



Family Justice Council Meeting

Monday 7 July 2025

Attending:

Sir Andrew McFarlane, President of the Family Division
Chair: Mr Justice Keehan
Jenny Beck KC (hons), Private Law Solicitor
Matt Clayton, ADCS
Rebecca Cobbin, HMCTS
Vinice Cowell, Parent and Family Rep *[needs to leave at 12.30]*
Louise Duckett, Public Law solicitor
Angela Frazer-Wicks, Parent and Family Rep *[May need to join late]*
Ruth Hay, Family Mediator
Professor Andy Hayward, Academic
HHJ Rachel Hudson, Circuit Judge
DJ Stewart Hughan, District Judge
DJ Julian Hussell, District Judge
Louise MacLynn KC, Silk
HHJ Madeleine Reardon, Circuit Judge
Natalia Schiffrin, Magistrate
Tracy Sortwell JP, Magistrate – First meeting
Lindy Stephens, Public Law Solicitor
Dr Fiona Straw, Consultant Paediatrician
Luke Taylor, MoJ
Kate Thomas, Cafcass Cymru
Barry Tilzey, Cafcass
Dr Sheena Webb, Child Mental Health Specialist

Apologies:

Ms Justice Henke
Bernadette MacQueen, Legal Adviser
Mrs Justice Morgan
Amy Shaw, CJC

Agenda item 1: Welcome and Announcements

1. The Chair welcomed members of the public as guests to the annual open meeting of the Family Justice Council that was held online. Over 150 guests signed up to attend the meeting as observers. Guests were sent a copy of the

agenda and some general information about the Council but no papers. Guests were asked not to record the meeting.

2. The Chair thanked everyone who 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. Members of the council would be responding to a selection of questions covering a broad range of topics. The author of the question selected would be able to ask a follow up question and if time permits there could be additional follow ups.

Apologies

3. Apologies were received from Bernadette MacQueen, Mrs Justice Morgan and the Civil Justice Council secretariat.

Announcements

4. It was announced that two members of the Council would be concluding their time on the Council this month.
5. **Bernadette MacQueen** will formally conclude her time on the Council after nearly 5 years. Bernadette has been part of four working groups and assisted with conference planning during her time on the Council. We would like to congratulate Bernadette on her recent appointment as a salaried Tribunal Judge.
6. **Natalia Schiffrin** will formally conclude her time on the Council after 3 years. Natalia has been part of eight working groups and the Executive Committee during her time on the Council. The Council are grateful that Natalia has agreed to remain on some of the key working groups including diversity & inclusion.
7. The Chair thanked them both for their considerable contributions to the Council and the many different work streams they have given their time and energy to over the years.
8. In addition, the Chair congratulated **Andy Hayward** on his promotion to Professor of Law at Durham University.

Welcome to new Magistrate Member

9. The Chair announced the appointment to the Council of Tracy Sortwell JP as the new magistrate member. Tracy has been a magistrate since 1995 and sits as a Presiding Justice in both Family and Crime. Tracy brings with her a wealth of experience. She is currently a Bench Chair and Chair of the Magistrates Association Family Court Committee. Tracy was welcomed to the Council by all members.

