



Family Justice Council
Minutes of the full Council meeting held on 19th October 2015
Conference Room 2M, Queens Building, Royal Courts of Justice

Present:

The Honourable Mrs. Justice Pauffley (Chair)
Professor Anne Barlow, Academic
Christina Blacklaws, Private Law Solicitor
Melanie Carew, Cafcass
Alex Clark, Secretary to the Council
John Daly, Assistant Director Children's Services
Elizabeth Gibby, MoJ
Angela Joyce, DfE
Ross Sanger, MoJ
Sara McIlroy, Parents and Families
Helen Morris, Family Magistrate
Emily Tuttiet, Welsh Assembly Government
Malek Wan Daud, Family Barrister
Jo Willows, MoJ

Paula Adshead, Assistant Secretary to the Council
Daphna Wilson, Secretariat

Apologies:

Jennie Clifton, Office of the Children's Commissioner
The Honourable Mr. Justice Cobb
Elizabeth Isaacs QC
Matthew Pinnell, Cafcass Cymru
Dominic Raeside, Family Mediator

1. Announcements

Members: Five members had stepped down following the end of their appointments. The Chair wished to record the Council's thanks to Her Honour Judge Liza Gordon-Saker, Mark Andrews, Anne Barlow, Liz Gillett and Heather Payne. Each had made an enormous contribution to its work. Joe Murphy, the representative for the MoJ, had moved on to HMCTS Reform and the new representative was Elizabeth Gibby, the Deputy Director for Strategy & Specialist Policy in the Access to Justice Directorate.

Awards: The Council congratulated Dominic Raeside on winning Family Law's Dispute Resolution Practitioner of the year award and Malek Wan Daud for being shortlisted for Junior Barrister of the year.

2. Minutes of the last meeting and matters arising

The minutes were approved.

Consultations: Since the last meeting, the Council had responded to four consultations: the President's Transparency consultation; the Law Commission's consultation on Enforcement of Family Financial Orders; the DfE's Special Guardianship Review; and the consultation on Draft Amendments to the Family Procedure Rules on Vulnerable Witnesses and Children.

Executive Committee Membership: Following agreement at the last meeting, the Committee's membership was now aligned to the work strand leads as shown on the Business Plan.

No Fault Divorce: The President had written to the Lord Chancellor to make a case for the provision of no-fault divorce.

Financial needs guidance for the judiciary and courts: The first draft of the guidance was considered by the Financial Needs Working Group at its meeting on 9 July. The guidance should be ready by Christmas.

'Sorting out Finances on Divorce' guidance: The guide had been adapted by Advicenow and published on its website. The full version of the guidance would be made available on Gov.uk and the FJC website. An accompanying leaflet was being produced to promote all the FJC-funded guides on the Advicenow website. This would be distributed to family courts and Citizens Advice Bureaux in due course.

Joint FJC/British Psychological Society (BPS) standards for psychologists: The final document was now being formatted for printing.

Recruitment: The interviews for the Academic, Child Mental Health Specialist, Justices' Clerk, Paediatrician, Circuit Judge and District Judge posts took place over the summer. Owing to parliamentary recess, Ministerial approval of the appointees was still outstanding. The Public Law Solicitor post was currently being advertised.

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

3. Lessons from Research for the Judiciary in Public Law

The Family Justice Board had endorsed Liz Isaacs' paper. Members discussed training for judges and magistrates and the potential for webinars and CDs. The Council approved the draft Terms of Reference for a working group to carry out a scoping study, subject to any further comments.

Liz was in discussion with the Nuffield Foundation about its wider work on an 'observatory' of research evidence. Expressions of interest were being invited for its initial scoping study.

4. Support for Litigants in Person (LiPs)

Helen Morris' and Sara McIlroy's draft paper for the Family Justice Board was considered. Discussion followed on the merits of the California and Bristol models, and about how support for LiPs could be improved. It was noted that the California model, unlike England and Wales, had a clear pathway and was administered by the court system.

It was agreed that the LiPs issue would benefit from a dedicated ministerial champion. In the long term there was a real need to move from a system designed to be used by lawyers to one designed to be used by LiPs.

It was also stressed that joined-up thinking would help to ensure that online guidance was posted in the most appropriate and accessible place. The work being carried out by the LiPs Support Strategy had implemented some good local initiatives and was promoting AdviceNow as a one-stop shop. It was noted that Relate was proposing to launch a facility for online negotiations.

Concerns were raised about the use of unregulated McKenzie Friends who, in most cases, were not legally qualified and lacked any liability insurance. A government consultation on this was expected in due course.

5. Children and Vulnerable Witnesses

Malek Wan Daud had recently responded, on behalf of the Council, to the consultation on Draft Amendments to the Family Procedure Rules on Children and Vulnerable Persons. An analysis of the responses was due in early November. The new Rule and Practice Directions, and their impact on existing FJC guidance, would be re-visited at the Council meeting in January. It was hoped that both a timetable for implementation and the new Council members would be place by then.

It was suggested that a mentoring scheme be introduced to help induct new members to the Council. This was approved by members.

6. Debate 2015

The debate had been publicised and arrangements were progressing well. Members discussed ways to further publicise the event.

7. Conference 2016

The draft programme for the conference on Vulnerable Witnesses was discussed. It was suggested that the morning session could focus more on practicalities and resources and there was some concern that too much had been allocated to the early afternoon session. It was agreed that all speakers would be required to stay for the Q & A session and that there would be no need for formal closing remarks.

Liz Isaacs had identified two barristers from her chambers to be the rapporteurs and a final report would be published by Jordans.

8. Business Plan

The Business Plan was considered and minor updates were made in relation to timings. The Business Plan for 2016-17 would be discussed at the January meeting.

Regarding Activity 6 on divorce modernisation, Christina Blacklaw had been in contact with Liz Trinder about her research into breakdown of relationships and the impact of allegations. An interim report is expected in Spring 2016.

9. Any other business

There was no other business.