



## **Family Justice Council Meeting**

**Monday 8 April 2025**

### **Attending:**

Chair: Mr Justice Keehan  
Sir Andrew McFarlane, President of the Family Division  
Jenny Beck, Private Law Solicitor  
Matt Clayton, ADCS  
Rebecca Cobbin, HMCTS  
Vinice Cowell, Parent and Family Rep  
Louise Duckett, Public Law solicitor  
Angela Frazer-Wicks, Parent and Family Rep  
Ruth Hay, Family Mediator  
Dr Andy Hayward, Academic  
HHJ Rachel Hudson, Circuit Judge  
DJ Stewart Hugan, District Judge  
Bernadette MacQueen, Legal Adviser  
HHJ Madeleine Reardon, Circuit Judge  
Simon Rowbotham, Barrister  
Natalia Schiffrin, Magistrate,  
Lindy Stephens, Public Law Solicitor  
Luke Taylor, MoJ  
Barry Tilzey, Cafcass  
Kate Thomas, Cafcass Cymru

### **Apologies:**

Angela Frazer-Wicks, Parent and Family Rep  
Ms Justice Henke, High Court Judge  
Beatrice Longmore, Office of the Children's Commissioner  
Mrs Justice Morgan,  
Louise MacLynn KC, Silk  
Dr Fiona Straw, Consultant Paediatrician  
Kate Thomas, Cafcass Cymru  
Dr Sheena Webb, Child Mental Health Specialist,  
Bee Ezete, Secretary to FJC

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

1. The Family Justice Council Conference on 12 March was a resounding success. We were very grateful to Judge Sapnara for her excellent Bridget

Lindley Memorial Lecture, which received a standing ovation. Over 120 joined the lecture online with just under 100 in the room.

2. We have received 30 feedback forms, which have been overwhelmingly positive. A summary of the feedback was shared with the members. All responses will be shared with the D&I Working group for them to consider any new work streams.
3. The Chair thanked the FJC secretariat for all their work in organising and running the conference.

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

4. Minutes of the last meeting were approved by the Council.
5. Most actions have either been completed or are contained within the agenda.

### **Agenda Item 3: Family Justice Board Update**

6. Luke Taylor from the Ministry of Justice was invited to provide a verbal update on recent developments concerning the Family Justice Board (FJB). He began by referencing the most recent meeting of the Board, which took place on 25 March and was co-chaired by Minister Janet Daby and Lord Ponsonby.
7. He reported that the Board had agreed updated priorities, with a renewed emphasis on public law and a more explicit focus on care and supervision cases. While the key headlines remain broadly consistent with those of the previous year, there is now a greater reliance on data-informed projections. A national target has been set for 75% of new care and supervision cases to be concluded within 26 weeks.
8. A more targeted approach is being adopted at the level of Designated Family Judge (DFJ) areas, with increased attention to regional improvement goals. In support of this, a national launch event for Local Family Justice Board (LFJB) chairs was held at the end of April. The Ministry of Justice will continue to engage with LFJBs in a tailored and region-specific manner.
9. Luke also highlighted the ongoing national safeguarding review into intrafamilial sexual abuse. He noted that LFJBs will be made more aware of this work and encouraged to engage with it more actively.
10. In terms of performance and data, Luke reported that the Board has agreed two national goals each for private and public law, alongside bespoke regional objectives. He noted that the number of open public law cases in December 2024 was at the lowest figure since 2017 and the data showed a positive downwards trend from 2022. Luke concluded by stating that the collective efforts to meet public law targets are having a tangible impact and are moving the system in the right direction.
11. The President thanked Luke and agreed that it was a very engaging session led by the Ministers.

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

### Activity 1: Covert Recording:

12. The final version of the guidance was provided to the Council, including four appendices. Changes included improvements to appendix 4 for litigants in-person, to help make it more user friendly.
13. The Council approved the final version of the guidance. The secretariat is to arrange publication.

