



## **Family Justice Council Meeting Minutes**

**Monday 10 November 2025**

### **Attendees**

Mr Justice Keehan, Senior Family Division Liaison Judge (Chair)  
Sir Andrew McFarlane, President of the Family Division  
Matt Clayton, ADCS  
Rebecca Cobbin, HMCTS  
Vinice Cowell, Parent and Family Representative  
Ruth Hay, Family Mediator  
Professor Andy Hayward, Academic  
DJ Stewart Hughan, District Judge  
Louise MacLynn KC, 1GC Family Law  
Hannah Penfold, Legal Advisor  
HHJ Madeleine Reardon, Circuit Judge, East London Family Court  
Simon Rowbotham, Recorder  
Tracy Sortwell JP, Magistrate  
Dr Fiona Straw, Consultant Paediatrician  
Luke Taylor, Deputy Director, MoJ  
Kate Thomas, Cafcass Cymru  
Dr Sheena Webb, Child Mental Health Specialist  
Grant Williams, Service Manager, Cafcass

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

1. The Chair welcomed members of the Council, and welcomed Grant Williams to the Council, who was Barry Tizley's substitute for this meeting.
2. The Chair announced that, sadly, Judge Rachel Hudson had stepped down from the Family Justice Council due to personal reasons. The FJC was very grateful for Rachel's contributions over the last year and wished her well.

### Apologies

3. Apologies were received from Jenny Beck KC (Hons), Angela Frazer-Wicks, DJ Julian Hussell, Ms Justice Henke, Mrs Justice Morgan, Louise Duckett, Beatrice Longmore, and Lindy Stephens.

## **Agenda Item 2: Minutes of the last meeting**

4. The minutes of the last meeting were approved by the Council.
5. Most action points from the last meeting had either been completed, were contained within the agenda, or were to be dealt with later this year.
6. The Chair raised one action point from the last Council meeting in relation to the Family Justice Board and whether the DA Working Group could assist on the measure for improving the experience of survivors of DA. The Chair asked Luke Taylor for an update on this action point.
7. Luke Taylor said that the meeting happened several months ago and suggests the action from the last meeting should be closed until Luke can pick up again with Barry Tilzey and the DA Working Group. He explained that they are currently looking at a response to the DAC Report and a response to Pathfinder. Luke suggested an action to reengage with the Working Group once the picture is clearer.

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

8. Luke then provided an update on the recent meeting of the Family Justice Board in September. They had looked at performance against targets, how to respond to the NAO Report and the Report from the Public Accounts Committee. Since the meeting, there had been a change of Ministers, so the Board would meet under new ministerial guidance (Baroness Levitt and Josh MacAlister MP) in December.
9. Luke explained that they have had one initial meeting with the Deputy PM on family justice. The DPM has a keen interest in family justice.
10. The meeting in December will have the DAC attending to report on her recent publication. The Board will be discussing performance and targets for next year, including the recent uptick in demand for public and private law.
11. The PFD said the constitution and operation of the FJB was a subject raised at the recent Justice Select Committee. The PFD noted that the NAO stated in its work looking at the family justice system that the FJB meets 2.7x/year on average and the NAO recommendation was to meet more regularly. The PFD noted that it is a disadvantage to the system that the FJB doesn't have continuity of Chairs and meet more regularly. The PFD highlighted to the Council that the LFJB National Conference would take place in Birmingham next week.

## **Agenda Item 4: Business Plan Progress & Documents for Approval**

### Activity 2: Comms and Website Working Group

12. The Chair explained that the Group met on 28<sup>th</sup> July and this would be picked up at **item 9** of the agenda.

