

PRESIDENT'S GUIDANCE

FAMILY PROCEEDINGS: PARENTS WITH A LEARNING DISABILITY

- 1 In *Re D (Non-Availability of Legal Aid) (No 2)* [2015] EWFC 2, [2015] 1 FLR 1247, and again in *Re D (Adoption) (No 3)* [2016] EWFC 1, [2017] 1 FLR 237, I considered various important procedural and substantive issues in relation to parents with a learning disability. In *Re D (No 2)* I considered, in particular, the use of intermediaries in such cases. In *Re D (No 3)* I endorsed what had been said by Gillen J in *Re Guardian and A (Care Order: Freeing Order: Parents with a Learning Disability)* [2016] NIFam 8.
- 2 Since then, the important provisions set out in the Family Procedure Rules Part 3A and PD3AA have come into force. These should go some way, though not as far I would have wished, in addressing some of these issues.
- 3 In relation to the funding of intermediaries, I draw attention to “Guidance to family courts: payment for special measures” issued by the Ministry of Justice on 13 February 2018 and accessible on the Ministry of Justice website.
- 4 In *Re D (No 3)* I referred, as had Gillen J, to “Finding the Right Support”, a research paper from Bristol University's Norah Fry Research Centre funded and published by the Baring Foundation in 2006.
- 5 My primary purpose in issuing this Guidance is to bring to the attention of practitioners and judges, and to commend for careful consideration and application by everyone, the very important “Good practice guidance on working with parents with a learning disability” issued by the Working Together with Parents Network and the Norah Fry Centre in September 2016:
<http://www.bristol.ac.uk/media-library/sites/sps/documents/wtpn/2016%20WTPN%20UPDATE%20OF%20THE%20GPG%20-%20finalised%20with%20cover.pdf>
- 6 This is an update of the original guidance issued by the DoH/DfES in 2007. The original 2007 guidance was referred to with approval in:
Re X, Y, Z (Minors), Kent CC v A Mother [2011] EWHC 402 (Fam), para 133
Medway Council v A & Ors (Learning Disability; Foster Placement) [2015] EWFC B66, para 103
The 2016 guidance was referred to with approval and applied in:
A Local Authority v G (Parent with Learning Disability) [2017] EWFC B94, para 38.

James Munby, President of the Family Division

10 April 2018