



## **Family Justice Council Meeting**

**Monday 22 July 2024**

### **Member Attendees:**

Chair: Mr Justice Keehan  
Sir Andrew McFarlane, President of the Family Division  
Mrs Justice Morgan  
Ms Justice Henke  
HH Karen Venables, Retired Circuit Judge  
DJ Julian Hussell, District Judge  
DJ Stewart Hughan, District Judge  
Jenny Beck, Private Law Solicitor  
Rebecca Cobbin, HMCTS  
Vinice Cowell, Parent and Family Rep  
Maud Davis, Public Law Solicitor  
Colette Dutton, ADCS  
Ruth Hay, Family Mediator  
Professor Rosemary Hunter, Academic  
Beatrice Longmore, Office of the Children's Commissioner  
Bernadette MacQueen, Legal Adviser  
Simon Rowbotham, Barrister  
Natalia Schiffrin, Magistrate  
Luke Taylor, MoJ  
Barry Tilzey, Cafcass  
Kate Thomas, Cafcass Cymru  
Callum Worsnop, DfE

### **Apologies:**

Angela Frazer-Wicks, Parent and Family Rep  
Amy Shaw, CJC  
Dr Fiona Straw, Consultant Paediatrician  
Dr Sheena Webb, Child Mental Health Specialist

### **Agenda item 1: Welcome and Announcements**

#### Welcome

1. The Chair welcomed those members of the public that joined online to observe the work of the FJC. Observers had been sent a copy of the agenda and some general information about the FJC.
2. The Chair thanked everyone who had submitted a question for the Council. Due to the large number received, the Council would be unable to address all the questions at the

meeting. The Chair noted that some questions on similar topics had been combined and we would be answering seven questions at the end of the meeting.

### Announcements

3. Five Council Members would conclude their terms on the Council before the next meeting:
  - Professor Rosemary Hunter formally concluded her time as a member of the Council after 8 years. She has very kindly agreed to continue on the Domestic Abuse and Diversity & Inclusion Working Groups as a co-opted member.
  - Colette Dutton would formally conclude her time on the Council at the end of July after 7 years.
  - Judge Karen Venables would formally conclude her time on the Council at the start of October 2024 after 3 years on the Council. She has kindly agreed to remain on several working groups to conclude key work streams.
  - Maud Davis and Natasha Watson would both conclude their time on the Council at the end of October 2024, after 8 years. Maud has kindly agreed to remain in working groups to conclude the work on Medical Treatment and to stay involved with the Voice of the Child.
4. The Chair was very grateful and offered heartfelt thanks to all five for their considerable contributions to the Council and the many different work streams they have given their time and energy to over the years, their loss will be felt. The work of the council is hugely rewarding and important but it does demand a great deal of work and dedication on an entirely voluntary basis.
5. The President said that the Council has always attracted people of excellence to the work, and this is the case with all five of those leaving. These are individuals at the top of their field and we are very grateful for their work on the Council. There is no other body like the FJC for people from across the disciplines to come together to pick up big topics in the Family Justice System, digest and analyse them and produce guidance of the highest quality. The President expressed enormous gratitude to those leaving.
6. The Chair formally announced and welcomed the five new members of the Council, following successful recruitment:
  - Dr Andy Hayward, Associate Professor at Durham University, as our new Academic.
  - Louise MacLynn KC, from 1GC Chambers, as our new Silk representative.
  - Matt Clayton, Assistant Director at Coventry County Council, as our ADCS representative.
  - Lindy Stephens, Local Authority Solicitor, formally joining as a member in October.
  - Louise Duckett, public law Solicitor, formally joining as a member in October.
7. The Council was in the process of finalising the Circuit Judge recruitment exercise and hoped to be able to announce the result shortly.

### **Agenda item 2: Minutes of last meeting and matters arising**

8. Slight amendment to the previous minutes at agenda item 2. The chapter in the Experts Handbook will include the experience of being assessed.
9. Minutes of the last meeting were approved by the Council.

10. Most actions have either been completed or are contained within the agenda.

### **Agenda item 3: About the FJC**

11. The Chair shared an overview of the role and work of the Council.

### **Agenda Item 4: Business Plan Progress**

#### Activity 1: Covert recordings working group

12. We are still waiting for the guidance to be formatted and proofread. The Council apologises for the delay in publication and aims to publish the guidance in the new legal term.