### Activity 3: Domestic Abuse Working Group

13. The Chair highlighted the ongoing workstream focused on: **Access to justice in Family Law Act applications.**
14. In response to the concern that vulnerable victims of domestic abuse are having trouble accessing protective injunctions, particularly on an *ex parte* basis and where local legal representation is unavailable. The Working Group has drafted best practice guidance for practitioners applying for a protective injunction (Paper 4).
15. The Chair explained that the guidance may be subject to small changes, once the President's guidance is finalised. It was proposed that this guidance, once finalised, would be published alongside the updated President's Guidance and a template order.
16. The Chair stated that the guidance would likely be published in December, to come into effect from a date in January 2026, to allow time for any court process changes to be embedded.
17. The Chair asked the Council to provide its feedback and comments on the Guidance, including any suggestions for additional resources to be included on page 15 of the document.
18. The Chair commented that it was a brilliant piece of work, with only suggestion that there could be reference to provision of serving documents to people in a refuge (6.23A FPR).
19. It was noted by a judicial member that page 13 says 'if representative are asked to assist with drafting, orders must be submitted to court without delay'. It was suggested this be tightened up to say, 'at the hearing' or 'immediately after the hearing'. This was agreed.
20. A judicial member of the Council highlighted the guidance asks for without notice orders to be sealed by 5pm on the day it's made. Judges are often dealing with urgent matters at around 4pm, so was concerned that this wouldn't be deliverable.
21. The Chair responded that there was a risk that if this were to be watered down it could become the norm. It was agreed that the guidance should set high expectations.
22. A point was raised regarding communication with mediators that secretariat will share with the drafting group.
23. Rebecca Cobbin noted that HMCTS had asked for a few weeks to finalise the respondents' form (e.g. Welsh translation, training for staff), and Knowles J has agreed.
24. It was asked if the guidance will refer to the order template, as different court centres have their own order templates. The Chair explained that the new template order will be annexed to the President's Guidance and referred to in the FJC Guidance.

25. It was noted that the FJC guidance refers to a change of language, from non-molestation order to protective injunction, and reference to scope of it being under the Domestic Abuse Act 2021, which suggests it's a DAPO. It needs to be made clearer that it is not.

26. Jenny Beck will lead on finalising the FJC practitioners' document.

27. The Chair highlighted the other work being done by the group, including:

- a. **Disclosure of fact-finding judgments.** The Working Group submitted the proposed amendments to the Family Procedure Rules to the 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 still awaits a response from the Rule Committee.

28. The group will meet in December where it will be considering the recommendations and findings from the Domestic Abuse Commissioners recent report.

#### Activity 4: Experts Working Group

29. Dr Fiona Straw explained that the main Experts Group has merged with the Regional Co-Chairs Group. There is now one national group and a training sub-group.

30. Fiona highlighted some of the ongoing work:

- a. Williams J continued to liaise with the Royal Medical Colleges to bring together expert leads. Williams J will be talking at the Annual Paediatric Conference in Birmingham in May, to discuss expert witnesses and break down barriers for clinicians.
- b. Schwartz rounds: The Experts Group will be hosting a Schwartz round in Jan 2026 which the Council will hear more about under agenda item 7.
- c. Increased focus on training through a sub-group:
  - i. Includes training for medical professionals, legal practitioners and judiciary.
  - ii. Looking to 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.
  - iii. Propose partnering with the ALC/FLBA and Resolution to hold a seminar on expert instruction, report use and legal responsibilities.

#### Activity 7: Financial Remedies

31. The Chair noted that the updated 'Guidance on Financial Needs on Divorce' would be published shortly.

#### Activity 8: Medical Treatment

32. The Chair stated that this would be considered at agenda **item 6**.

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

33. The Chair stated that this will be considered at agenda **item 5**.

### Activity 11: Neurodiversity

34. The Chair explained that the group was awaiting the revised President's Guidance on Intermediaries before it can finalise the judicial version of the Neurodiversity Guidance.

### Activity 12: Diversity & Inclusion Working Group

35. Kate Thomas explained that Group members helped shape the programme for the FJC annual conference on Diversity and Inclusion in the Family Justice System: Promoting best practice in decision making. The conference was a big success.

36. The Group have reviewed the feedback received and any suggestions from attendees as to what the group could focus on next.

37. Kate explained the Group have decided to draft guidance on race and religion in the Family Justice System, to go alongside the Equal Treatment Bench Book. There is a possible collaboration with the Racial Justice Family Network on this piece of work. The Group would consider a draft of proposed contents and a ToR at its next meeting on the 11<sup>th</sup> of November.

38. The Group would also be discussing guidance on co-opting new members into specific working Groups. