



Committee on Experts in the Family Justice System

Newsletter: Spring 2022

Introduction

Since the publication of the first EFJS Newsletter in Autumn 2021 the FJC Sub-Committee and the Regional/National Groups have been active in various fields progressing the implementation of the 22 Recommendations made in the Presidents Working Group report. (<https://www.judiciary.uk/publications/the-president-of-the-family-division-working-group-on-medical-experts-in-the-family-courts-final-report/>). The FJC Sub-committee itself is meeting on a quarterly basis as are myself and the Co-Chairs of the Regional(/National groups. The EFJS pages on the FJC continue to be expanded to include further material ([Experts in the Family Justice System \(EFJS\) | Courts and Tribunals Judiciary](#)) including the contact details for the regional/national groups and the recording of the training event held in October 2021. As you will see from the **Dates** below we have drawn together information about training events that are taking place over the coming months whether at the Judicial College, by the EFJS, by professional bodies such as the BPS or by organisations such as the Expert Witness Institute, Bond Solon and the Academy of Experts. In future Editions of the Newsletter I hope we will be able to expand this to include information about more events so that this can become a ‘hub’ for those seeking out training opportunities.

Progress on Recommendations.

The 22 Recommendations break down into 6 clusters. Significant developments are as follows

Supporting and Sustaining Change:

The Regional Groups continue to develop with training sessions being undertaken in report writing and sessions on cross-examination and giving evidence being considered. The South East South carried out a training session on 1 March 2022 on report writing. Resolution and the Family Law Bar Association have offered to publicise the Regional/National Groups to their regional networks and I hope this will lead to some more lawyers becoming involved in those groups. Articles about the work of the EFJS have appeared in the BMJ and will be appearing in other publications in coming months. Both the EWI and Bond Solon have kindly agreed to circulate information about the work of the EFJS Committee and to include information on their hubs. If you wish to get involved please do get in

touch either with the Regional Co-Chairs (e-mails here [Regional Committee Contacts for Website \(judiciary.uk\)](#))

Medical Colleges and Professional Bodies:

The Academy of Royal Medical Colleges and the EFJS Committee are convening a meeting of 9 of the Colleges and other professional bodies to explore how these Recommendations can be implemented. The response of those who have been approached is encouraging indeed and getting so many significant bodies around a virtual table seems to me to be valuable in itself.

Commissioners and NHS Trust:

The follow up from the initial meetings with officials in the Department of Health (England) and Department of Health and Social Services (Wales) is still in progress. We are in the process of establishing a group (including an expert whose 'NHS' contract incorporated expert work) to develop a proposal to put to commissioning bodies in relation to Recommendation 5 of the WG Report. If anyone with further knowledge of this issue wishes to get involved please do let me know.

Payment:

The group, headed by Maud Davis and Jaime Craig have met with the LAA to explore what further changes to LAA processes can be made to implement Recommendation 6, 7 and 8. The issue of recoupment of fees or disbursements paid to experts has recently been raised and the Payment Group are looking into this.

Court Process and Treatment of Experts:

There is a significant cross-over in this with training. The Judicial College have incorporated a session on experts in the Public Law Continuation Courses in 2022/23 and these will include training on

- Best Practice in relation to the instruction of experts and receiving evidence
- The distinction between disagreement with and criticism of experts
- Court appointed expert evidence and evidence from treating clinicians.

It has been agreed that a standard direction should be made in orders following Fact Finding or Final Hearings in which expert evidence has been heard. This has been referred to the Standard Family Orders Group led by Mostyn J and the Children Orders group led by HHJ Moradifar will be dealing with it.

The proposed direction is to be finalised but it is suggested that the following form which mirrors the existing obligation contained within FPR 25.19 (1) and (2)

The Court orders that:

1 The provisions of FPR 25.19 (1) apply to the child's solicitor [or other party instructing the expert, as appropriate].