#### Activity 2: Comms and Website Group

13. The Council is looking to review and revise its Comms strategy.

#### Activity 3: Domestic Abuse

14. The Working Group's latest update:

- **Mapping the landscape of domestic abuse activity** in the family justice system since 2020. This strand of work aims to collect together the range of new activities relating to domestic abuse in the family justice system in one place, with links to relevant materials, for the benefit of family justice professionals and members of the public. A version of the map up to November 2023 has been published on the [FJC website](#). The WG will continue to keep the map current and publish updated versions from time to time.
- **The QLR scheme.** Research on the QLR scheme has identified its widespread inadequacy and the range of reasons why there is a shortage of QLRs. In response, the MoJ has made recent changes to QLR fees, but other limitations remain. In this context, the key question is whether victims of domestic abuse are being adequately protected from abusive cross-examination, whether by the appointment of a QLR or otherwise. The WG is monitoring this question.
- **Disclosure of fact-finding judgments.** The WG has scoped the issues relating to disclosure of findings of fact made in private law proceedings for the purposes of subsequent proceedings involving one of the parties, or of safeguarding children or adults who may be at risk. It is drafting a paper for the Family Procedure Rules Committee to consider with a view to ensuring that adverse findings of fact are systematically disclosed to Cafcass and Cafcass Cymru and referred to where relevant in subsequent safeguarding enquiries.

15. Rosemary thanked Mr Justice Keehan and the President for their kind words. She noted that Dr Samia Bano would be joining the Working Group as a co-opted member with significant expertise.

#### Activity 4: Experts working group

16. Updates from the group:

i. **Training:**

- To plan and deliver multi professional training every 2 years in the form of a Symposium, next one to be held on 16 October 2024 in Cardiff.
  - Newly appointed Judges are receiving training on experts, led by Williams J.
- ii. **Experts Handbook:** Recommendation of the Presidents report 20 was: “An expert witness handbook or information pack for experts and lawyers should be commissioned”. This is being progressed by a separate working group.
  - iii. **Reducing family court delays:** Piloting a new Multi-Disciplinary Team (MDT) creating a Suspected Inflicted Injury Service pathway started on 1 April 2024. This is a joint project between Department for Education and Department of Health and Social Care. Funding secured through the Treasury Shared Outcomes Fund. An information webinar for practitioners will be hosted by the Department for Education on 25 July 2024.
17. The Chair acknowledged that the pilot had caused a great deal of debate in the legal community. It was not a work stream for which the FJC was directly responsible but the DfE will be hosting a webinar for practitioners on 25 July and we will return to the topic in the Q&A.
- iv. **Payment of experts:** Sub-group is looking to simplify payment of experts.

#### Activity 6: Alienating Behaviours

18. The Working Group Chair, Jenny Beck, provided an update on the workstream. We received over 90 responses to the consultation on the draft in 2023, the group have reflected on these responses, case law and international developments to refine the guidance. A further update will be given in the Question section at the end of the meeting. Aim to publish the guidance in the autumn.
19. The Chair thanked the members of that work stream for the huge amount of work done with so many responses to reflect on.

#### Activity 7: Financial needs working group

20. [The Sorting Out Finances on Divorce](#) updated guidance was published on 25 March.
21. The updated ‘Guidance on Financial Needs on Divorce’ to be published shortly.

#### Activity 8: Medical Treatment

22. The group are working on finalising the guidance, summary document and adding a glossary of terms. The summary document was intended to assist family members to understand the process and be more digestible.
23. The group would meet to finalise the guidance in early September. The aim was for the final draft versions to be shared with the Council in November.
24. The Chair commented that the guidance had been written in a very clear manner and hopefully would assist many to understand how the process works.

#### Activity 9: Disclosure to Children and Young people

25. The group had created a narrative and a flowchart that aims to assist young people who are looking to gain access to their files from private or public law proceedings. This had been referred to the Family Justice Children & Young People's Board to get their feedback on what would be the best way to relay that message to their cohort.
26. The Chair thanked the FJYPB for their assistance.

