



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

Present:

The Honourable Mrs. Justice Pauffley (Chair)
Mark Andrews, Justices' Clerk
Christina Blacklaws, Private Law Solicitor
Melanie Carew (Cafcass)
The Honourable Mr. Justice Cobb
Alex Clark, Secretary to the Council
Martyn Cook, Family Magistrate
John Daly, Ass Director of Children's Services
Angela Joyce, DfE
Her Honour Judge Katharine Marshall
Joe Murphy, MoJ
Dr. Heather Payne, Consultant Paediatrician
Dominic Raeside, Family Mediator
Matthew Pinnell, CAF/CASS Cymru

Announcements and Apologies:

The Right Honourable Sir James Munby, President of the Family Division
Professor Anne Barlow, Academic
Sue Berelowitz, Deputy Children's Commissioner for England
Malek Wan Daud, Family Barrister
Dr. Elizabeth Gillett, Clinical Psychologist
John Hall, MoJ (Joe Murphy attending on his behalf)
District Judge Liza Gordon-Saker
Amanda Jeffery, Deputy Director, Judicial Office
Caroline Little, Public Law Solicitor
Emily Tuttiett, Wales

1. Apologies and announcements

The Chair announced the new silk member of the Council would be Elizabeth Isaacs QC, the new magistrate member would be Helen Morris and the new parents and families representative would be Sarah McIlroy. The new members had been notified of their appointments and they would be publicly announced shortly. It is hoped that the new members would be able to attend the next meeting of the Council in April.

The Chair also announced that Paula Adshead had been successful in the competition to recruit a successor to Tessa Fyffe. Paula worked for the FJC previously – she used to lead on liaison with the Local Family Justice Councils and makes a welcome return after stints at the MoJ and the Passport Office. Paula starts next Monday.

The Council recorded its thanks to Martyn Cook for his contribution to the work of the Council. This was Martyn's last meeting and he had completed two full terms. The Chair and members wished him well.

2. Minutes of the last meeting and matters arising (Paper 1)

The minutes were approved. There were two matters arising not covered in the agenda – the proposed meeting with Greg Woodgate of Jordans and the HMCTS guidance on uncollected fees. Alex Clark informed members that he had been in touch with Greg Woodgate and a new editor had yet to be appointed for the proposed digest of expert evidence so a meeting with the Council would be premature. Greg Woodgate had indicated that Jordans were continuing to look for an editor and remained interested in the project. On the HMCTS guidance on uncollected fees, Alex had established that the concerns expressed by HHJ Marshall and the judges at Swindon were shared by many others across the country. As a consequence, MoJ fees policy were looking again at the guidance and it was likely that revised guidance would be circulated in the near future.

3. FJC response to consultation on transparency

Caroline Little had circulated a draft at the previous meeting which had received no feedback. It was pointed out that this was because the draft had not been supplied in electronic form. Alex undertook to secure an electronic copy from Caroline and to circulate it to Christine Blacklaws, HHJ Marshall and Heather Payne who all had contributions to offer. The revised draft would then be submitted to the President.

4. Advice to the Family Justice Board (FJB) on FDAC

Caroline Little had been drafting a paper for the Council to submit to the FJB on FDAC but it may now be overtaken by events. Angela Joyce explained that the FDAC team had submitted an application to the DfE's innovation fund to fund an extension of the FDAC model. Ministers were expected to make a decision later in the week. If the application is approved there will be no need to submit a paper to the FJB making the case for FDAC.

5. Judith Masson research on feedback to the judiciary

Alex informed members that Judith Masson had now committed to a firm date for delivery of the write up of her research on judicial attitudes to feedback in public law cases and would submit the report by 15th March.

6. Advice Now project on LiPs

Advice Now published their guide to filling in Form E just before Christmas. This was produced with the benefit of input from members of the FJC Money & Property Working Group. The guidance is designed to assist litigants in person and follows the format of the recent guidance on making financial orders without a lawyer which the Council also contributed to and funded. The next stage will be the filming of video clips providing advice to litigants in person in private law cases on how to put their case in court – this has been scripted and is due to take place in February.

7. Law Commission project on financial years (Paper 6)

The Financial Needs Working Group, chaired by Mrs Justice Roberts, has completed its task and produced a guide for litigants in person on how the family court approaches financial needs following divorce. The guide was completed over the weekend and is currently with the President for approval. It will be sent to the MoJ within the next few days. The final version submitted to the President includes the comments made by a panel of out of London judges and practitioners. It was felt it was important to seek the views of money practitioners and judges from outside London to avoid an overly London-centric view. It was also important for the guide to avoid too much focus on big money cases and the input from the out of London practitioners has also been valuable in this regard. The next step will be to draft a leaflet to summarise the key points of the guidance to encourage LiPs to refer to the guide. Members suggested that Advice Now would be well placed to do this.

8. Vulnerable witnesses working group

The interim report of the Working Group was published at the end of July and the Council has been asked to feed in views on the content of proposed Practice Directions on judges seeing children, children giving evidence and vulnerable witnesses. Malek Wan Daud and Caroline are members of the Working Group. Members discussed the draft submission on behalf of the FJC, prepared by Malek, circulated as paper 4. Cobb, J circulated a vulnerable witness checklist based on the approach taken in criminal proceedings. It was agreed that the checklist was helpful and should be annexed to the Council's response. HHJ Marshall and Melanie Carew indicated that they wished to propose a number of amendments to the document and would send them to Malek in the next week or so.

9. Annual Debate

The annual debate on the theme of transparency was held on 27 November and was well attended. The transcript and podcast are available on the FJC web pages. The event generated some media interest. Two articles appeared in the national press. A balanced and considered article appeared from Frances Gibb in the Times and an article rather different in tone and content appeared by Steve Doughty in the Daily Mail. Members felt that the Methodist Central Hall was a good and convenient venue but felt a larger audience could have been fitted into the room used for the event.

10. Joint FJC/BPS consultation on standards for psychologists

The joint FJC/BPS consultation paper on standards for psychologists was published on 26 September and closed on 14th November. Heather Payne reported that the overwhelming majority of responses were positive and only minor amendments would be required to the standards as a result of the consultation. The revised document would be submitted to the Council and to the Board of the BPS. It was intended that the document should be ready for publication within 3 months. Heather indicated that a potential future project would be to devise standards for psychiatrists which would require working closely with the Royal College - and other medical disciplines would benefit from standards tailored to their disciplines. Members recorded their thanks to Liz Gillet and Heather Payne for their hard work in bringing this project to a successful conclusion.

11. AOB

Christina Blacklaws asked whether there had been any evaluation of the changes made to mediation as a result of the report of the Mediation Taskforce. Joe Murphy would check with MoJ colleagues and feed back to the secretariat. The Minister had established the Voice of the Child Mediation Group in November, to examine how child inclusive mediation could best be promoted, and it was expected to report by the end of February.