Agenda item 2: Minutes of last meeting and matters arising

10. Minutes of the last meeting were approved by the Council.

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

Agenda Item 3: About the FJC

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

Agenda Item 4: Family Justice Board Update

13. Luke Taylor provided an update on recent developments relating to the Family Justice Board. He began by outlining his role within the Ministry of Justice, where his team works in collaboration with the Department for Education to provide secretariat support to the Family Justice Board. The Board is co-chaired by Ministers from both the Ministry of Justice and the Department for Education, and includes representation from a range of statutory bodies, including Cafcass, Ofsted, the Association of Directors of Children's Services, HMCTS, and the judiciary. The President of the Family Division attends.
14. Luke noted that the Board last met in March. As such, there were no significant new updates beyond those shared at the previous meeting of this group in April. He referred members to the minutes of that meeting for a summary of the discussions held in March.
15. However, he did highlight two key areas of ongoing work at official level:
 - **Local Engagement on System Targets**
Following the agreement of system-wide targets in March, efforts have been made to disseminate and promote these targets among local partners. A series of engagement events have been held with local Family Justice Boards and other stakeholders to discuss the proposed approach for the current year. This includes the introduction of more bespoke targets aimed at addressing long-standing cases and improving timeliness in both public and private law. Local partners have been asked to submit initial plans by the end of July outlining how they intend to respond to these targets.
 - **National Audit Office (NAO) Value for Money Study**
The NAO's value for money study into the family courts was published at the end of May. Luke noted that a Public Accounts Committee hearing had taken place recently, during which he gave evidence alongside the Permanent Secretary of the Ministry of Justice, the Chief Executives of HMCTS and Cafcass, and a Director from the Department for Education. The Ministry is currently considering its response to the NAO's recommendations, which include the development of a long-term vision and strategy for family justice. Discussions are ongoing regarding the scope and direction of this work.
16. The next meeting of the Family Justice Board is scheduled for the following week. This meeting will include discussions with Ministers, including the newly appointed Courts Minister, Sarah Sackman, who will assume the MoJ co-

chairing responsibilities. The agenda will cover performance updates, the response to the NAO recommendations, and an update on the Children's Schools and Wellbeing Bill.

Agenda Item 5: Business Plan Progress

Activity 1: Covert Recording:

17. The Chair noted that the Covert Recording Guidance was published on 15 May 2025 and that the working group has now concluded.

Activity 2: Comms and Website Working Group

18. The working group would meet at the end of July to discuss ways to progress the new comms strategy.

Activity 3: Domestic Abuse

19. The Chair noted that there were three ongoing workstreams:
 - i. **Access to justice in Family Law Act applications.** There is concern that vulnerable victims of domestic abuse are experiencing difficulty in accessing protective injunctions, particularly on an ex parte basis and where local legal representation is unavailable. The working group is drafting best practice guidance for practitioners on applying for protective injunctions under the Family Law Act 1996.
 - 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.
 - iii. **Disclosure of fact-finding judgments.** The group has submitted proposed amendments to the Family Procedure Rules to the Family Procedure Rule Committee, with a view to ensuring that findings of fact are systematically retained by Cafcass and Cafcass Cymru, referred to where relevant in subsequent safeguarding enquiries, and able to inform subsequent proceedings involving any of the same parties or children. The Council awaits the response from the Rule Committee.
20. The group met with one of the authors of the Family Mediation Council Domestic Abuse toolkit and provided informal feedback.
21. The groups are considering a joint scoping exercise with members of the FJC Financial Remedies WG.

Activity 4: Experts working group

22. The Chair updated that they are looking at:
 - I. **Training:** The Working Group Chair is liaising with the Royal Medical Colleges to identify expert leads for each.

- II. The Group have been promoting the **Court Experience scheme** for experts to observe Family proceedings when an expert has been instructed. Information regarding this scheme can be found on FJC website (<https://www.judiciary.uk/court-experience-scheme/>). There has been a recent increase in applications.
 - III. **Experts Handbook:** Recommendation of the Presidents report 20 was: “An expert witness handbook or information pack for experts and lawyers should be commissioned”. The detailed proposal is being considered by the publishers.
 - IV. **Reducing family court delays:** The Suspected Inflicted Head Injury Service (SIHIS) pilot concluded its year of funding in April 2025. The report evaluating the pilot will be available in March 2026, along with the evaluation of the other two pilots under the “Reducing Family Court Delays” funding. Dr Fiona Straw reported that the clinical leads involved in the trial are continuing to work with NHS Commissioners around how the multi-agency and multi-disciplinary approach could continue in the health service.
 - V. **Payment of experts:** Sub-group is looking to simplify payment of experts.
 - VI. **Pilot project for Judges to observe NAI medicals and peer review sessions outside of their jurisdiction.** Awaiting a written proposal.
 - VII. **Schwartz rounds:** The experts group would like to host a virtual Schwartz Round, open to experts, legal practitioners and judiciary. Schwartz Rounds provide an opportunity for the professionals involved in a medical or legal case to reflect on the emotional aspects of their work.
 - VIII. **Considering additional training options:** Considering Including hosting “talking head” videos on the FJC website giving an insight into the work of an expert witness, including the perspective from a barrister and a judge.
- 23. Dr Fiona Straw provided an update on another recent initiative. Mr Justice Williams recently attended a hospital safeguarding peer review session with Fiona, which he found valuable. Plans are in place for him to produce a written reflection to share with the Judicial College and judiciary, highlighting the benefits of such experiences—similar to the positive impact of allowing prospective experts to observe court proceedings.
 - 24. Dr Straw also reported ongoing collaboration with the Royal College of Paediatrics and Child Health to support paediatricians interested in becoming expert witnesses. Monthly virtual sessions are attracting growing participation, and a dedicated session at the annual paediatric conference was well attended. Work is underway to explore quality assurance mechanisms for experts to ensure high standards and better support for the legal system.