#### Activity 11: Neurodiversity

27. The group had created a near to final draft of the guidance for practitioners on how to improve access to justice for those that are neurodivergent and pass through the Family Justice System. The guidance includes best practice and ways to remove barriers. The practitioner guidance was nearly ready to be approved. DJ Hussell would then lead on the judicial version when the practitioner guidance was complete.
28. Vinice thanked the group for the speed with which they had been able to pull this guidance together.
29. The group asked the Council to provide any comments they had on the guidance by 30 August. The aim was to publish the guidance in the autumn.
30. Rosemary thought that the guidance looked terrific, where it sets out best practice there were so many things that would benefit all.
31. The President said he was very grateful for those that had worked on this important guidance.

#### Activity 12: Diversity & Inclusion Working Group

32. The Working Group Chair said that one of the things the group was focusing on was FJC recruitment to ensure that the Council itself was as diverse as possible and welcoming to all. Looking at engaging with HR to look at what more can be done to improve the process and data collection.
33. Looking at gathering information from Cafcass and Cafcass Cymru on the diversity of family justice system users.
34. The group were also looking at all FJC guidance before publication from a D&I lens, currently reviewing the medical guidance. Due to meet again in early September.

#### Activity 13: Voice of the Child Scoping Group

35. The Working Group Chair said the group started by thinking about what they could usefully contribute to this area and how. They didn't want to reinvent the wheel so had a very useful conversation with the Nuffield Family Justice Observatory, as a leader in this area. The aim would be to have a watching brief over the work of the Council and potentially its own specific work streams. The United Nations Convention on the Rights of the Child could be used as a useful tool to give a framework.
36. Jenny thought it was great to work with the NFJO and others to make progress in this area.

#### Overview

37. The Chair said that you will all have gathered that there is a diverse range of work being done by the FJC in various different fields. I hope you got a sense of the huge amount of work done by the members of the Working Groups as that is where the substantial work of the Council take place.

38. We reserve the discretion to co-opt members on to work streams when someone has particular expertise or experience. If anyone observing was interested in volunteering to join a work stream, the Council would be pleased to hear from you.

## **Agenda Item 5: FJC Events**

### Debate 2024

#### **FJC Debate- December 2024:**

39. Previous Debate motions:

- 2023: Motion: Should cohabiting couples have the same financial rights and responsibilities as those who are married/in a Civil Partnership?
- 2022: 'Should remote hearings continue to play a significant role in family cases?'
- 2021: 'Should the age of majority be reduced to 16?'

40. Invited suggestions from the Council on topics/motions for the 2024 debate. The problem was finding something to debate, with two clear sides.

41. Suggestions included:

- Jenny suggested a possible topic around safety, accessibility and robing in family court.
- Bernadette wondered if we could do something on making it a level playing field. Looking at parameters for interacting.
- Simon suggested a topic on whether the law should permit more than two legal parents, which brings in surrogacy and LGBTQ matters.
  - i. The Chair thought that it was a good suggestion as it could be debated.
  - ii. Kate thought Simon's suggestion would work and wondered whether it should include parental responsibility (PR).
- Maud suggested maybe decision making for children, should you decide based on welfare or rights?
- Jenny wondered about transparency, concerns around identification and the need to be more transparent. It could help flush out the issues.
- Judge Venables wondered whether another topic could be whether judges should meet all children and what status should that meeting hold.

42. The President noted that we also need to think what the topic for the conference will be and not have the same for the debate. Agrees that we should focus on children this year.

### Conference 2025

43. The Council liked the idea of the conference having the theme of Diversity & Inclusion. Natalia suggested that we could include topics on this theme that we don't currently focus on such as class, cultural backgrounds etc. We could also look to other jurisdictions and what successful practice is happening elsewhere.

44. Members invited to send any further comments/ideas by email.

#### **Agenda Item 6: Communications strategy**

- Comms Activity feedback
- How to raise awareness of the FJC's work.

45. In terms of promoting the work of the Council in the last quarter:

- Colette Dutton delivered a presentation about the Council to the Greater Manchester LFJB in June.
- Kate Thomas updated all Heads of Operation and the Senior Leaders in Cafcass Cymru about the FJC workstreams ongoing and encouraged attendance at the open meeting.
- Bernadette MacQueen provided updated information about the work of the FJC for the new Legal Adviser training pack.