2 In respect of the Court's sealed order and approved [written][transcript of] judgment (or in the absence of written or transcribed judgment any written note taken by the advocate), the provisions

of FPR 25.19 (2) apply. The child's solicitor [or other party instructing the expert, as appropriate] is directed to provide a copy of the sealed court order and approved [written][transcript of] judgment (or in the absence of written or transcribed judgment any written note taken by the advocate) to (the expert X) within 10 working days of these being received .

Training:

The Regional/National Groups are beginning to undertake training events which cover aspects of the Recommendations.

Approaches have been made to

- The Judicial College
- FLBA and Resolution
- Providers of advocacy training at the Inns of Court.

The issue of training will be part of the discussions at the meeting convened by the FJC and AoRMC.

Recommendation 20 suggested that an Expert Witness Handbook be commissioned. The last 'Handbook' which was written by Rt Hon Lord Justice Wall, former President of the Family Division was last published in 2007 and Prof Keith Rix has agreed to lead the development of a brand new publication which it is hoped will cover both the law and practice in relation to experts but also will cover some of the substantive evidence of core areas of medical and psychological clinical practice.

Regional/National Group News

8 Regional Groups have now been established.

North West (Manchester, Lancashire, Cumbria, Cheshire & Merseyside)

Co-chairs: HHJ Malcom Sharpe and Dr Jaime Craig

Contact: ExpertsNorthWest@ejudiciary.net

North East (Northumbria & North Durham, Teeside and South Durham, Leeds & West Yorkshire, North Yorkshire, South Yorkshire, Humberside & North Lincolnshire)

Co-chairs: HHJ Gillian Matthews and Prof Amaka Offiah

Contact: ExpertsNorthEast@ejudiciary.net

Midlands (Black Country & Shropshire, Northamptonshire, Birmingham, Coventry & Warwickshire, Derbyshire, Nottinghamshire, Leicestershire, Hereford and Worcestershire, Staffordshire, Lincolnshire)

Co-chairs: HHJ Rosalyn Carter and Dr Adam Oates

Contact: ExpertsMidlands@ejudiciary.net

Wales

Co-chairs: HHJ Mererid Edwards (South), HHJ Gareth Jones (North) and Dr Claire Thomas

Contact: ExpertsWales@ejudiciary.net

South West (Avon, North Somerset & Gloucester, Dorset, Hampshire & Isle of Wight, Plymouth & Torbay, Swindon, Taunton & Yeovil, Cornwall, North & East Devon)

Co-chairs: HHJ Melissa Barlow, Dr Michelle Cutland and Dr Louise Newbury

Contact: ExpertsSouthWest@ejudiciary.net

London

Co-chairs: HHJ Probyn and Dr Owen Arthurs

Contact: ExpertsLondon@ejudiciary.net

South East 1 - South (Thames Valley, Kent, Surrey, Sussex)

Co-chairs: HHJ Sarah Davies and Dr Lucy Love

Contact: ExpertsSouthEastSouth@ejudiciary.net

South East 2 - North (Norfolk, Suffolk, Essex, Cambridgeshire, Bedfordshire & Hertfordshire)

Co-chairs: HHJ Spinks and Professor Keith Rix

Contact: ExpertsSouthEastNorth@ejudiciary.net

The Groups are developing organically according to local conditions! One of the main areas where we thought regional groups might assist was in mentoring (informal probably) to enable experts to share experiences and discuss issues with other experts and legal professionals. If you would like to get involved with a Group please do contact them.

Other News

Mr Justice Poole has recently considered the issue of the disclosure of expert medical reports commissioned by the Family Court to the police where the expert opposes the use of their report in the criminal process. The judgment has not yet been published. The issue has been referred to the recently re-established Family-Crime Interface Group under the leadership of Ms Justice Russell.

The Expert Witness Institute has recently launched a tool EWI Core Competencies. They describe it thus

The core competencies framework for Expert Witnesses sets out the attributes, knowledge, and skills that experts must develop if they wish to act as an Expert Witness.