Activity 6: Alienating Behaviours – Paused

Activity 7: Financial needs

25. The updated 'Guidance on Financial Needs on Divorce' is due to be published shortly.

Activity 8: Medical Treatment

26. This was previously chaired by Maud Davis, a former member of the Council. The FJC have received some additional comments from MoJ on the draft guidance that are being considered before the guidance is formatted and finalised.
27. An information sheet for families will accompany the full guidance.

Activity 9: Disclosure to Children and Young people

28. This topic will be dealt with under Agenda item 6.

Activity 11: Neurodiversity

29. The Guidance on Neurodiversity in the Family Justice System for practitioners was published on 30 January 2025.
30. The group provided a draft guidance for judiciary to the Council in April and received positive comments. The section on intermediaries will need to be revised following recent Court of Appeal decisions, and we are awaiting updated guidance from the President of the Family Division before proceeding.

Activity 12: Diversity & Inclusion Working Group

31. Group members helped shaped the programme for the FJC conference on Diversity and Inclusion in the Family Justice System: Promoting best practice in decision making. The conference took place in March and was a big success.
32. The group have reviewed the feedback received from the conference and suggestions from attendees as to what the group could focus on next. They are considering partnering on a piece of work with the Racial Justice Family Network on guidance that could be developed in a similar style to the Neurodiversity guidance.
33. The group also contributed to the recruitment webinar that was held at the start of April.

Activity 13: Voice of the Child Working Group

34. 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.
35. The Group have provided comments/feedback on both the Guidelines and the 2015 Report. The group was due to meet on 8 July to agree next steps.

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

36. The group's terms of reference were approved at the last Council meeting.

37. The group have collated research into trauma informed care and practice, with the aim of identifying the structure and contents of the proposed guidance. A first draft of the introduction to the guidance has been circulated within the group by the Chair, Dr Sheena Webb.
38. On 18 June 2025, members of the group conducted a 'walk-through' at East London Family Court, hosted by Judge Atkinson and Judge Reardon, in order to better understand what could be incorporated into trauma-informed practice within the court environment. It proved very useful, and the group are looking to identify elements that could apply to all family court experiences.
39. The group have a virtual walkthrough planned at the end of this month where they are going to look at the experience of the system outside of the physical court attendance, from the beginnings of engaging with the system, making an application, along with what happens after orders are made.

Activity 15: Hair Strand Testing – Scoping Group

40. The group is now co-chaired by Dr Sheena Webb and Judge Rachel Hudson.
41. The group continue in the research phase. However, drafting has started on the clinical section of the guidance, with the aim of focussing on variables that can impact test results.
42. The group will be circulating questions to send to local authority lawyers through the Principal Lawyers Group about any policies related to hair strand testing during pre-proceedings.
43. They are also collating law on hair strand testing and reviewing the different styles of hair strand testing reports.
44. The next meeting will take place in mid-July, where discussions as to allocation of drafting sections of the guidance will begin to take place.

Agenda Item 6: Disclosure to Children and Young People

45. The Chair thanked Barry and Vinice for having updated the private and public law flow charts following additional comments received from the Council. There is also a guidance note in the process of being finalised.
46. Barry Tizley explained the importance of the guidance note to go alongside the flow chart. The flow chart is a way to help children navigate through a complex system, and the guidance is for adults to provide additional support. Barry explained the Family Justice Young People's Board helped to tailor the guidance, using lived experience to influence the document.
47. The Chair asks if Matt Clayton has been able to provide the signposting links from local authorities. Matt says he would send them through to Sophie now.