46. The top 5 most visited pages on the website were:

1. FJC – Vacancy: 1,303 unique views.
2. Main FJC home page: 1,139 unique views.
3. FJC – latest news: 556 unique views.
4. FJC – Litigants in person: sorting our finances on divorce – 554 unique views.
5. FJC – members: 388 unique views.

47. The secretariat would be preparing a new draft Comms strategy over the summer that would be shared with the Exec in October.

48. Invited the members to let us know if they had any ideas about expanding the reach of the Council, any new stakeholders to add to our distribution or engagement.

49. Vinice suggested that maybe we ask our key stakeholders, such as children's social care, adults social care, Cafcass and others to add a section on the FJC to their onboarding literature? Judge Venables added that we could also approach the Bar Council. Chair thought this was a great idea.

50. Jenny wondered if we could we have a small slot at the Resolution/ALC conference.

51. Greater use of social media would be helpful too.

52. Chair noted that as the FJC sits within the Judicial Office we have some restrictions on how to utilise social media.

#### **Agenda Item 7: Family Justice Board**

53. Luke Taylor from the Ministry of Justice introduced himself as the Deputy Director leading on Family Justice System improvements.

54. The FJB is a ministerially chaired board with new Ministers. The board itself had not met since the end of March, but when they did meet, the key thing that was discussed was setting some smart targets for the whole system around reducing delay.

55. There were three priorities agreed by the Board for public law, which were to ensure that: by the end of March 2025 there would be no public law case of more than 100 weeks duration; by the end of March, the average timeliness for care and supervision cases would be at 32 weeks nationally; and by the end of March, 83% of all new

cases would be concluded within 26 weeks. Targets aimed to focus on delay with achievable, measurable goals.

56. For private law, we had a similar target around ensuring that there were no outstanding cases of more than 100 weeks duration by the end of March, to reduce the outstanding caseload as a whole by 10% from the level it was in March this year. The measure we are still working on the metrics for is to improve the experience of children and survivors of domestic abuse involved in private law proceedings. The last measure is a development measure for the year ahead.
57. A lot of the focus of the work in the first quarter has been about improving the quality of data, so that it is accurate and up to date. Have been talking to the new Ministers in MoJ and DfE and are hoping to reconvene the board in early autumn. Both ministers are very keenly interested in what is happening in family justice and the focus on reducing delay. Luke will keep the Council updated on discussions.
58. Luke said that the board had agreed more specific work to be done with Designated Family Judge (DFJs) areas that are facing the most challenges in public or private law. The five areas include East London, Central London, Essex & Suffolk, Nottingham, and Manchester. There had been engagement with Local Family Justice Boards and DFJs.
59. Rosemary thanked Luke for the update and noted that we had some conversation previously about whether the FJC DA Working Group could assist on the measure of improving the experience for DA survivors in private family law proceedings. We would be very happy to assist if you would like to include us in any conversations around that or are seeking input.
60. Luke said that would be very helpful and will be in touch on that point.
61. Ruth Hay said that the Family Mediation Council would also be keen to assist with early intervention. Luke noted the offer.

#### **Agenda Item 8: Research Update**

62. Thank you to Rosemary for preparing the research summary.
63. Rosemary took the Council through the pieces of research she wanted to highlight.
64. In public law two new pieces of research on parents with learning difficulties, including:
  - Katy Burch et al, *Babies in care proceedings: What do we know about parents with learning disabilities or difficulties?* (Nuffield Family Justice Observatory, 2024).
65. Rosemary considered the research showed that mothers' learning difficulties were not being picked up early in proceedings, they were often obscured by more immediate safeguarding concerns which was understandable but then led to lack of reasonable adjustments, ineffective hearings etc.
66. Rosemary noted that in her Local Family Justice Board the local authority had picked up on this research and was thinking of ways in which the issue of learning disabilities or difficulties in parents who might be subject to care proceedings can be identified at an earlier stage.