The link to them can be found here www.ewi.org.uk/corecompetencies.

Bond Solon have published a video on becoming an expert.

<https://survey.survicate.com/35a5dc8c8392a2dd/?p=anonymous>

Multi-source assessment of expert practice

The Centre for Quality Improvement of the Royal College of Psychiatrists offers its members a tool for obtaining anonymous multi-source feedback on their practice as expert witnesses and for comparison with their self-assessment. It is an on-line resource. Where feedback is sought only from instructing lawyers a cumulative report can be obtained when feedback has been aggregated from four or more cases. Where feedback is obtained from more than two professionals involved in an individual case (e.g. instructing solicitor, instructing counsel, adverse party's solicitor, adverse party's counsel, expert(s) of the same discipline, judge) a report can be provided on performance in an individual case. The tool is known as Multi-source Assessment for Expert Psychiatric Witnesses (MAEP) <https://www.rcpsych.ac.uk/improving-care/ccqi/multi-source-feedback/maep> (<https://www.rcpsych.ac.uk/improving-care/ccqi/multi-source-feedback/maep>).

Eight expert witness practice competencies are rated:

- Professionalism/Professional demeanour
- Ethics
- Skills
- Reliability of opinion
- Presentation of opinion/report
- Understanding of law, procedure and rules of evidence
- Oral testimony
- Business manners and affairs

It is a personal development tool and it can be used to provide evidence for the annual appraisals which inform recommendations as to doctors' revalidation and relicensing by the General Medical Council.

As the tool is a completely generic tool and could be used by all expert witnesses, from archaeologists to zoologists, the tool has a potential application for use by all medical and other experts who provide evidence in the Family Court (and indeed in the other jurisdictions). In furtherance of the recommendation that the medical royal colleges and faculties should develop on-line resources for medical expert witnesses, consideration is being by the Committee to how this tool could be made accessible to members of all the medical royal colleges and faculties. The name of the tool would have to change, perhaps to *Multi-source Assessment of Expert Practice* but the acronym MAEP could stay the same.

Meet the Committee



Mr Justice Williams was appointed a High Court Judge in October 2017. Following his appointment he was appointed as the Judge in charge of Family Division Appeals and in October 2020 he was appointed as The Family Division Liaison Judge for the South-Eastern Circuit (Kent, Sussex, Surrey, Thames Valley and Milton Keynes). In October 2018 he was appointed by the President of the Family Division to chair a working group to enquire into the shortages of experts in The Family Justice System. He now chairs The Family Justice Council Subcommittee on Experts in The Family Justice System which was established to deliver the implementation of the Recommendations of the Working Group.

Dates

Not all events will be accessible to all – the Judicial College events are only available to salaried or fee-paid judges. Some events are free to attend, others may involve the payment of a fee.

| Date | Event | Provider/ Contact |
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| 1.3.2022 | Surviving or Thriving: Financial planning for your Expert Witness Business | Expert Witness Institute https://www.ewi.org.uk/Training-and-Events/Event-Details Heather.george@ewi.org.uk |
| 9.3.2022 | Report Writing I | Expert Witness Institute (see above) |
| 15.3.2022 | Report Writing II | Expert Witness Institute (see above) |
| 16.3.2022 | Judicial College: Public Law Continuation Training. (including Williams J on experts) [Open to salaried and fee-paid judges only] | Judicial College, Learning Management System |
| 17-18.3.2022 | Family Law and Procedure, 6-7 October | Bond Solon Expert Witness Training: |