48. Natalia Schiffrin asked Barry to check her most recent email for one addition to the guidance ahead of finalising the document.
49. The Chair asked if members are happy for the document to be circulated to them for approval out of Committee rather than wait till the next meeting in November. Members agreed to this process.

Agenda Item 7: Events

50. The Chair started with discussing the possible topics/motions for the annual Debate. He emphasised the importance of having speakers to argue either side of the debate.
51. Suggestions from the group included:
 1. Does the term “permanence” hinder or help outcomes for children?
 2. Artificial Intelligence in Family Justice, a benefit or a concern?
 3. Should children be able to exercise their rights under the UNCRC in out of court resolution services, for example child inclusive mediation without the consent of both parents being required?
 4. Reform of financial remedies.
52. Vinice Cowell considered AI would be very topical. Potential motions could include the role of AI in family law or the opportunities and challenges around AI, assisting in predicting outcomes, its use in mediation, decision-making, ethical considerations and potential biases.
53. The Chair then moved on to discuss the theme for the 2026 Annual Conference. The most recent themes having been:
 - i. 2025: Diversity and Inclusion in the Family Justice System: Promoting Best Practice in Decision Making.
 - ii. 2024: Children and Young People: Promoting a Developmental Approach in the Family Justice System.
54. Jenny Beck KC (hons) suggested that AI might be better suited to the Conference, rather than the Debate, and agrees we need to discuss AI very soon and cover all the various factors. For the Debate she preferred option 1 (‘Permanence’), highlighting the difficulty around reunification, and the fact there are no perfect solutions. The project in Coventry could provide potential speakers.
55. Dr Sheena Webb agreed with the idea of permanence for the debate as there is much to debate. Sheena also noted the number of questions coming to this Council on domestic abuse might suggest an appetite to focus on this.
56. Louise Duckett was also in favour of the permanence motion for the Debate, and suggested a renewed focus on public law, where you can weave in post-adoption contact which is an important topic.
57. Tracy Sortwell JP supported AI in the family law system as a Conference theme. She suggested adding a workshop on AI so people can give it a go and see the

benefits and dangers. For the debate theme, she suggested going towards the adult side of things and the DA theme.

58. Matt Clayton noted that he had put forward permanence as it's a current issue and it has had a political push recently and thought it would be easy to get speakers. For the Conference, he supported the AI theme and the need for different perspectives and to focus on different parts of the system.
59. The PFD supported the permanence idea as is currently reading the POTATO report that focuses on adopted individuals exhibiting behavioural problems.
60. Kate Thomas echoed the permanence idea due to its relevance, and concerns around how practitioners make decisions around permanence. She also agreed AI is a topic to grapple with, as is adult relationships, so would recommend these as the next two Conference themes.
61. The Chair noted that consensus for the debate was for the 'Permanence' motion, and the Council can narrow down the exact motion.
62. The Chair noted the Council have narrowed the Conference theme down to either AI or domestic abuse and adult relationships. The Chair asked for members to give further thought to this prior to November meeting and suggested that we now have two years' worth of Conference topics.
63. Professor Andy Hayward cast his vote for the AI Conference theme and said its very topical given the number of myths surrounding AI. Vinice Cowell said there is a Conference next week around AI and Social Care with the Chief Social Worker and said it's important to stay on this theme as a wider industry. Natalia agreed.
64. Judge Reardon suggested the permanence motion should be kept broad, rather than narrow down to adoption. Agreed.
65. Ruth Hay mentioned that within the context of AI for the Conference, there are a lot of services outside the family justice system that are promoting the use of AI e.g. financial remedies. Ruth suggested we need to be ahead of the curve.
66. The Chair noted that AI appeared the most popular option for the 2026 Conference.

Agenda Item 8: Communications Strategy

67. The Chair noted there had been a lot of activity promoting the work of the Council and thanked members. (Paper 7).
68. The Chair highlighted Paper 8 (Website analytics from 1 April to 1 July 2025) and noted that, between 15 May and 1 July 2025, the Covert Recording guidance was viewed 7,039 times by 5,312 individuals — an impressive level of engagement in just over six weeks. This clearly demonstrates the significant demand for the guidance. The Chair thanked all those that drafted the guidance and got it ready for publication.

