, that there should be a single remedy for victims and that we should adopt the Protection from Abuse (Scotland) Act 2001 model rather than amend the 1981 act.

Under the 1981 act,

"attachment of powers of arrest to matrimonial interdicts"

is mandatory. However, section 1(2) of the 2001 act says:

"The court must, on such application, attach a power of arrest to the interdict".

We were concerned that the mandatory element would be lost and that women would find it more difficult to have a power of arrest attached to an interdict.

If we adopt the model in the 2001 act, we have to be careful that other protection provided for in the 1981 act is not lost. Matrimonial interdicts come in tandem with exclusion orders. One would have to be careful with the drafting to ensure that exclusion orders were not diluted or prejudiced by any changes to the 1981 act. Members should not forget that under the 1981 act, a power of arrest has to be attached to an interdict where an exclusion order is granted. We do not want to lose that power.

The other matter that concerns me is to do with police enforcement, although this might not be an issue for members. The police have to satisfy two tests before they can arrest the person under the power of arrest in the 2001 act. However, there is only one test under the 1981 act. Again, we do not want an erosion of the protection that the 1981 act affords. It is a complicated issue to discuss.

Members have a point—we do not want a catalogue of interdicts under the 1981 act, under the common law, under the 2001 act, under the Civil Partnership Act 2004 and under the Family Law (Scotland) Bill. The legal profession is certainly using the provisions in the 2001 act in relation to people who are excluded under the 1981 act, but it still uses the 1981 act for exclusion orders.

We foresee another potential problem in relation to extra cost. If a solicitor presented a request for a power of arrest and an exclusion order in one submission, there might not be any extra cost. However, if a problem arose, a woman might have to make two applications for legal aid, and we do not want to prejudice women financially any further.

Marlyn Glen: The situation is astonishingly complicated, which is where we started out—we know that it is complicated. The trick is to simplify or codify the law without watering it down or losing the existing protection. We also do not want to create extra cost, which was the important point that you just made, as that would be prejudicial. There are many issues to take in. We do not want to worsen the situation.

Louise Johnson: That is right.

The Convener: I probably speak for all members when I say that that is our aim. On the face of it, it may look as though consolidating the existing legislation would be simple, but when we repeal a law, we might lose something that we did not know was there.

I was on the committee that considered the bill that became the Protection from Abuse (Scotland) Act 2001, so I know what was in our minds. That act was intended to mirror the Matrimonial Homes (Family Protection) (Scotland) Act 1981 and to give the same power of arrest that is in the 1981 act. However, you are right that there have been hangover issues about the use of the power,

which is more costly because it stands alone. The 2001 act is the model for domestic abuse cases, but also for circumstances in which a person is being harassed or intimidated, perhaps by their neighbour. The 2001 act is designed to deal with different types of cases.

Louise Johnson: That is the beauty of the 2001 act—it covers domestic abuse as well as a number of other situations. Our worry is that, because the 1981 act deals specifically with situations in which domestic abuse is an issue, the use of the power in the 2001 act may dilute the domestic abuse emphasis. While the definition of abuse in section 7 of the 2001 act is comprehensive, it does not mention domestic abuse, because that act was intended to cover all eventualities. That is one issue that we are concerned about. We do not want to lose that aspect of the 1981 act.

The Convener: To be clear, are you saying that, under the 1981 act, it is mandatory to attach the power of arrest, whereas under the 2001 act it is not? What is the difference? If the law says that the power of arrest must be attached, I would have thought that that was mandatory.

Louise Johnson: We had a concern about that, but I am looking at the matter again. Section 15 of the 1981 act states:

"the Court shall"—

that is, it is automatic—

"attach a power of arrest … to any matrimonial interdict which is ancillary to an exclusion order",

or to any other matrimonial interdict to which the court feels that it is necessary to attach that power. The 2001 act uses the word "must". We had an initial concern about that but, having read the acts again, both sound fairly mandatory.

The Convener: They are meant to be the same. We might be able to get the minister to speak about that, just to clarify that "shall" and "must" have the same meaning.

Louise Johnson: Yes, it would be useful to clarify that they have the same mandatory or persuasive power.

The Convener: From your legal background, you will know that the case of Pepper v Hart means that, if the minister clarifies something that is in doubt, that can be used as evidence.

Louise Johnson: That is a good point.

The Convener: We have on-going debates with the draftsmen about what those little words mean.

Louise Johnson: You need to be careful, because there is a gulf between the terms "must" and "should" or "can" and "may". Some terms are persuasive and mandatory; others are discretionary. We would resist and be unhappy about any dilution of the persuasiveness of the 1981 act in relation to powers of arrest.

On section 8 of the bill, which is on matrimonial interdicts, we support the extension of interdicts to any other residence, place of work and school. That was not there before, but it is a crucial protection, so it would have to go in somewhere.

I ask the committee to ask the bill team a question. Perhaps the subject is one for the committee to think about and come back to us on, or perhaps I could ask the bill team myself and leave the committee in peace. Section 14(5) talks about when a court may not grant a matrimonial interdict. I am confused about whether section 14(5)(b) will give the court the power to grant an interdict that would act as an exclusion order. I am not sure how to read that provision. The committee might want to clarify that point.

