



HOUSE OF LORDS

Select Committee on the Constitution

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Lord Chancellor
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Dear Lord Chancellor,

Follow up on oral evidence session with the Lord Chancellor on 20 March 2024

I write to thank you for making your annual appearance before the Constitution Committee on 20 March.

You kindly offered to provide further information on a number of points raised during the session, which I have detailed below.

The Committee would be very grateful to receive anything further you are able to provide on the following matters:

- Family Courts can take the initiative in calling for a family group conference if they consider there has been insufficient work undertaken by the local authority to explore the family network. Is any data captured as to the frequency with which this occurs and the impact on outcomes for the child? If not, can consideration be given to gathering this data?
- Is late exploration of family and friends as a potential alternative care option for children contributing to delays and backlogs in the family courts? Is the Government considering how early legal advice, for example through pilots, can support prospective kinship carers to understand their rights and options and so come forward earlier, preventing delays and potentially averting care proceedings?

Finally, we had some questions which we were unable to put to you during the evidence session. These were as follows:

- I. How would you define the “rule of law” and, as Lord Chancellor, how do you interpret your constitutional relationship to it as set out in section 1 of the Constitutional Reform Act and your duty under your oath to “respect” it?
 - a) Does the duty to respect the rule of law extend to international law?
 - b) How should Parliamentary sovereignty be balanced with the rule of law in respect of international obligations?
 - c) Is the Ministerial Code effective in ensuring ministerial compliance with international law and treaty obligations?

2. How, in practice, do you fulfil your duty to uphold the independence of the judiciary?

Your responses to the above would be welcomed by the Committee.

Thank you once again for making your annual appearance before the Committee—we found your contributions informative and your comments gave us much to consider.

Yours sincerely,

A handwritten signature in cursive script, appearing to read 'Drake', written in black ink.

Baroness Drake
Chair of the Constitution Committee