Agenda Item 9: Research Update

69. The Chair asked Professor Andy Hayward to give an overview of his paper (Paper 9).

70. Andy highlighted the following:

1. Journal of Social Welfare and Family Law Special Issue on the Civil Partnership and Gender Recognition Acts
 - i. Exploring the twenty-year anniversary of the Civil Partnership Act and the Gender Recognition Act.
2. Child and Family Law Quarterly Special Issue on the Law Relating to Parenthood
 - i. Professor Claire Fenton-Glynn, formerly of Cambridge Law and now Monash Australia, has put together a Special Edition of the Child and Family Law Quarterly on the issue of parenthood. Lots of excellent short pieces exploring key trends and developments in the field.
3. Good practice: creating an accessible system for people with physical limitations: [2025] Fam Law 772 (Part 2)
 - i. An interesting article, part of a series of exploring accessibility in the family justice system. In part one of this three-part series (Family Law [2025] Fam Law 522), they explored what it can mean to have a physical disability, inclusive language and its importance, and what support can be brought in via intermediaries and others to assist people with physical limitations to take part in the court process. In this part they focus on what adjustments can and should be made in the courtroom, and what both judges and lawyers should be alive to.
 - ii. Andy said he will circulate this with the D&I Working Group.
4. Nuffield FJO News – There is a regional variation in the rate of children entering care under a s20 voluntary agreement – [2025] Family Law 695

71. There was research around the pandemic and innovative practices that emerged, and the impact of ethnicity and race on local authority care. There is interesting research on intersectionality and how children from ethnic minority backgrounds are overrepresented within the care system.

72. Andy circled back to the Conference discussion and put forward support for financial remedies and conduct to be discussed in a future conference on adult relationships.

Agenda Item 10: AOB

73. The Chair noted that interviews for the new Legal Adviser would be taking place later that week.

Agenda Item 11: Q&A

74. The Chair outlined the format, where the FJC member allocated to the question would read out who the question is from, the question and the Council's response, then ask the author for any follow-up questions. The Chair thanked all those that had submitted questions.

Questions, Answers and Follow-up Discussions

	Q&A
1	<p>Question from Linda Halliday, Parallel Lives:</p> <p>Linda describes Parallel Lives as, offering no contact mediation for parents where there are allegations of domestic abuse. They remain neutral and work with parents and their children with a non-biased and non-judgmental approach. They are a buffer between mediating and court applications, solving disputes to avoid court.</p> <p>1) Where are current clients directed where there are concerns of DA and mediation is not suitable?</p> <p>2) Is an assumption made as to whether a client is a victim or perpetrator and are referrals based on this assumption?</p> <p>3) Do you think that a more neutral, holistic family approach around DA is more appropriate and impactful?</p>
	<p><u>Response:</u></p> <p>1)Where are current clients directed where there are concerns of DA and mediation is not suitable?</p> <p>If there was a concern of DA raised a mediator would discuss relevant professional support services with the parent for them to access support.</p> <p>If mediation is assessed as not suitable, the mediator having assessed the situation will discuss other family support services they are aware of that may be able to offer support to the family in a different way than mediation can. Each mediator would have their own resources.</p> <p>Parents will be made aware of other Non-Court Dispute Resolutions (NCDR) to see if they may be able to assist the parents in coming to an agreement without the need for court proceedings. An application being made to the court is the parent's decision not the mediators.</p> <p>2)Is an assumption made as to whether a client is a victim or perpetrator and are referrals based on this assumption?</p> <p>Mediators are assessing parents for suitability to mediate not to assess if they are a victim or perpetrator. A referral would be based on information shared with the</p>