10:30

The Convener: To which act are you referring?

Louise Johnson: Section 8(3) of the Family Law (Scotland) Bill will insert new section 14(5) in the 1981 act. I am not sure how to interpret that provision. We could certainly ask the bill team to clarify that. I do not know whether it is a good or bad thing.

The Convener: We can ask for clarification. As the passage of the bill has continued, we have fired off a series of questions to the bill team, so one more question will make no difference.

Louise Johnson: You might have addressed the matter already, but I do not know what the provision means.

Marlyn Glen: I will ask about your central concern: the welfare principle for children and safe contact. We have spent much time on considering the rebuttable presumption and we have now moved on. If we do not have the rebuttable presumption, what will we have instead? We have copies of the amendment that you have drafted. Will you give us some details on that?

Louise Johnson: I will introduce the amendment and my colleague Heather Coady will talk to it.

We studied long and hard the various comments about and objections to the rebuttable presumption from various parties, which included the Law Society of Scotland, the committee and concerned individuals. We concluded that the crux of the objections centred on the fact that the welfare principle in the Children (Scotland) Act 1995 exists and should apply. Having discussed the matter with various people, we thought that the way forward was to strengthen and expand the

welfare principle. We ask not for something new but for an expansion and strengthening of an existing power in the 1995 act.

It was interesting that the Law Society referred to something that involved sheriffs from a different point of view. A comment made by John Fotheringham might strengthen our case:

"If we give complete discretion to the sheriff, that is not law—it is telling the court to decide what is fair. If we want to do that, we can, but it would be very unfortunate, because no one would know where they stood."—[*Official Report*, *Justice 1 Committee*, 25 May 2005; c 1956.]

We hope to clarify and strengthen the welfare principle by overtly referring to domestic abuse. Heather Coady will say more.

Heather Coady: There is not much more to say. That is our position. We are keen for the 1995 act to refer to domestic abuse, because we are convinced that the current welfare principle is not being adhered to all the time. We acknowledge that many sheriffs take on board domestic abuse issues, but we hear consistently from our members, our network and other organisations about serious concerns, which we know that the Executive has acknowledged.

The 1995 act must refer to domestic abuse. More than that is needed—education and guidelines must be provided—but that would be a start. Such a provision would increase women's confidence, when they apply for contact orders, to say that they are experiencing domestic abuse. Women are often advised not to mention that because they will be seen as hostile or vindictive, but they may have to mention it further down the road because contact has been awarded and abuse of them and/or their children has continued. When domestic abuse is raised as an issue at that stage, sheriffs are suspicious. They ask why it has been mentioned at that time and not earlier.

We feel that including our amendment's proposed provision in the bill would increase women's confidence, although it would not solve the problem overnight. There needs to be a big education campaign to turn round people's attitudes. Our amendment would go some way towards giving people the confidence to go to court and say, "This is what I am experiencing. Under the welfare principle, I expect you to interpret the law to ensure that my children and I are safe." That is where we are coming from.

Marlyn Glen: I invite you to say a bit more about the organisations that support your amendment, such as Barnardo's, which I was in touch with on Monday. Will you expand on how children are affected by domestic abuse even if they are not directly affected physically?

Heather Coady: A number of organisations have been involved. We formed a loose alliance with, and had the backing of, Barnardo's, Children 1st, Stepfamily Scotland and many other children's organisations, the names of which I will forget to mention. Other organisations that showed a great deal of interest include the ASSIST project, which supports women whose partners are going through the domestic abuse courts. In addition, we spoke at length with people who work with perpetrators, who have significant concerns about risk assessment and safety. It appeared that we were all coming from the same direction. People who work on the ground with children and young people and who are aware of the context of domestic abuse are deeply concerned about contact orders being made without a proper assessment of safety and risk being carried out.

The Convener: Does Louise Johnson have anything to add on that?

Louise Johnson: Not on that. I was going to go on to talk about—

The Convener: We will follow our lines of questioning. Have you finished, Marlyn?

Marlyn Glen: Yes.

Margaret Mitchell (Central Scotland) (Con): We are considering the post-separation parenting arrangement. When Women's Aid has given evidence before, it has indicated that even if there had been domestic abuse in a relationship, that did not necessarily preclude the perpetrator from having a meaningful—and even a good—relationship with the child. I am keen to know whether that is still the case, given that your submission seems to move on quite a way from that position. Your submission states that contact with a violent parent is granted in 56 per cent of cases in which domestic abuse is an issue. I would be interested to hear how you interpret the term "a violent parent". Does that mean that domestic abuse has taken place or that there has been violence against the family generally? If that distinction were made, it would clarify matters in my mind. Given that your original position was that the fact that there had been domestic abuse—I assume that that is domestic abuse of the other partner—did not necessarily mean that the person who had been guilty of such abuse could not have a relationship with the children, I want to tease out the statistics that you give and where you now stand on the issue.

As an addendum to that, I am aware that you raised concerns about the training that was given to the people who were charged with supervising any contact that was granted to find out whether the parent wanted to have a meaningful relationship with their children or whether they had applied for contact merely as a ploy or a tactic to get at the other partner.