### Activity 2: Comms and Website Working Group

14. The working group will meet shortly to progress the new comms strategy.

### Activity 3: Domestic Abuse

15. The Chair noted that there are four ongoing workstreams:
  - i. Mapping the landscape of domestic abuse activity in the family justice system since 2020.
    - The map was last update in February 2025 and will be reviewed again in November 2025.
  - ii. Preventing abusive cross-examination.
    - The group is monitoring the question of whether victims of domestic abuse are being adequately protected from abusive cross-examination, whether by the appointment of a QLR or, in the absence of a QLR, by the judge taking over questioning. It is currently looking at the training provided to both QLRs and judges on this matter.
  - iii. Disclosure of fact-finding judgments.
    - The Council awaits a response to its paper on disclosure of fact-finding judgments from the Family Procedure Rule Committee.
  - iv. Access to justice in Family Law Act applications.
    - Since the last Council meeting, Barry and Jenny participated in the President's roundtable on non-molestation orders.
    - The roundtable discussions have focused on the challenges associated with these types of orders, including concerns about the quality and consistency of applications. There was a consensus that guidance for practitioners could be beneficial in this area to support improving standards and outcomes. The FJC DA group has agreed to draft this guidance.
    - Jenny highlighted the significant variation in issuing practices across different court areas, describing a "postcode lottery" in terms of

process and approach. While some variation may be appropriate, the lack of consistency can lead to inequities in access to justice.

- The roundtable is working to tease out the key issues and isolate the most pressing challenges, with a view to developing focused and effective workstreams.

v. The DA working group are considering new work streams.

#### Activity 4: Experts working group

16. The Chair updated that they are looking at:

- I. Training: the group had their last Symposium in October 2024 with the next due for June or October 2026. Newly appointed judges continue to receive training on treatment of experts, led by Williams J.
- II. Experts Handbook: this is being progressed by a separate working group.
- III. Reducing family court delays: The DfE led SIHIS pilot has seen about 40 cases have been referred to the pilot across the three areas, with the majority being in Sheffield.
- IV. Payment of experts.
- V. Considering a pilot project for Judges to observe NAI medicals and peer review sessions outside of their jurisdiction.

#### Activity 6: Alienating Behaviours – Paused

#### Activity 7: Financial needs

17. The Chair said that the updated 'Guidance on Financial Needs on Divorce' will be published after the Covert Recording Guidance.

#### Activity 8: Medical Treatment

18. The Council received some feedback from the MoJ on the guidance that will be considered and the section on Transparency is being updated following the national roll out of the Open Reporting provisions (reporting pilot). The aim is to circulate a final version of the guidance to the Council in May, with publication to follow.

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

19. This topic will be dealt with under Agenda item 5.

#### Activity 11: Neurodiversity

20. Many thanks to Judge Hussell and Judge MacLachlan for their work on adapting the practitioner guidance for a judicial audience.

21. The Council have been provided with the first draft of the guidance for the judiciary. We are awaiting a decision in the Court of Appeal regarding intermediaries that will likely mean that this and the practitioner guidance need updating.

22. FJC members were invited to provide any comments on the first draft of the guidance. Natalia will send some comments by email.
23. Jenny mentioned that FLANC had published its toolkit for mediators to use regarding neurodiversity. The feedback has been positive so far. Jenny hopes it will make mediators more confident to handle different styles/methods of communication and enable more cases to avoid court.

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

24. The D&I group remain focussed on observing patterns in FJC recruitment and ensuring that a broad range of eligible applicants are made aware and feel encouraged to apply. The group suggested that a webinar be held to provide prospective applicants with information and an opportunity to ask questions. This took place on 2 April and was Chaired by Mr Justice Keehan with contributions from Natalia, Bernadette, and Barry, sharing their experience of being members on the Council.
25. The group plans to consider the learning and feedback from the conference, with a view to suggesting areas where it would be important to develop additional guidance.
26. The D&I group are pleased that Beverley Barnett-Jones is joining the working group, as she will strengthen our links with NFJO and the Racial Justice Family Network (RJFN), enabling us to know what work is going on in those spheres also.

#### **Activity 13: Voice of the Child Working Group**

27. The Chair noted that the group has agreed on two workstreams, one to review the Guidelines for Judges meeting Children, and a second to review the 2015 report of the dispute resolution advisory group.
28. The group is forming two sub-groups to focus on the work streams.

#### **Activity 14: Trauma Informed approach in the Family Justice System Scoping Group**

29. The Council approved the final terms of reference for the group. The group aims to consider the experience of participants and practitioners within the Family Court through the lens of psychological trauma and to promote a trauma-informed approach within the Family Justice System. This will involve developing guidance aimed at professionals within the Family Justice System. The projected timeline is 18 months with the possibility of an extension if further needs are identified.
30. The group are in the preliminary stages. They have agreed to review published literature on trauma-informed care and practices and organise a 'Walk Through' of the court system, as inspired by the Scottish government's Trauma-Informed practice Toolkit. They will be approaching the Family Justice Young People's Board and the Family Rights Group in relation to the

lived experience of young people and adults engaged with the family justice system.

31. It was discussed that it would be helpful for the group to have a co-chair with legal experience, Judge Reardon kindly volunteered and will be Co-Chair alongside Dr Sheena Webb.

