



Family Justice Council
Minutes of the full Council meeting held on 25th January 2016 in
Conference Room 2M, Queens Building, Royal Courts of Justice

Present:

The Honourable Mrs. Justice Pauffley (Chair)
Christina Blacklaws, Private Law Solicitor
Melanie Carew, Cafcass
Alex Clark, Secretary to the Council
Jennie Clifton, Office of the Children's Commissioner
Andrew Greensmith, District Judge
Sara McIlroy, Parents and Families
Helen Morris, Family Magistrate
Matthew Pinnell, Cafcass Cymru
Jane Probyn, Circuit Judge
Dominic Raeside, Family Mediator
Ross Sanger, MoJ
Paula Adshead, Assistant Secretary to the Council
Daphna Wilson, Secretariat

Apologies:

Elizabeth Gibby, MoJ
Angela Joyce, DfE
The Honourable Mr. Justice Cobb
Elizabeth Isaacs QC
Malek Wan Daud, Family Barrister

1. Announcements

The Chair welcomed HHJ Jane Probyn and DJ Andrew Greensmith to the meeting and congratulated them on their appointment to the Council as the new Circuit Judge member and District Judge member respectively.

Members were sorry to hear that John Daly had resigned from the Council but congratulated him on his promotion to Director of Children's and Adult Services in Bolton. The Council

wished John well in his new role and thanked him for his contribution to the work of the Council, not least his recent response to the DfE review on Special Guardianships.

2. Minutes of the last meeting and matters arising

The minutes of the last meeting were approved.

Matters arising were:

Financial needs guidance for the judiciary and courts: The Financial Needs Working Group had met in December and hoped to finalise the guidance by early March.

'Sorting out Finances on Divorce' guidance: Publication of the guidance had been postponed at the MoJ's request, owing to the issues around Form E. However, following the recent Ministerial written statement to Parliament, it was hoped to launch the guidance in February or March. It would be published on the FJC and Gov.UK websites and stakeholders notified accordingly.

Joint FJC/British Psychological Society (BPS) standards for psychologists: This had been approved by the Executive Committee on behalf of the Council and the Secretariat was awaiting the finished product.

Advice Now: The leaflet promoting all the FJC-funded guides on the AdviceNow website had been printed. 25,000 copies were distributed to family courts and advice agencies to be made available to litigants in person. An electronic version was also issued and made available on the FJC web pages.

Viability Assessments: The Family Rights Group had set up a working group to look at ways of improving local authority practice on viability assessments. The group met in December and agreed that a good practice guide was the preferred way forward, followed by a leaflet for families explaining what viability assessments are. Work had begun on drafting the guide which would be circulated widely for consultation.

Recruitment: The Council still awaited the Lord Chancellor's approval of:

- a) The successful candidates for the Academic, Child Mental Health Specialist, Justices' Clerk and Paediatrician posts.
- b) The candidates to be called for interview for the Public Law Solicitor post.

The President was concerned about the delay and its impact on Council business, and intended to write to the Lord Chancellor.

Mentoring scheme for new members: The Secretariat was organising a scheme to help support new members to the Council. Departing members had kindly agreed to offer support to their successors and the Secretariat was inviting current members to volunteer as 'buddies'.

There were no other matters arising that were not agenda items.

3. Improving support for litigants in person – next steps

The paper had been presented to the Family Justice Board at its meeting on 15 December, at which the Minister, Caroline Dineage, was present. The Board responded favourably to the proposals set out in the paper, particularly the need for a high level champion, a comprehensive one-stop-shop website and an alternative process designed specifically for those without legal representation.

Members discussed next steps and agreed that the approach should be solution-driven to achieve tangible results. It would be useful to consider various initiatives such as the Private Law Pathway, HMCTS Court Reform, the Dutch and British Colombian models, Relate's pilot and FDAC, as well as the more local schemes. It was felt that the Council was well placed to design a private law procedure for use by those without legal representation.

This project would form a large part of Council work in the coming year and would be set out in the Business plan accordingly.

4. Conference planning

It was becoming increasingly unlikely that the new Rule and Practice Direction on Vulnerable Witnesses and Children would be issued by June. Members agreed, therefore, to adopt 'support for litigants in person' as the new theme for the conference. It would provide an opportunity to pull together the various initiatives taking place across the country with a view to creating a more joined-up approach. It was further agreed to defer the conference to October. Malek Wan Daud would be asked to retain responsibility for conference planning and Sara McIlroy offered to support him in this.

5. Amendment to Bundles Practice Direction (PD 27A)

The proposed amendments were discussed. Members welcomed the direction and the restrictions on document size. While some felt it provided the appropriate level of advice, others thought it could benefit from being more prescriptive. It was noted that templates for court documents had been produced but there had been little take up.

Jane Probyn and Helen Morris volunteered to draft a response to the consultation on behalf of the Council.

6. Lessons from Research for the Judiciary in Public Law

Work continued on the scoping exercise to determine which of the proposed models should be used in the pilot study. The working group had met several times and would be in a position to report by March. The Council would invite two representatives of the working group to present their proposals to the Council at its meeting on 25 April.

7. Business Plans

2015-16: The updated business plan was circulated and noted. In relation to progress on divorce modernisation, the Private Member's Bill on No Fault Divorce was due to have its second reading on 11 March. The MoJ was continuing its work on the out-of-court Private Law Pathway and would make a bid for a Bill on mediation and private law issues. Pending the Lord Chancellor's response, further activity may be taken forward to next year's business plan.

2016-17: Members approved the draft business plan for the forthcoming year. It was agreed that there should be a further activity on LiPs but broken down into individual projects including McKenzie Friends, online advice/dispute resolution and digitalisation.

8. Open Meeting

The Council agreed that the Open Meeting should take place on the 11th of July at the MoJ headquarters at Petty France. It would be publicised on the FJC website and a number of applicants would then be invited to attend. They would be asked to submit their questions in advance as in previous years.

9. Any other business

Debate: Members agreed that the debate held last November last year had been a great success and were pleased at the high level of attendance. Articles about the event had since been published in Family Law and Social Care.

Vulnerable witnesses: The MoJ's Criminal Justice Group had begun work looking at the communication needs of vulnerable court users across all jurisdictions. It was still in the early scoping stages but MoJ colleagues in Family Policy hoped to share further information with the Secretariat in due course.