

Racial Justice Family Network

Opening remarks by the Honourable Mr Justice Keehan, Senior Family Presiding Judge, Deputy Chair of the Family Justice Council, and former Chair of the Public Law Working Group

Distinguished guests and colleagues, welcome.

I am delighted to be addressing you all at this exciting event, where the [Racial Justice Family Network](#) ('RJFN') is being launched under the new stewardship of CoramBAAF.

The RJFN is a coalition of social workers, legal professionals, judges, academics, and people with lived experience. Research- and evidence-informed, the RJFN will focus on developing anti-racist and anti-discriminatory initiatives and practices throughout the family justice system to address systemic discrimination and inequality. The aim is to improve justice outcomes for Black and other [ethnic minoritised](#) groups and to ensure that the promise of equal treatment under the law is achieved.

The RJFN originally convened through the [Nuffield Family Justice Observatory](#), is now on a new voyage with [CoramBAAF](#) with the aim of extending its geographical reach, widening its membership and its impact.

I know the RJFN will continue to foster shared learning and encourage active participation in [anti-racist](#) practice to address any vestiges of unequal treatment in the family justice system. Its goals and objectives are clearly set out in an ambitious five-year program to deliver real change in the lives of children and families who come into contact with the family justice system.

One of the network's early achievements has been the endorsement of the [Family Court Anti-Racist Practice Statement](#), authored by the [Family Justice Quality Circle](#) and co-produced with parents, young people, and professionals. It tells us what an anti-racist family court looks like, identifying the actions and behaviours required. It can be accessed via the RJFN new website (rjfn.org.uk). I commend Sussex FJB for their early involvement and adoption of the statement and would strongly encourage other LFJBs to do the same.

Nuffield Family Justice Observatory is leading research on the impact of ethnicity on children's journeys through the family justice system, and later today researcher Dr Charlotte Edney will present the latest findings and discuss further work being proposed.

However, it is important for me to draw your attention to the already existing expectations and duty that is placed upon the judiciary and other professionals in matters related to the potential impacts of racism and discrimination on parties involved in family proceedings, and what that means for a family justice system that must uphold equity and fairness under the law.

I will refer to the [Equal Treatment Bench Book](#) – known as the abbreviated ETBB – and [FPR Practice Direction 3AA](#) – Vulnerable Persons: Participation in proceedings and giving evidence.

The ETBB, while not law, is a vital resource used and referenced in case law. Chapter 8 offers detailed guidance for judges on the essentials for ensuring a court is aware of and alive to anti-racist practice. In the introductory pages to the ETBB (page 4, paragraph 3) it states:

‘To ensure equality before the law, a judge must be free of prejudice and partiality and conduct themselves, in and out of court, so as to give no ground for doubting their ability and willingness to decide cases solely on their legal and factual merits, as appears from the exercise of an objective, independent and impartial judgment.’

The introductory paragraphs to Chapter 8 observe that:

‘There are twin obligations on the judiciary; to avoid thinking in terms of negative stereotypes about individuals based on presumed characteristics of a group, and to meet any particular needs which individuals may have in order to participate in the court process on a fair and equal basis.’

And later:

‘Experience of racism or similar disadvantage in any one sector of society will have an impact on perceptions about the administration of justice as a whole. An experience before a court cannot be isolated from other social experiences.’

I urge judges to fully attend to the detailed knowledge and practical guidance contained within this chapter in ensuring the court is operating in an anti-racist manner.

In respect of [FPR Practice Direction 3AA](#) – Vulnerable persons: Participation in proceedings and giving evidence, the PD sets out:

‘The procedure and practice to be followed to achieve a fair hearing by providing for appropriate measures to be put in place to ensure that the participation of parties and the quality of the evidence of the parties and other witnesses is not diminished by reason of their vulnerability.’ To be clear about the label of vulnerability, the assumption that a person is vulnerable applies only for the purposes of the court considering whether it is necessary to make a participation direction and not for any other purpose.’

In relation to vulnerability related to abuse, the direction highlights that parties facing racial or cultural abuse or discrimination fall within the court's obligations under this direction.

According to the direction, it is the duty of the court and of all parties to the proceedings to identify any party or witness who is a vulnerable person at the earliest possible stage of any family proceedings. I quote again: ‘All parties and their representatives are required to work with the court and each other to ensure that each party or witness can participate in proceedings without the quality of their evidence being diminished and without being put in fear or distress by reason of their vulnerability as defined with reference to the circumstances of each person and to the nature of the proceedings.’

In addition to these key principles, the Lady Chief Justice and the senior judiciary are strident advocates for taking active steps to increase the diversity and inclusivity of the judiciary across England & Wales. Lady Justice Whipple is the lead judge for taking this objective forward and for raising awareness of the central importance of these principles amongst the judiciary. In 2020 the first ever [Judicial Diversity and Inclusion Strategy](#) was published. In addition to the Equal Treatment Bench Book, the [Guide to Judicial Conduct](#) and the [Statement of Expected Behaviour](#), published in January 2023, reinforces this message.

There are numerous initiatives being pursued to help achieve this goal. These include replenishing and expanding the cohort of Diversity and Community Relations Judges in the courts and in the tribunals. The judiciary supports and assists outreach and other schemes operated by the Judicial Appointments Commission, by the Inns of Court and other organisations to encourage and extend applications for judicial posts to all in our society. Recently, the Lady Chief Justice said:

“My ambition is to have a judiciary where no-one should feel that they are perceived as ‘less’ because of their differences, personal or professional background, judicial office or jurisdiction.

There should be equality of opportunity and treatment for everyone and in consequence, judicial office holders should feel valued and encouraged to develop professionally in order to contribute to their full potential.”

While we can see strong obligations are already placed on the judiciary and other professionals working within the family court, we know more needs to be done. I have no doubt that the work of the RJFN, as well as the continued research of the Nuffield Family Justice Observatory, will significantly contribute to the promotion of anti-racist and anti-discriminatory initiatives and practices within the family justice system, ensuring equity under the law.

It is my pleasure now to introduce a video message from the Parliamentary Under-Secretary of State at the Department for Education – Minister for Children and Families Mrs Janet Daby MP who despite best efforts found herself unable to be here in person.