67. In private law there was a new report from *Ben Hine et al, Alienating behaviours in separated mothers and fathers in the UK (University of West London, 2024)*. Rosemary noted that one of the interesting things that came out of this research was a very clear disconnect between the level of claims or allegations of alienating behaviours that were raised by parents and actual resistance, reluctance, or refusal by a child to have contact with the allegedly alienated parents.
- *Mandy Burton et al., "It isn't just a shove": Judicial understandings of domestic abuse and the challenges of recognising and responding to "coercive control" in the criminal and family courts' (2024) 36(1) Child and Family Law Quarterly 39.*
68. The researcher interviewed 13 Magistrates, a mix of Crime and Family and seemed to suggest that there was less training for Magistrates on coercive control. Although noted the small sample size.
69. Bernadette said she was very conscious of the tremendous work being done by the Judicial College on training Magistrates. The training of Magistrates has come a long way and improved considerably in recent years.
70. Natalia said that a huge amount of work had been done on developing the training. Family Magistrates receive a full day on coercive controlling behaviour but there may be more work to be done on embedding learning.
- Sarah Moore and Alex Newbury, 'Pursuing family justice before, during and after the COVID-19 pandemic: The changing role of legal companions and the new invisibility of unmet legal need' (2024)
71. This was research associated with CLOCK that act as Mackenzie friends, often they are students. They are seeing increasing issues of access to justice after COVID-19.
72. Rosemary noted that the role of the academic member on the Council was making sure that the FJC's work was evidence based and keeping everyone aware of the research. Rosemary thanked all those that she had worked with and the expertise everyone brings.

## **Agenda Item 9: AOB**

### Capacity to Litigate Guidance

73. The small group undertaking a review of the FJC Capacity to Litigate guidance had been waiting for the publication of the latest Code of Practice for the Mental Capacity Act before updating the guidance. However, it appears that there would be some delay to the Code being published and therefore the group would start the review of the guidance and report back to the Council in the Autumn.

## **Agenda Item 10: Response to questions submitted in advance by members of the public.**

1	<p><b>We received four questions on the topic of alienating behaviours including seeking an update on the publication date for the FJC guidance and regulation of experts.</b></p>
	<p><u>Response:</u> Thank you for your interest in the work of the council and this workstream.</p> <p>The first draft of the FJC Guidance on responding to allegations of ‘alienating behaviours’ was circulated to stakeholders by way of consultation on 24 August 2023. We received over 90 responses. All were individually analysed by members of the Working Group with a view to appropriate amendments being discussed and incorporated. These responses were considered alongside the developing caselaw which impacts on case management and best practice.</p> <p>Additionally, there has been an important body of research evidence both domestically and internationally which has had a bearing on best practice.</p> <p>We hope to publish the revised guidance in the Autumn. It will have important implications for all stakeholders in the Family Justice System and will aim to unpick some of the complexity associated with these difficult cases.</p> <p>It would be inappropriate to comment on content until the guidance is fully signed off by the Council however it is progressing well and will address the following important aspects which stakeholders felt were particularly important including;</p> <ul style="list-style-type: none"> <li>• Use of the term ‘parental alienation’</li> <li>• Research evidence and ‘pseudo science’</li> <li>• Alienating behaviour raised in cases where there is domestic abuse</li> <li>• Guidance on case management <ul style="list-style-type: none"> <li>i. Allocation</li> <li>ii. Finding of fact hearings</li> <li>iii. Allegations of domestic abuse</li> </ul> </li> <li>• Judicial function and the appropriate use of suitable experts</li> <li>• The voice of the child</li> <li>• Welfare decisions</li> </ul> <p>It is noted that the previous Government referred the matter of unregulated experts to the Family Procedure Rules Committee and we understand that they have set up a work stream on this topic.</p>
2.	<p><b>Do you find Pathfinder is working better within the family courts compared to the older system?</b></p>
	<p><u>Response:</u> In response to this question, we asked the Ministry of Justice for an update on the work of the Pathfinder pilot:</p> <p><i>The Pathfinder pilot aims to improve the experience and outcomes for children and parents/carers involved in private law proceedings, and particularly those who may need additional support, such as domestic abuse survivors. As it has been in operation in the first two pilot sites, North Wales and Dorset, since February 2022, we have some feedback from delivery partners on how the model is operating. Early insight on case duration, the level of outstanding private law caseloads, and returning cases is positive. Initial feedback from the pilot areas suggests that the Child Impact Report (a key part of the Pathfinder model) helps to focus the proceedings on the needs of the child, allowing the court and parties to focus</i></p>