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| | | https://www.bondsolon.com/expert-witness/courses/ . 0207 549 2549 or expertwitness@bondsolon.com . |
| 17.3.2022 | Experts Discussions & Joint Statements - From Law to Practice | Expert Witness Institute (see above) |
| 23.3.2022 | Sir Michael Davis Lecture and Networking evening | Expert Witness Institute (see above) |
| 30.3.2022 (5-6pm) TEAMS | Giving evidence in perplexing presentation and FII cases: Dr Paul Davies | Welsh EFJS Group Contact: ExpertsWales@ejudiciary.net |
| 4.4.2022 | Excellence in Report Writing 9 May, 8 June, 4 July | Bond Solon Expert Witness Training: (see above) |
| 5.4.2022 | Courtroom Skills - 5 Apr, 10 May, 9 June | Bond Solon Expert Witness Training (see above) |
| 9.5.2022 | Excellence in Report Writing | Bond Solon Expert Witness Training: https://www.bondsolon.com/expert-witness/courses/ . 0207 549 2549 or expertwitness@bondsolon.com . |
| 10.5.2022 | Courtroom Skills - 5 Apr, 10 May, 9 June | Bond Solon Expert Witness Training (see above) |
| 16-17.5.2022 | Judicial College: Public Law Continuation Training. (including Williams J on experts) [Open to salaried and fee-paid judges only] | Judicial College, Learning Management System |
| 20.05.2022 | Conference 2022: The Modern Expert: Relevant, Current, and Evolving | Bond Solon Expert Witness Training (see above) |
| 25.5.2022 | Cross-Examination Day | Bond Solon Expert Witness Training (see above) |
| 8.6.2022 | Excellence in Report Writing | Bond Solon Expert Witness Training: https://www.bondsolon.com/expert-witness/courses/ . 0207 549 2549 or expertwitness@bondsolon.com . |
| 9.6.2022 | Courtroom Skills | Bond Solon Expert Witness Training (see above) |
| 10.6.2022 | Cross-Examination Day | Bond Solon Expert Witness Training (see above) |
| 14.6.2022 | Bucks Local Family Justice Board Training Day | |
| 21.6.2022 5.15pm | Expert Report Writing: | expertssoutheastssouth@ejudiciary.net |

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| | South-East (South) Regional Experts Group (Paediatrics) | lucy.love2@nhs.net . |
| 4.7.2022 | Excellence in Report Writing | Bond Solon Expert Witness Training: https://www.bondsolon.com/expert-witness/courses/ . 0207 549 2549 or expertwitness@bondsolon.com . |
| 6.7.2022 | Cross-Examination Day | Bond Solon Expert Witness Training (see above) |
| Summer (Date TBC) | Psychological Evidence in the Family Court: Dr Alison White and DR Mair Edwards | Welsh EFJS Group Contact: ExpertsWales@ejudiciary.net |
| 7.9.2022 | British Psychological Association Conference | BPS |
| 15- 16.9.2022 | Judicial College: Public Law Continuation Training. (including Williams J on experts) [Open to salaried and fee-paid judges only] | Judicial College, Learning Management System |
| 27-29.9.2022 | The 21 st Grange Annual Conference (for psychiatrists and psychologists), speakers include Fraser J, The Hon Mr Justice Peter Charleton, The Supreme Court, Ireland, Abigail Bright, Doughty Street Chambers, Narita Bahra QC and Professor Neil Greenberg. | https://www.educationandtrainingnetwork.co.uk/ |
| 6-7.10.2022 | Family Law and Procedure | Bond Solon Expert Witness Training (see above) |
| 12.10.2022 | Experts in the Family Justice System National Symposium (tentative) | Family Justice Council fjc@Justice.gov.uk |
| 12.10.2022 | Paediatric Evidence in the Family Court: Dr Ian Mecrow | Wales EFJS Group Contact: ExpertsWales@ejudiciary.net |
| 24- 25.11.2022 | Judicial College: Public Law Continuation Training. (including Williams J on experts) [Open to salaried and fee-paid judges only] | Judicial College, Learning Management System |
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| 16-17.2.2023 | Judicial College: Public Law Continuation Training. (including FJC Experts Committee member on experts) [Open to salaried and fee-paid judges only] | Judicial College, Learning Management System |