Heather Coady: Those are all good questions, but the difficulty in answering them is that we do not have good, comprehensive research for Scotland. Some of the figures that we have quoted are based on research that was undertaken in England and Wales. We know that there is a strong link between domestic abuse and child abuse and there are statistics to support that view. Specific research has been done on children who have experienced physical abuse by the non-resident parent after separation and children who have experienced sexual or other kinds of abuse. Those figures are separate. I cannot remember exactly which figures you referred to. We have a problem in Scotland in that we do not have good research to tell us what we need to know. However, research has been done in England and Wales and we would expect the situation in Scotland to be similar and to be reflected in similar statistics.

What was the next part of your question?

Margaret Mitchell: You do not preclude the idea that, in certain circumstances, a partner who has been guilty of domestic abuse could have a meaningful relationship with their children.

Heather Coady: No. In fact, what we have found—it is borne out by the research—is that the resident parent is often quite keen for contact to continue. Research has shown that the arrangement often falls down for three reasons. First, the non-resident parent may not have shown any interest in continuing to have contact. Sometimes, in the context of domestic abuse, the wish to have contact is about continuing to have some kind of control, and once the non-resident parent has got what they want, they are not really interested. Secondly, there may be continued abuse and harassment of the mother and sometimes of the child. Concerns come up to do with sexual abuse; our network is often phoned by frantic women who say, "Contact has been ordered, but my child has disclosed something and I can't get anyone to believe what I'm saying." The contact will often fall down for those reasons, as well as due to continued harassment and abuse. The third reason is quite an interesting one: contact often falls down because the non-resident parent has not had to take care of the child and does not have the skills to do so. It falls down because the child is not being cared for properly.

Those are the main reasons for contact failing that came out of the research. It was important to find out that, generally, women wanted contact to go ahead, even when they were quite frightened for themselves. Often contact had to stop because it was untenable.

Margaret Mitchell: And the issue of supervised contact and the training of the people who are monitoring it?

Heather Coady: There seems to be a mistaken belief that if contact takes place at a contact centre, it is properly supervised. Contact centres have said that that is not on the whole what they offer. They say that they offer supported contact with untrained volunteers and have no remit to write a report to court should they have concerns. Basically, it is contact that takes place with another adult in the room, which may or may not be sufficient. The safety issues have to be considered much more closely. It is not good enough for a sheriff or a judge to say, "The contact is in a contact centre, so it is beneficial to the child and it is completely safe," because we know that that is not always the case.

There are instances in which meaningful contact could well take place. We would never say that no child who has experienced domestic abuse should ever have contact with the abusing parent, because that contact can often be okay. What we would say is that such contact has to be shown to be absolutely safe. Women have to be reassured that their concerns will be taken seriously, and children have to be kept safe. Contact should not just happen because someone says that it should happen. We should adhere to the welfare principle. Contact must be in children's best interests and there are clearly cases in which that is not the case.

Margaret Mitchell: If we fell short of the rebuttable presumption and allowed sheriffs to have the supervised contact alternative for cases in the grey area in which they are unsure, would you push strongly for an examination of how that contact is organised and for more accountability, training and monitoring?

Heather Coady: If something could be included in the bill at least to strengthen the welfare principle, that would be step 1. Step 2 would be to continue to train and raise awareness on issues of domestic abuse. We would then not have situations like the one that I heard about last week in which a sheriff said, "Domestic abuse? What does that have to do with the children?" That kind of thing is still being said. As well as a legislative change, there need to be comprehensive guidelines. There also needs to be some training, because otherwise we will not give women the confidence to come forward and say, "I'm experiencing domestic abuse and I want at least the safety issues to be considered."

Mr Bruce McFee (West of Scotland) (SNP): How much of the problem is due to the court not observing current legislation or not knowing how to implement it, and how much is due to inadequacies in the legislation itself?

Heather Coady: It is both. That is kind of what I have just been saying. Women may not have the confidence to mention domestic abuse, or they

may be instructed by their solicitors not to mention it and to take a damage limitation approach—they are told, "Don't say too much; just try to limit the contact. Don't make a big fuss about domestic abuse or you may end up losing residence of the child." However, even if the issue is mentioned, women will sometimes turn up in court with comprehensive reports from the health service, the education department and their doctor only to find that the sheriff or judge does not have to consider them. A judgment can be made in two minutes flat, with the sheriff or judge asking what domestic abuse has to do with the child. That takes us back to the idea of people not understanding the dynamics of family violence.

10:45

Mr McFee: I find that degree of ignorance from the courts incredible. You said that lawyers would often advise women not to mention domestic abuse because it could work against them. How much of that advice is bad advice? Does mentioning domestic abuse often work against the women? Are the lawyers being too cautious, or are they being lazy?

Heather Coady: What we say is what we have heard from our own projects, but it is also borne out by the research in England and Wales. We have found that solicitors or lawyers are often successful if they are proactive, if they support the woman's position and if they push for a sheriff or judge to consider the issues properly. The problem is that people lack confidence in the court system.

Mr McFee: It strikes me that there is more than one fault within the system.

Heather Coady: Yes.