	<p><i>on the core issues for the child and their welfare, rather than the wider disputes between the parties. Pathfinder stakeholders and partners report that the closer relationship with local domestic abuse agencies has increased the number of survivors accessing support services and has brought an improved understanding of domestic abuse earlier into proceedings. In light of these promising results, we extended the new approach to South East Wales and Birmingham in April and May 2024 respectively to test the model in larger court areas. Formal evaluation of the pilot is underway, including a second stage of work to capture the experiences of children and families. We hope to publish results of the first stage of evaluation in the autumn.</i></p>
<b>3</b>	<p><b>We also received a question about whether there is an alternative to Fact finding when a case involves domestic abuse.</b></p>
	<p><u>Response:</u></p> <p>As noted in the previous answer, the Pathfinder pilot is developing a different way of approaching child arrangements cases generally, which is more proactive regarding the impacts of domestic abuse on child welfare and other family members, rather than placing so much reliance on fact-finding hearings. We are looking forward to the publication of the pilot evaluation and whether the pathfinder model can be rolled out further.</p> <p>In other types of cases a fact-finding hearing is not required simply because the parents or parties disagree about factual issues. A fact-finding hearing is only necessary when an adverse finding made against a parent or party, particularly in relation to allegations of domestic abuse, may be relevant to the court's determination of the welfare arrangements for the child. In such cases it is incumbent upon the court to ensure the hearing is limited to these allegations, the evidence is limited to that necessary to determine these allegations and all the safeguards and special measures provided for in the Family Procedure Rules are available for the vulnerable party or parties.</p>
<b>4</b>	<p><b>We have received several questions from practitioners regarding the 'Suspected Inflicted Injury Service Pathway' pilot that started in April, including what role the FJC has played in the creation of the pilot, whether there has been any consultation with stakeholders and how the pilot sites were selected etc.</b></p>
	<p>We have received the following response from the Department for Education team that is leading on the pilot:</p> <p><u>Aims and scope of the pilot</u></p> <p>The Suspected Inflicted Head Injury Service (SIHIS) pilot commenced in April 2024 and is planned to run until 31 March 2025. The pilot is funded by His Majesty's Treasury's Shared Outcomes Fund, which supports initiatives to address a wide range of issues which impact multiple Departments; this pilot is supported by the DfE, DHSC and MoJ, and is being delivered by NHS Trusts.</p> <p>The pilot is <b>not</b> a legal pilot, it is a clinical one. It does not change legal processes, impact on any protections that the child is already entitled to or replace Part 25 experts.</p> <p>The pilot aims to provide earlier assessment of the child by more experienced, senior clinicians at the <b>initial</b> stage when a child is flagged as suspected of abusive head trauma in the NHS Trust, rather than later in the clinical process. The clinicians will complete one clinical report, which <b>does not</b> replace the multiple clinical reports that the judiciary already receives but provides the clinical information in a single report in a clearer, more organised format.</p>

	<p>The pilot is aiming to improve the organisation and efficiency of processes that already occur within the NHS. The current process can create potential delay later in proceedings and can sometimes create unnecessary confusion leading to the need for further (potentially unnecessary) part 25 experts to be instructed at a later stage .</p> <p><u>The role of the Family Justice Council</u></p> <p>The role that the FJC has played in the development of the pilot is:</p> <ul style="list-style-type: none"> <li>• In July 2019 at the Symposium the Experts Working Group held in London, there was a discussion about how changes to the way healthcare was commissioned could influence the willingness of clinicians to make the transition into becoming experts.</li> <li>• Several possible ideas were raised, which included a suggestion for a more fundamental shift in the way suspected child abuse cases were dealt with within the NHS.</li> <li>• After the FJC established the Experts Committee (FJCEC), sub-groups were established to convert the 22 Experts Working Group Report recommendations into action.</li> <li>• One of the sub-groups was Commissioners and NHS Trusts which looked at how commissioning within the NHS might be improved to support experts. That discussed a proposal for a Suspected Physical Injury In Children (SPAIC) pathway at the Birmingham Symposium in October 2022 and is covered in the Briefing Note for that event.</li> <li>• The DfE attended this Symposium, and took forward an idea for the SPAIC pathway to be piloted, aiming to achieve (among other things): the production of better quality 'clinical' reports, which would reduce the need for as many 'expert' reports in the Family Justice System, widening the pool of part 25 'experts' from whom reports could be obtained where the court considered it necessary, enabling clinicians to develop both greater expertise and familiarity with children's social care and court processes.</li> </ul> <p><u>Who is involved in the pilot?</u></p> <p>The clinicians taking part in the pilot are those that are already employed by the NHS Trusts who bid for the funding to deliver this pilot.</p> <p>There is an independent evaluator which has been appointed to evaluate all 3 pilots being delivered as part of the 'Reducing Family Court Delay' Shared Outcomes Fund scheme.</p> <p><u>Information sharing</u></p> <p>The Department for Education, with the support of the FJC Secretariat, has provided information about the Pilot to stakeholders including NHS trusts, judiciary, local authorities, and legal practitioners.</p> <p>The DfE were due to arrange a broadcast session to share information with practitioners when the purdah restrictions put this on hold, in the interim they circulated an information document. <b>The broadcast session has now been planned for Thursday 25th July at 4:30pm</b>, hosted by the Department for Education where they will answer questions from practitioners.</p>
5.	<p><b>Do the Council have any suggestions how to address the lack of Welsh speaking providers of NCDR (cannot locate any mediators or arbitrators that could provide their services in Welsh). How will this impact the Courts approach with Welsh speaking parties, in light of The Welsh Language Measure 2011.</b></p> <p>Our Family Mediator representative, Ruth Hay, has liaised with the Family Mediation Council on the response to this question.</p>