	<p>mediator by the parent and made to the relevant service for them to investigate further.</p> <p>3) Do you think that a more neutral, holistic family approach around DA is more appropriate and impactful.</p> <p>Mediation offers a neutral and holistic approach to family disputes.</p> <p>Shuttle mediation offers the neutral space for parents to discuss and resolve issues when direct contact is not appropriate. Mediators have their own network of additional services that they can refer parents to for individual work alongside mediation supporting the holistic approach.</p> <p>Before entering mediation, each parent participates in an individual assessment. This provides an opportunity for them to share their experiences, understand the mediation process, and explore other non-court dispute resolution (NCDR) options. The mediator uses this session to assess suitability for mediation, signpost relevant services or resources, and identify any factors that may need to be considered during the process. The assessment also includes a domestic abuse (DA) screening, allowing the mediator to explore with the parents' the impact of the other parent's behaviour and determine the appropriate mediation format—whether joint or shuttle.</p> <p><u>Follow Up</u></p> <p>Linda Halliday had attended a Family Mediation Council session on their new DA Screening tool and asked: Is the Family Mediation Council DA screening tool being used as a screening for DA rather than a tool for screening for mediation?</p> <p>Ruth said the tool is to assess the suitability for mediation and that is its full remit. Signposting to additional services is the next step, so if someone is raising issues of DA, they will be signposted. That tool that is to assess suitability for mediation <u>only</u>.</p>
2.	<p>Question from DDJ Peter Causton (1):</p> <p>How does the FJC think the QLR system is operating and is anything being done to improve it? I am thinking of problems with communication with the Courts, appointment processes and payment of QLRs.</p>
	<p>Response:</p> <p>The Family Justice Council Domestic Abuse Working Group has been looking at whether the original aim of the QLR scheme, to prevent abusive cross-examination in family proceedings, is being achieved, whether by means of an appointment of a QLR or otherwise.</p> <p>To understand more on this topic the group heard from the research team at Northumbria University regarding the research completed by them on QLRs, titled: <i>From Policy to Practice: Critiquing the Implementation of the Domestic Abuse Advocacy Scheme in Family Proceedings from the Perspectives of Qualified Legal</i></p>

	<p><i>Representatives and Key Stakeholders.</i> They presented the findings of in-depth interviews with twelve QLRs and key stakeholders. The findings identify ‘teething’ issues relating to the administration of the scheme and more complex ongoing issues relating to its design.</p> <p>The working group identified that there was a need for Judges’ training to include what to do when they are required to take over questioning, in the absence of a QLR, which has been raised with the Judicial College.</p> <p>The decision of the President in re Z (Prohibition on Cross-Examination: No QLR) [2024] EWFC 22 is a useful authority for the Court and for parties when a QLR has been appointed but no QLR has been found.</p> <p>Since the end of May 2024, those acting as QLRs have received a 10% increase in fees payable and travel costs, when being required to travel to a court that is not local to them, including accommodation expenses.</p> <p>The FJC domestic abuse working group welcomes feedback to better understand whether the original aim of the scheme is being achieved.</p> <p>We note that the standard template orders contain specific wording for the appointment of QLRs, which assists with communication of the need for a QLR to the Court ahead of contested hearings.</p> <p>Anecdotally, the impression of the members of the FJC DA group is that the experience of QLRs being available has improved and the quality of QLRs has been reported as good</p> <p><u>Follow Up</u></p> <p>DDJ Peter Causton asked: Was the FJC aware that he had set up an association of QLRs and asked would the FJC be interested in being in contact with it?</p> <p>Mr Justice Keehan said yes, and DDJ Causton suggested someone to get in contact.</p> <p>Action Point 2: Secretariat to contact the Association of QLRs</p> <p>DDJ Causton also asked if the research paper had been made public.</p> <p>Mr Justice Keehan said it was and asked the Secretariat to provide a copy.</p> <p>Research paper form Northumbria University: From Policy to Practice: Critiquing the Implementation of the Domestic Abuse Advocacy Scheme in Family Proceedings from the Perspectives of Qualified Legal Representatives and Key Stakeholders - Northumbria University Research Portal</p>
3	Question from DDJ Peter Causton (2):