Mr McFee: It would appear that some people in the legal profession are not above criticism.

You have talked about comprehensive guidelines, but you are also proposing the introduction of a whole risk-assessment procedure into primary legislation.

Heather Coady: Definitely, yes.

Mr McFee: Do you feel that that is the best way to go?

Heather Coady: I honestly cannot see how we will change things unless we do that.

Mr McFee: Does it come down just to a lack of confidence, or are you suggesting that the courts sometimes turn a blind eye to the whole question of welfare?

Heather Coady: I do not necessarily think that the courts are turning a blind eye. A lot of people are making very good judgments and are taking proper cognisance of the risks. However, there are also too many people who are not taking proper cognisance of the risks, although they genuinely think that they are. They believe that children should have contact with both parents. Therefore, if someone says that they are experiencing domestic abuse, they are not necessarily believed or taken seriously or, if they are taken seriously, the link is not made to the impact on children and young people.

There is a strong idea that it is not children who suffer domestic abuse and that children are not affected by it. However, we know that if children live in a household where there is a level of fear, that has a huge impact on their well-being and health, and sometimes on their education. A number of people who are making contact orders are not completely aware of the dynamics and dangers of domestic abuse and of how it impacts on children. It can actually be much more dangerous once a person has left. We have a bit of work to do.

Mr McFee: I want to get a few things clear in my mind and put on the record. If your suggestions are taken up, you expect there to be a reduction in the number of contact orders granted. Have you any way of quantifying that?

Heather Coady: That is a difficult question to answer. Around 70 per cent of contact arrangements are made outwith the courts. If we are talking about strengthening the law so that people who might not have had the confidence before now have the confidence to take cases to court or to take them to court earlier, then the figures will change. I am therefore not sure how to answer your question.

Mr McFee: Margaret Mitchell spoke about situations in which there had been, at some stage, domestic abuse or domestic violence. You have said that quite a lot of women in such situations still believe that there should be some contact between the child and its father. You are advocating the introduction of the question of domestic violence at the start of the process. I think that you are correct to do so because, if it is not introduced at the start, it can be difficult to introduce it later, as people will ask why it was not mentioned before.

Are you saying that if there has been some form of abuse in the past—irrespective of the level or frequency—any further contact will have to be on a voluntary basis? Under the risk assessment that you propose to write into legislation, a contact order would not be granted if there had been abuse at any stage. In a case such as that which Margaret Mitchell mentioned, where there had been some form of abuse at some stage, the effect of the amendment is that a contact order would not be granted and any contact would have to be granted voluntarily; the resident parent would

have to say that they permitted contact with the non-resident parent.

Heather Coady: That might happen. We want to ensure that the legislation makes courts carry out a proper risk assessment and take a case-by-case approach. In a particular case a sheriff might say that it is reasonable for a child to have some form of contact. Such contact might take place in a contact centre, which would be okay, or it might be supervised by social workers. We are looking for the focus to be on the welfare principle and on ensuring that the child is safe and that there is not continued harassment and abuse of the resident parent.

Mr McFee: I understand that. I am trying to test cases at the margins. I presume that if a case has gone to court, there will be no voluntary agreement between the parents, given that the court is the place of last resort.

Heather Coady: Yes.

Mr McFee: If the bill provided that courts had to follow the suggested risk assessment, what discretion would the court have to grant some form of supervised contact? We have heard an awful lot of things about supervised contact that suggest that it is not as good as it has been made out to be in some quarters. I suppose that I am asking you to second-guess a court—God help you. I am concerned that we could have a section that suggested that contact could be maintained, but the provision that you seek to introduce would prevent that. I do not know whether there is an answer to that.

Louise Johnson: We are talking about situations in which either the voluntary arrangements have fallen down because of continued domestic abuse, or there has been no contact at all because of domestic abuse. The perpetrator of abuse might go to court and say that they want contact. By asking the court to go through the process that we have suggested, we are not diluting its discretion; the court could take all the factors into account and say that it was satisfied and would grant contact. All we are trying to do is put in another layer to ensure that the court goes through the investigative process. The court will have final discretion. Our proposed amended section 11(7) of the Children (Scotland) Act 1995 would state:

"Subject to subsection (8) below, in considering whether or not to make an order under subsection (1) above … the court—

(a) shall regard the welfare of the child … and shall not make any such order unless—

(i) it considers that it would be better for the child … and

(ii) it is satisfied that any such order will not result in domestic abuse against either parent or child".

The court will therefore have to go through a process of overtly checking whether domestic abuse is an issue. It cannot just say, "The woman is being abused, but so what? That doesn't mean the child is being abused."

The Convener: That is helpful. You are referring to circumstances in which a party applies to the court for contact.

The process that you have described would be quite complex, which would determine the workability of your proposed amendment. What standard of evidence would be required to demonstrate to a sheriff that domestic abuse, as defined in the amendment, had taken place? Should there be a miniature trial to reach a determination on the misbehaviour of the person seeking the contact order or on the acts of domestic abuse that they have carried out?