#### Activity 15: Hair Strand Testing – Scoping Group

32. The Council approved the final terms of reference for the group. The working group aim to produce guidance on this topic with a view to:

- Increasing the awareness of the variables that are known to impact absorption rate, such as age, hair colour, race, hair condition, hair treatment, pregnancy and body size, and the broader context that impact and affect the interpretation of HST analysis, as well as consider best practice with respect to collecting samples and reporting on test results.
- Consider best practice for those involved in the family justice system when instructing (under Part 25), interpreting, evaluating, and presenting the outcome of hair strand test results, including in court and pre-proceedings.
- Increase the awareness of the different stages of interpretation involved in the reporting of hair strand test results, and of factors to consider when there may be the need to instruct additional expertise.

33. The Chair of the group, Dr Sheena Webb, has suggested that it would be helpful to have a co-chair with legal expertise. Judge Hudson, Judge Hughan and Simon Rowbotham all volunteered. Co-Chair to be confirmed.

#### **Agenda Item 5: Disclosure to Children and Young People**

34. The Working Group presented the Council with a final draft of the narrative and flowcharts for Private and Public Law. The Chair thanked Judge Karen Venables for chairing this group and for the significant contributions from Vinice and Barry in developing the flowcharts.
35. The Council were asked if they are happy to approve the drafts for publication. Natalia said she would provide some additional comments. Matt suggested that an introduction be added to the website landing page, when created, acknowledging that accessing records can be an emotional process and signposting any support available from local authorities, the Council agreed. Matt will provide the links to organisations that can offer support.

#### **Agenda Item 6: FPRC Consultation on Unregulated Experts: [Family Procedure Rules: new draft 25.5A, changes to 25.2 and practice directions 25B and 25C](#)**

36. The Council was asked to consider forming a group to respond to the consultation, with the deadline for responses being the 6 June 2025.

37. The President suggested that we could ask Mr Justice Williams, as Chair of the FJC Experts working group, who from the group could be involved in drafting a response.
38. Jenny Beck volunteered to chair the group. Barry, Judge Hudson, and Simon Rowbotham volunteered to take part.
39. It was suggested that Dr Jaime Craig, previous member of the Council, be asked to take part as he remains on the Experts group and has expertise in this area. The Council also suggested Dr Sheena Webb be invited to join.

#### **Agenda item 7: FJC Executive Committee**

40. The Council were asked to consider a proposal for updating the purpose and responsibilities of the Executive Committee (Exec).
41. It was proposed that the purpose of the Exec is to support the Chair and Deputy Chair in steering the work of the Council, and to enable council members to play a more active role in the oversight and leadership of the Council, thereby exercising their shared responsibility for the corporate life of the Council beyond the full quarterly meetings.
42. The responsibilities of the Exec include; deciding what work streams are to be referred to the full Council, identifying any barriers that are preventing work progressing in existing working groups, coordinating consultation responses, oversight of recruitment, monitoring the implementation of the communication strategy, considering how to strengthen connections with the Family Justice Board, etc.
43. The Council approved the amended purpose and responsibilities statement. The secretariat will update the governance documents accordingly.
44. The Chair noted that the Exec needed 2-3 new members and asked any council members that are interested in joining to send an email expressing their interest to the secretariat by 30 April.

#### **Agenda Item 8: Recruitment**

45. Recruitment for a new Legal Adviser and Magistrate launched on 26 March and will close on 30 April at 16:30.
46. An information webinar was held on 2 April aimed at prospective applicants. It was attended by over 80 people interested in the work of the Council. The Chair thanked Natalia, Bernadette, and Barry for taking part and demonstrating so much enthusiasm for the Council.
47. The recording of the webinar will be uploaded to the FJC website, without the Q&A session.

48. The sift will take place in May, with interviews in June. The aim is for new members to join before the open meeting on 7 July.

#### **Agenda Item 9: Communications strategy**

- FJC Comm activity feedback.
- Discuss next steps on the new strategy.

49. The Council reviewed papers providing an overview of the individual's members comms activities and the FJC website data, showing the amount of engagement in individual pieces of guidance. The most visited page remains the Alienating Behaviours guidance with 2,894 views from 1 January to 30 March 2025. The Neurodiversity guidance has been viewed by 1,536 users during that 3 month period.