	Is there any way of increasing the use of mediation in the system? Is mediation increasing or are the numbers static?
	<p>Response:</p> <p>We asked the Ministry of Justice to assist us in answering this question:</p> <p>The Government recognises the importance of supporting separating families, and where appropriate, helping them resolve their issues quickly and without the need to come to court. For suitable cases, mediation can often be a quicker and cheaper way of resolving private law disputes than court. On 26 March 2021, the Ministry of Justice launched the Family Mediation Voucher Scheme. The scheme incentivises families to resolve their disputes away from court, where this is safe and appropriate, by providing up to £500 towards the costs of mediation sessions. This gives families the opportunity to reduce the cost of dispute resolution and avoid protracted court proceedings.</p> <p>Since the scheme began, the MoJ has provided over 44,000 vouchers to families, with uptake increasing year on year. In the first year of the scheme, 6,726 vouchers were used. In 2024/25, the scheme's administrator reported that this had risen to 13,675. The government is continuing to work to ensure as many families as possible are able to take up a voucher. Funding for the scheme has been confirmed until March 2026.</p> <p><u>Follow Up</u></p> <p>DDJ Causton asked if there was any way of increasing mediation when there was DA, or is it too easy to decline on those grounds? He noted that he understands there are cases where mediation is not suitable.</p> <p>Ruth Hay answered the question from her experience as a mediator and member of the Family Mediation Council: When mediators are looking at mediation not being appropriate, we explore options with the individuals rather than it just being straight to court. She noted that some clients who experience DA do still want to mediate and therefore they need to consider what other options are there if they don't want to go to court.</p> <p>Mr Justice Keehan added that the FPRC have made tighter rules to not bypass mediation when its suitable and the hope is there will be an increase in people undergoing mediation prior to proceedings.</p> <p>The President of the Family Division endorsed the above. He explained that even if it doesn't lead to mediation, the MIAM is a useful process to understand the options and processes. If it goes to proceedings, the individuals have a better understanding of what the proceedings might achieve.</p>
4	Question from Jazmin Brown, Irwin Mitchell LLP:

	<p>What reform does the Family Justice Council consider necessary (if any) to improve the approach to fact finding hearings in children proceedings - particularly in cases involving allegations of coercive control and domestic abuse - and to strengthen the court's ability to address and respond to litigation misconduct and coercive behaviour in financial remedy proceedings?</p>
	<p>Response:</p> <p><u>Fact Finding Hearings:</u></p> <p>The Family Justice Council has no plans to seek to reform fact finding hearings in children's cases. The Court of Appeal has given clear guidance in cases involving allegations of domestic abuse that fact finding hearings are only necessary where findings in respect of the disputed facts are relevant to the determination of the welfare best interests of the child in terms of with whom they should live and with whom they should spend time. Moreover, the Court of Appeal has observed that a direction for the filing of a schedule of findings of fact sought is unlikely to be appropriate in cases where findings in respect of coercive control are in issue.</p> <p>The Pathfinder courts have led the way in demonstrating how private law children's cases can be safely resolved and determined without the need for fact finding hearings.</p> <p>A Pathfinder court works by bringing together local authorities, police and support services to gather and share information on cases as early as possible. This saves children and families from having to go through unnecessary and potentially hostile hearings. The court also provides extra support to victims of domestic abuse.</p> <p>Rather than being litigant led, with the court only gaining some independent account of the issues and of the child's wishes and feelings some many months into the proceedings, no hearing is held in a Pathfinder court until Cafcass or Cafcass Cymru have filed a full 'Child Impact Report'. This means that at the first hearing the court is very much focused on 'what are we going to do about this to make things better for your child', rather than on 'what is your dispute about?'</p> <p><u>In terms of Financial Remedy Proceedings:</u></p> <p>As you are no doubt aware, in recent years the courts have increasingly been willing to make costs orders where there is obvious litigation misconduct by one or both parties, including a failure to negotiate openly and reasonably. The Family Justice Council (FJC) is conscious of the use of litigation as a coercive tool in itself and supports this judicial approach which continues to develop.</p> <p>The FJC is also conscious of the possible impact, including financial impact, of coercive behaviour experienced by a party to divorce proceedings, and welcomes the contribution made by the Resolution report in October 2024. The Law Commission has addressed the question of domestic abuse within the definition of "conduct" in the Matrimonial Causes Act 1973. The FJC endorses the</p>