Louise Johnson: That should happen anyway. If the matter has gone that far, the parties will have to prove their position one way or another. We are not seeking to make the court's job any more difficult or to impose any more administration on the system. We are trying to ensure simply that the courts do what they are supposed to be doing. They need to take domestic abuse seriously, which means that there must be a statutory duty to investigate cases of such abuse.

You will notice that there is no longer a mandatory checklist; perhaps that provision should be put back in. We expect the court to conduct an examination that is as thorough as it would be for any situation. For example, it would seek affidavits from the party that alleged abuse, the party that denied those allegations and other sources that would corroborate the evidence. It might also have to get social work reports and advice from a child psychologist, although I am not sure how we stand on that second element. Sometimes such advice is constructive; sometimes it is not.

The Convener: Does that mean that at the moment some sheriffs are following the letter of the law and are carrying out examinations to establish whether there is on-going domestic abuse?

Louise Johnson: I do not know what sheriffs are doing. However, those who consider such matters must undertake a detailed examination into what is going on, because they need the evidence in front of them before they make any decision. Obviously, some sheriffs are enlightened about domestic abuse. However, the legislation will not work unless sheriffs understand that it exists because domestic abuse must be examined.

As I have said, some sheriffs are applying the letter of the law and are going through certain processes. However, many are not doing that,

which is why the provisions in the amendment should be in the bill. The principle of having regard to the child's welfare is not being adhered to in cases of domestic abuse.

The Convener: I understand why you are saying that.

What would happen if the provisions in the amendment became law and a sheriff did not consider these matters?

Louise Johnson: If the provisions are in the legislation, sheriffs will have to take cognisance of them. However, because domestic abuse is not mentioned in the bill, they do not have to do anything about it.

If the amendment were agreed to and sheriffs did nothing about domestic abuse, the party in question would have very good grounds for lodging an appeal. In any case, because the provisions would be enshrined in legislation, investigations would be mandatory, not discretionary, and sheriffs would have to carry them out. I hope that the remedy in such cases would be an appeal.

The Convener: I want to be clear about how the provisions in your amendment would be applied, because they are quite wide ranging. For example, I am sure that you agree that "psychological or emotional abuse" is more difficult to prove than physical abuse. However, we will come back to that point. The amendment would strengthen the law and make an absolute difference, but I wonder about the principle behind it. Should sheriffs be required to consider the impact of domestic abuse—whether that be physical, sexual or psychological—on the woman or on the child or on all concerned?

11:00

Louise Johnson: They should be required to consider the impact on all concerned.

The Convener: I am a wee bit concerned at the lack of any research in Scotland showing a link between domestic abuse and child abuse. Should a sheriff be able to make such a link? If the sheriff knows that a woman has been physically abused, should he suspect that child abuse is also taking place? We need to be clear about that.

Louise Johnson: It is not a case of suspecting. There may be no research on the issue in Scotland, but that does not preclude our taking into account the research that exists—

The Convener: I just want to be clear. Should a sheriff be required to assume that if a woman is being physically abused, the child might also be abused? What would you say if we had such research in Scotland?

Heather Coady: That is a good point. We would not necessarily want the sheriff to be required to assume that just because domestic abuse has taken place, child abuse will also have taken place. However, sheriffs should certainly be required to be aware of that possibility, given the strong link that exists between the two. Such a requirement would make a sheriff take other reports seriously. For example, if there has already been a conviction for domestic abuse, the sheriff should take that into consideration. If reports from school or from a doctor suggest that the child is definitely experiencing some kind of adverse effects but those are open to interpretation, the sheriff should be required at least to take those into consideration.

At the moment, all too often people are told, "This is an application for a contact order; domestic abuse has nothing to do with this, so we are not interested in it." If people were doing their job properly, they would not say that. All these matters should be taken into consideration. Sheriffs need to be much more alert to the possibility of child abuse. They should not assume that domestic abuse has nothing to do with the child, as we know that the two can be connected.

The Convener: Thank you. That is helpful.

Mrs Mary Mulligan (Linlithgow) (Lab): I have a supplementary on that point before I come to my main question. When the convener asked whether more cases would need to go to court if the issue of domestic abuse had to be taken into account, you said that you did not think so. However, surely that would be the case, because women who had been subjected to domestic abuse would then have the confidence—which, as you said at the beginning, they do not have at present—to mention that fact. We need to be honest that the proposed amendment would result in more work, but it would at least provide us with the right outcome.

Louise Johnson: To all intents and purposes, our proposal would provide transparency in the working of the courts. It would just mean that the courts would be required to do what they should be doing anyway. The extra work should be regarded not as an additional burden but as evidence that court investigations should already take into consideration. Our intention is not to impose an additional administrative or procedural burden but to clarify and expand what should be existing practice. In considering the welfare principle and in examining whether it is in the best interests of the child for a contact order to be made, courts are already required to consider all the evidence. The trouble is that, as experience and evidence show, the courts do not always do that.

Our aim is to get to a situation in which it will not be a lottery for women whether they face a sheriff

who understands the matter. The issue should not depend on what the sheriff believes about domestic abuse. Our proposal would mean that women would receive equal treatment regardless of where they were because the matter would be enshrined in law.

