

Experts reluctant to speak in child abuse cases

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Courts are struggling to find experts to give evidence in family cases, particularly those involving child abuse, according to the most senior family judge in England and Wales.

Sir Andrew McFarlane, president of the High Court family division, said that courts needed access to high-quality expertise to determine a child's future. He said that the "acute problem" in finding experts may have been exacerbated by cuts to legal aid fees.

Another factor was that experts had to provide evidence to meet strict court timetables. Sir Andrew said that such issues "may need to be looked at again". The annual expert witness survey by *The Times* and Bond Solon found that half of those who replied did not do legal aid work and, of those who did, 72 per cent said that they would stop if fees were reduced again. Nearly a third had considered stopping work as an expert witness in the past 12 months.

Such experts were crucial in helping courts to determine the placement of a child, he said. "The provision of high-quality professional expertise, where a court has held that such expertise is 'necessary' so that the issues relating to a child's future can be determined 'justly', is plainly essential," he told the Bond Solon expert witness conference.

In the three months since he took over the post Sir Andrew said that he had been "struck by accounts from all over the country as to the greater difficulty that now exists in finding experts who are prepared to take on instruction in a family case. This is apparently a particularly acute problem in the field of paediatric radiology which . . . is a core discipline in many child abuse cases and, even more worryingly, in the field of paediatrics itself".

Mark Solon, a solicitor and director of Bond Solon, said: "One must remember that expert witness work is for most experts a secondary source of income. If the expert's fees are too low, experts have to decide whether the case is worth their time."