	<p>The Family Mediation Council (FMC) asks mediators what languages they mediate in, and they have 30 different languages registered thus far but only two Welsh speaking mediators, one chooses not to mediate in Welsh and the other is working towards accreditation.</p> <p>The FMC, as part of our discussion with them, are looking to convene an online discussion with mediators based in Wales and the wider area to identify the level of interest in the issue and to explore how they could support the development of Welsh speaking mediators.</p> <p>Family Options Hub Southwest Wales holds a list of mediators working in the area, but none currently appear to be offering services in Welsh. The FMC will continue to liaise with the Hub on this matter.</p>
<b>6.</b>	<b>Will the FJC be monitoring the impact of the recent Part 3 rule changes and if so, how and when please.</b>
	<p>The Family Mediation Council are monitoring the impact of the rule changes by asking mediators for feedback and by considering data available from the Legal Aid Scheme which shows the number of legally aided MIAMs that take place.</p> <p>Feedback so far from mediators has been mixed - some have noticed a significant change in the behaviour of their local courts and solicitors, and some less so, although they may have already been sending potential applicants to non-Court dispute resolution alternatives prior to the change.</p>
<b>7</b>	<b>Is there any appetite for a clear escalation pathway for cases that are drifting unacceptably without the need to appeal decisions</b>
	<p>The Family Justice Council issues clear and practical guidance with the aim of improving the fairness, efficiency, and effectiveness of the Family Justice System. One of its objectives is to be a critical friend of the Family Justice Board. Accordingly, it is appropriate for the council to identify or emphasise steps which are being taken to improve the system beyond its active workstreams and proposed new guidance documents.</p> <p>The Family Justice Board has published a number of key priorities which include steps to be taken to conclude the longest outstanding public and private law cases.</p> <p>The President of the Family Division will be re-emphasising the keys principles of the PLO which was re-launched in January 2023. The aim is to ensure the fair and timely completion of all public law proceedings but particularly those outstanding for more than 52 weeks.</p> <p>MoJ and Cafcass statistics indicate that since the re-launch of the PLO, a very significant number of the public law cases issued after January 2023 have concluded by final order with fewer hearings and more expediency than those before.</p> <p>The Designated Family Judges, in partnership with HMCTS, are each implementing initiatives in their area to improve the progress of public and private law cases through the Family Court. These include 'blitz' courts where private law cases that are ready for final hearing are listed more speedily than would otherwise be the case. The experience of Birmingham and Cardiff &amp; South Wales, who have been preparing for the introduction of Pathfinder in their areas, has been extremely positive in achieving huge reductions in the backlogs of private law cases.</p>

	Accordingly, whilst a great deal remains to be done to improve the timeliness of public and private law cases, various initiatives are making considerable inroads into concluding the longest outstanding cases and moving children's cases more speedily through the Family Court.
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\* Responses may not be verbatim what was shared in the meeting.