Our proposal would impose an obligation on sheriffs, but it would still leave them discretion to decide whether they were convinced that it would be safe to grant a contact order. They would not be forced either to grant a contact order or not to grant one. Our amendment does not say, "You will not do this." Rather, it says, "You must investigate these issues fully and correctly before you come to a reasoned and informed conclusion." The key thing is that the sheriff's decision is informed.

Mrs Mulligan: That is helpful. It is important that we recognise the outcome that the amendment would have, but I think that we all recognise the advantages of such a move. Your proposal would require an amendment to the Children (Scotland) Act 1995—is that correct?

Louise Johnson: Yes.

Mrs Mulligan: Was the matter discussed when the 1995 bill was being considered? I am just wondering why the matter has not been raised before.

Louise Johnson: That is a very good question. I think that that was before our time.

Heather Coady: I think that we were involved in the passage of the 1995 bill and were disappointed because domestic abuse was not mentioned in the bill.

Mrs Mulligan: The issue was not picked up in matters to do with the welfare of the child.

Heather Coady: No. The 1995 act was all about general abuse; there was nothing specifically about domestic abuse in it, although we would have liked there to be. Although it was before my time, I have read papers from the time advocating that position. It was an issue in terms of children in need as well, as children often do not get a service if they are not categorised as being in need. The matter was being pushed from different directions, but we were not successful. However, things have changed massively and there is now a general acceptance in Scotland of the fact that domestic abuse affects children adversely.

Louise Johnson: I think that the issue of domestic abuse was raised in Scottish Law Commission papers in 1992 and 1999. The fact that domestic abuse should be an issue has been mentioned but—lo and behold—in the subsequent legislation it has just disappeared. As has been said, we were concerned about domestic abuse during the passage of the 1995 bill. There have been three or four consultations but, unfortunately, what we have ended up with in the Family Law (Scotland) Bill is a dilution of the issue. We hoped that the bill would include domestic abuse, but the issue has just disappeared. The issue has been raised over the past 10 to 15 years.

Mrs Mulligan: That is helpful. It is useful to know the history behind the issue.

Louise Johnson: It has not come out of the ether; it has been on the table for a long time.

Mr McFee: In subsection (7) of your proposed amendment, two criteria are laid down for the court. First, it has to consider that it would be better for the child that an order is made than that none is made at all. That may address the concern that I had previously. Secondly, it says that the court has to be

"satisfied that any such order will not result in domestic abuse against either parent or child".

That makes a clear link between domestic abuse and the child. I think that the proposed amendment is good, although whether it should be included in primary legislation is another matter, which I will need to look at.

Nevertheless, I have one niggling doubt. What safeguards do you envisage having to prevent the children from being used in such circumstances—as they often are—as a weapon against the other partner? We have heard evidence on the matter and see in everyday life how children sometimes become pawns in the negotiations.

The convener asked about the evidence that has to be given to the court and you talked about the standard of proof. It is likely that there will be conflicting statements from the parents, so those statements will have to be backed up with evidence from somebody else. First, how can it be proved that something did not happen? Secondly, what remedies do we have, and what is in your proposed amendment, to guard against malicious accusation? I am not saying that that would happen in the majority of cases; I do not want to overstate the frequency with which it happens. However, I would like us to bear in mind the possibility of its happening. It would be a convenient way of using a child as a tool to gain something else.

Louise Johnson: To all intents and purposes, that argument could be used against what is happening currently. Any piece of law is open to interpretation, but there is no evidence to indicate that, currently, the courts are to any extent being influenced in the way that you suggest might happen. The court will be able to see, from its thorough investigation of the facts, whether what is claimed is true. In a previous submission—which you might want to consider—we have urged that the court should have a checklist to go through in

order to ensure that it pursues a thorough investigation.

False accusations cloud the issue. Our amendment would not encourage or allow false accusations any more than currently happens in any other issue at law. We are asking the courts to make a detailed examination of the facts, which should guard against any chance of what you are suggesting. What did you mean when you asked how it can be proved that something did not happen?

Mr McFee: If someone is trying to support a case, how do they prove that they have not done something?

Louise Johnson: That is for the other side to prove, if you see what I mean.

Mr McFee: It would be up to the person making the accusation to—

Louise Johnson: If a perpetrator of abuse is seeking contact, he would have to provide evidence to the non-abusing parent and to the child to refute the evidence made against him and to prove that he is fit to have meaningful contact with the child. He would have to prove that there is no danger of further abuse—or abuse full stop. The abuser would have to provide evidence in line with the evidential guidelines that the courts use.

Mr McFee: How would that work in practice in a court? Would it be the subject of a separate report, for example?

Louise Johnson: Courts should accept documents such as welfare reports. If voluntary contact breaks down because of domestic abuse, the perpetrator may want to go to court to enforce contact; alternatively, a woman may want to go back to court to have a current contact order revised because of domestic abuse. In such cases, the hearing would continue as a normal contact hearing. However, a major feature is that an order would not be made if domestic abuse would occur.

There would not be a separate hearing, although it would be up to the court to decide whether it wanted additional hearings on a case—courts have that power at present. There will not be a special hearing for domestic abuse. Nevertheless, domestic abuse would be one of the issues introduced to object to the variation of a contact order or to remove an existing order.