	<p>recommendation of the Law Commission that this area of law should be considered by Parliament.</p> <p>The FJC has actively pressed for continued judicial training on domestic abuse, which is now embedded in continuation courses.</p> <p>Ultimately, whether and to what extent domestic abuse should fall within the definition of conduct in financial remedies is likely to require either parliamentary legislation or clarification from the highest courts.</p>
5.	<p>Question from Centre of Expertise on Child Sexual Abuse:</p> <p>In April's View from the President's Chamber, The Right Honourable Sir Andrew McFarlane, President of the Family Division, referenced the findings of the Child Safeguarding Practice Review Panel's report on child sexual abuse in the family environment, "I wanted them all to notice". He accepted the report's Recommendation 10, which invited him to consider the findings of the review and determine what actions are needed to support judicial decision making when children may have been sexually abused. He has asked the Family Justice Board and the Family Justice Council to take this issue up.</p> <p>We, the Centre of expertise on child sexual abuse, would like to ask what steps the Family Justice Council is taking to address the systemic problems highlighted in the report. Having undertaken the review for the Child Safeguarding Practice Review Panel, we also wish to offer our support to the Council in this process.</p>
	<p>Response:</p> <p>At the end of last year, the Child Safeguarding Practice Review Panel published a national review into child sexual abuse within the family environment. The review analysed 177 cases where there had been either a serious child safeguarding incident or case review and identified serious concerns about children's voices and experiences not being heard, understood or acted upon in order to protect them from sexual abuse within a family setting.</p> <p>The review identified a worrying evaporation of skills and knowledge among professionals in a variety of agencies needed to work confidently and effectively in this complex area.</p> <p>Amongst other things, the review identified problems with a lack of depth in child and family assessments carried out by children's social care. Similar concerns were raised about s.7 welfare reports prepared within proceedings in the Family Court in cases where there were concerns about sexual abuse within the family. The report concluded that the issues were systemic and of a multi-agency nature.</p> <p>Recommendation 8 called upon the President of the Family Division to consider the findings of the review and to determine what actions are needed to support judicial</p>

	<p>decision making in cases in this area, to ensure effective investigation and understanding of risk within family proceedings.</p> <p>In his View from the President's Chambers published in April of this year, The President of the Family Division referred to the review in detail, making it clear that he regarded the concern about child sexual abuse within the family as a major issue. He readily accepted the invitation to consider what actions are needed to support judicial decision making in this area and asked the Family Justice Council to take this issue up.</p> <p>The Family Justice Council has agreed to start a working group on this topic, looking at developing guidance for the judiciary when dealing with cases concerning intrafamilial. Given the importance and size of the topic, it has been agreed that a scoping group will start work in the autumn to look at what external groups should be included in the working group and to determine the scope of the work stream and areas of focus.</p> <p>We would like to thank the Centre of Expertise on Child Sexual Abuse for their offer of assistance, and we would be glad to have a representative from the centre to join our scoping group.</p>
6.	<p>Question from Jessica Johnston, Family Rights Group:</p> <p>The Family Justice Council has recently published guidance on covert recordings in family proceedings concerning children. Appendix 4 of the guidance provides a guide for unrepresented litigants to covert recording in the Family Court. What plans does the council have to ensure families without legal advice and representation are made aware of this guidance? In addition to any work around dissemination of the guide for families, is further work planned to consider the accessibility of this guidance, including different formats in which this information could be shared with families?</p>
	<p>Response:</p> <p>We thank the Family Rights Group for their question.</p> <p>Any new guidance or information intended for unrepresented litigants is published on the Family Justice Council website. This material is then circulated to our network of stakeholder organisations, including the Family Rights Group, to enable wider dissemination through their respective channels.</p> <p>We recognise the growing number of unrepresented litigants in the Family Courts and are keen to improve how we reach and support them. We would welcome the assistance of the Family Rights Group in identifying the most effective ways to share this information more broadly.</p>

	<p>With regard to accessibility, we strive to use plain English in all our guidance for litigants and ensure that any legal terminology is clearly defined. For example, the forthcoming Medical Treatment Guidance will include an information sheet for families, summarising the main content and providing a glossary of terms.</p> <p>Across all our guidance, we aim to follow basic accessibility principles. These include using an easy-to-read font such as Arial size 12, clear headings and subheadings, breaking content into manageable sections, and considering the appropriate use of colour to aid readability.</p> <p><u>Follow Up</u></p> <p>Jessica Johnston noted that they are always happy to have further conversations around dissemination e.g. through their website or with other organisations. She noted the key thing is to use different types of resources, for example, short audio clips are a helpful way to share information.</p> <p>Jenny said there are always resource limitations for the FJC but completely appreciate that just providing reading materials is not ideal. She noted the need to rely on partner organisations to help with that.</p> <p>Mr Justice Keehan noted that the Council are keen to receive advice or guidance on how to make our guidance and resources more accessible.</p>
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