#### **Agenda Item 10: Research Update**

50. Dr Andy Hayward provided the Council with a paper highlighting key new research in Family Law.
51. Andy said that the Bridget Lindley Lecture was fantastic and a great resource to share with his students at Durham Law School. It would be great if the Council could find a way to engage more with University Students.
52. The President agreed and asked Andy how he thought that could be achieved.
53. Andy suggested members could go and speak to law students at different universities to highlight areas of the Council's work.
54. President agreed in principle but noted that the FJC members are volunteers and busy, but it would be good to find ways to achieve this outreach. Andy agreed and volunteered to help coordinate any effort.
55. Simon Rowbotham is already planning to go and speak to Durham University and volunteered to include the work of the FJC in his talk.
56. Natalia thought that there must be family law academic networks, we could write to them at the start of term and ask them to include the FJC website on their resources and highlight our events.
57. Matt said that social work departments would also be interested, and he has a connection with the Midlands network.
58. Jenny suggested we could film an introduction to the FJC that could be shared with universities. There could be a focus on the interdisciplinary nature of the Council and the way we break down siloed working.



59. DJ Hughan said that another route into students is moot courts. The Central Family Court organises Moot courts with students and provides a way to showcase what family law is about.

60. One piece of research highlighted was a study by Ghauri, N. (2025) *Muslim women's experiences of Islamic evaluative mediation within Sharia Councils in England and Wales in relation to obtaining divorce as victims of domestic abuse*. Journal of Social Welfare and Family Law, 1–22. It is an exploratory study of the experience of 30 women who have experienced domestic abuse and used evaluative mediation within Sharia Councils.

## **Agenda Item 11: Any other business**

### FM5 Form

61. Ruth Hay noted that the Family Procedure Rule Committee is currently reviewing the FM5 form and its application, with potential amendments under consideration. She understands that there are discussions around including further information on child-inclusive mediation referrals, particularly regarding how such referrals may originate outside of court proceedings and subsequently be managed by mediators.

### Matter raised by Family Mediation Council (FMC)

62. Ruth Hay raised a matter that had been brought to the attention of the Family Mediation Council (FMC). It is in relation to the Department for Work and Pensions (DWP) proposed approach to accessing information from different organisations, in the context of benefit fraud investigations. Specifically, the issue pertains to the exemption of legally privileged information. Mediators, under current standards, are not permitted to label documents as legally privileged—only as “without prejudice.” This raises concerns about whether mediators could be compelled to disclose financial information shared during mediation, potentially compromising confidentiality. The FMC was asked to consider how best to address this issue and seek clarification.

63. The Council noted that they did not have any direct contacts with the DWP. It was suggested that we could approach Mr Justice Peel, the lead on financial matters, for his advice.

### Family Conference in Jersey

64. Simon Rowbotham reported on his recent attendance at the Family Law Conference in Jersey, where he met representatives from an organisation called the Family Law Language Project. This initiative aims to make legal language more accessible and user-friendly for litigants in person, with a particular focus on reducing hostility in legal communications. Simon conveyed that the organisation expressed willingness to support the Family Justice Council (FJC) by reviewing and advising on documents intended for litigants in person.

65. In response, it was suggested that Simon contact the organisation to explore the possibility of a presentation or submission of a short paper. Clarification was sought regarding whether this group was affiliated with the “Language Matters” initiative, to which Simon confirmed they were separate entities, although both are based in England and Wales. He also noted that other professionals, including an academic from City University, are conducting similar research, indicating a broader interest in this area. Simon agreed to share contact details for further engagement.
66. The discussion then turned to future event planning, particularly the scheduling of conferences and debates. It was noted that judicial attendance at recent events had been limited, largely due to late confirmation of dates – due to venue availability. Members emphasised the importance of securing dates well in advance to facilitate judicial participation, acknowledging the challenges posed by budget constraints and venue booking procedures. A commitment was made to attempt earlier scheduling while remaining flexible with venue arrangements.

Thank you to Bernadette and Natalia for their time on the Council

67. The President thanked Natalia and Bernadette, whose membership of the Council will conclude in July 2025, for their enormous contributions to the Council over the years through various working groups. The President particularly noted the value of having diverse professional backgrounds represented within the Council. Both will be missed by the Council. Natalia expressed her appreciation for her time on the FJC and indicated her willingness to remain involved in future working groups, despite stepping down from the magistracy. Her offer was gratefully received, and her continued involvement in working groups welcomed.

**Agenda Item 12:** Presentation from Professor Emma Hitchings on: [Fair shares? Sorting out money and property on divorce](#) (University of Bristol and Nuffield Foundation, 2023)

68. The Council received an excellent presentation from Professor Hitchings, sharing a summary of the key findings in the Fair Shares report after which the Council members asked questions.