Heather Coady: My heart sinks when I get calls from our network and calls from women saying that they are desperately concerned for the safety of their child under a contact order that has been made. I will ask what has been done to date, but I just know that contact will go ahead—it is very difficult to reverse. There is a presumption that contact is in children's best interest, even if—

The Convener: Would your amendment slow down the legal process? What additional resources would be needed? We want to be clear about how it would operate.

Your amendment is wide in scope, although I understand where you are coming from. In the cases with which you deal, there is a pattern of behaviour that is easy to establish. You say that the problem is that sheriffs often do not investigate deeply enough and so allow contact to be granted. I see the need to strengthen sheriffs' statutory obligation to look at such cases. However, I am concerned about subsection (7A)(4)(a) of your amendment, which says that one act may amount to domestic abuse for the purposes of the proposed section.

Louise Johnson: We lifted that from, I think, a definition in the New Zealand Domestic Violence Act 1995 or the legislation on guardianship. However, you must also consider that domestic abuse can begin with a single act. Indeed, research shows that there is probably no such thing as a single act; the abuse will continue.

11:15

The Convener: It is self-evident that domestic abuse begins with a single act; it has to start somewhere. I am just testing you on the matter. I have no difficulty with an amendment that relates to the establishment of a pattern of behaviour; I have some difficulty with the question of the width of the definition.

Louise Johnson: We might have to consider that—

The Convener: I accept what you said about the New Zealand legislation. Before you go, it might be helpful if you could tell the committee what bits came from where.

Louise Johnson: We would be prepared to do that. The issue is that a single act might amount to abuse for the purposes of the section. We are saying that, to ensure that domestic abuse is raised as an issue, a single act should be considered by the court. Again, it is completely up to the court to make a decision based on that, but we want to ensure that the courts do not get the idea that a woman has to have been facing 35 years of domestic abuse—

The Convener: I understand that.

Louise Johnson: If domestic abuse is an issue, it should be explored by the court. The court might decide that the evidence does not lead it to make an order; that is up to the court. We are trying to insert a guiding section that will ensure that the court understands when it must take domestic abuse into account. Remember, if domestic abuse is not alleged in relation to a contact order, the

court will not consider the matter. We are talking not about every case that goes before the court, but only about those in which domestic abuse is introduced as a facet.

The Convener: I understand that. Broadly speaking, most of us want to do something about the situation that you are talking about. However, the detail of what we do is important. As a legislator, I cannot dismiss Bruce McFee's point. There have been false allegations in certain cases and I can see how what you are saying about a single act could result in cases being raised that we are not interested in. I would like to test that with you.

Louise Johnson: We can certainly take further advice on the issue and get back to you on it.

The Convener: We must move on, as we have many more questions to ask and we have to finish at 11.25 am.

Margaret Mitchell: During our consideration of the complicated issues relating to the bill, there has been speculation that a family court would be a good way of dealing with the issues that have been raised. Earlier, you said that judges are not always up to speed in relation to the issue of domestic abuse. Is there any evidence that judges in Glasgow, who have expertise in family law, as there is a family court there, get the approach right?

Louise Johnson: I do not know.

Heather Coady: Because the family court in Glasgow is working with the domestic abuse pilot court, both courts often deal with the same cases. Almost by default, the courts get a sense of what is happening. That has been useful. It might not have been what was anticipated, but it has been a good outcome. Better judgments are being made because the family court people are seeing the people who are coming through the domestic abuse court system and are therefore much more aware of the issues.

Louise Johnson: The domestic abuse court examines the criminal side of the situation. The sheriffs who sit in that court also see the perpetrators coming before them on the civil side of the issue, in the family court. That has resulted in an improvement. However, I do not know whether such an improvement would be brought about if the sheriffs were dealing only with the civil side, although they would have expertise in family law.

The issue revolves around education, awareness raising and guidance about the issues that confront women, children and young people. That will ensure that, when a case comes before a family court, the sheriff understands the issue of domestic abuse and why it is important to consider it in relation to contact.

Margaret Mitchell: While the investigation is going on, is there a period of limbo during which one of the parents is not in contact with the child? Do you have concerns about the fact that it becomes harder to re-establish contact the longer such a period continues?

Heather Coady: Your point underlines the importance of dealing with cases quickly. You are absolutely right—no one benefits from cases being dragged out.

Mike Pringle (Edinburgh South) (LD): I return to the issue that Bruce McFee raised. Like some of my colleagues, I am concerned about aspects of the courts' operation, if they are operating in the way that has been described.

I would like to explore briefly the question of fathers. I accept that in the vast majority of cases it is the fathers who are responsible for abuse, but I am sure that abuse must also happen the other way around. I am thinking of situations in which a father wants to have contact with his children and there has been a court order. The committee has grappled with the problems that arise when a court grants the mother the right to look after the children and allows the father to have access, but the mother ignores the court completely and consistently over a long period. In the stage 1 debate last week, several members talked about the amount of money that some fathers have spent on trying to make contact with their children. What is the answer? Do you have an answer, because none of us has one?

Heather Coady: The question is an interesting one. As I said in my opening remarks, the emphasis seems to be very much on the resident parent, which is usually the woman. Any sanctions that are mentioned relate to her. We know from research that often fathers do not take responsibility for their children, are not interested in maintaining contact, mess about with contact arrangements, disappoint children dreadfully and demand to have contact when and where they want it. However, there is little mention of that. I am not really answering your question, but I am struck by the fact that there seems to be a very one-sided approach. However, I understand how distraught people who want to have contact with their children and are not able to have it must be.

The issue is very difficult. Courts have been prevented consistently from imposing sanctions by the welfare principle. They worry that imposing fines or even a prison sentence would not be in the best interests of the child. However, many women continue to tell us that they were threatened with this or that and that they held out because they were so frightened for their child. They say that they were almost put into the cells, but that they held their ground because they were so worried. Finally, the sheriff decided that it was

not in the child's best interests to go ahead with contact.

In that context, women are not being obstructive and difficult. They are doing what any parent would do and doing their utmost to protect their child. I do not know what the answer is. Our concern is that imposing sanctions or reinforcing those that are already available will affect those women who are most scared and at risk, because their cases are most likely to go to court—

The Convener: Surely a sheriff at the specialist courts in Glasgow would try to find out why a woman did not want to comply with a contact order.

Heather Coady: They might, but they might not. I take many calls from women who are tearing their hair out and are not being listened to. There is a strong sense that women are just being difficult and that they are poisoning their children's minds and being vindictive. There is that idea even in cases where an interdict or an exclusion order has been imposed. This is a difficult issue. Often women are so frightened that they go into hiding and move from place to place, because they do not want to comply with the contact order and are not being heard. As a parent, I would do the same. That is why it is so important that we get the legislation right. We must include safety mechanisms in the law and make people aware of the issues.

Marlyn Glen: You said that you were keen to keep parenting agreements voluntary. Would you like to expand on that point?

Heather Coady: We sat on the stakeholder group that considered parenting agreements. The idea was that there should be a non-legislative, voluntary approach. I like the tone of the draft agreement and the approach that agreements should be mutual. On the whole, I think that agreements are good. The draft says clearly that it would be useful if parents could sit down to consider the best interests of their child, but that they should use as much or as little of the draft as is useful to them. The guidance questions the appropriateness of using the agreements where there has been domestic abuse. Our concern is that, if parenting agreements are made statutory, all the issues to do with domestic abuse that we have discussed must be carefully considered, as the agreements would not necessarily be an appropriate tool to use across the board. The agreements are very detailed and there is massive scope for continued control and abuse.

The Convener: I am afraid that we must leave matters there. Thank you all for your evidence. The bill is detailed and difficult and we are grateful to you for doing so much work and for coming to speak to us. We will be able to read and take in everything that has been said in the *Official Report* of the meeting.

Louise Johnson: Thank you very much for asking us back.

Petitions

Legal Profession (Regulation) (PE763)

11:26

The Convener: Agenda item 2 is consideration of petition PE763, on the regulation of the legal profession. I refer to the clerk's note, which sets out the position with respect to the Executive's consultation on the regulation of the legal profession and the United Kingdom Government's plan to introduce a white paper on the subject.

It is expected that legislation will be introduced in the Parliament before the end of the session and that the Justice 2 Committee will deal with it. Therefore, it seems appropriate to refer the petition to the Justice 2 Committee. Do members agree?

Members *indicated agreement*.

Carbeth Hutters (PE14)

The Convener: Agenda item 3 is consideration of issues relating to closed petition PE14 on security of tenure. Again, I refer members to a note that the clerk has prepared, which includes recent correspondence from the Deputy Minister for Justice. The Deputy Minister for Justice has reiterated his view that the Executive sees

"no prospect of a legislative solution"

to the matter. The suggestion is that the hutters should test the application of the Land Registration (Scotland) Act 1979 through the Lands Tribunal for Scotland.

The petition has been around for some time. Although members of the committee have changed, when the petition was dealt with initially the committee felt strongly that a way should be found of legislating to protect hutters. We have considered various aspects of the law and even appointed an adviser to look into the matter for us, who suggested that we should consider the operation of the 1979 act. The Executive has said in its correspondence that testing the matter in court is the only avenue that it can see that is open to hutters.

Before I invite comments, I draw members' attention to the positive news from Carbeth and Rascarrel bay. The latter case is progressing through the Lands Tribunal for Scotland under the 1979 act. Other people—for whom I do not think there is any solution—have written to us on the matter.

The petition was submitted some time ago and, if members plan to take further action, they will need to say what they propose should be done. If they do not, I invite the committee to close work on the subject. We must decide one way or the other.

Margaret Mitchell: The committee has bent over backwards in considering possible ways to resolve the matter, but it is clear that the issue is for the Lands Tribunal for Scotland to consider. In the circumstances, we should move back, close matters and let the litigation proceed.

The Convener: No other member has any comments to make. Therefore, I take it that members agree that we cannot take any further action in relation to the petition.

Before I close the meeting, I remind members that there will be an informal meeting in room 1.03 of Queensberry House to discuss rights of access, particularly for fathers.

Meeting closed at 11:29.

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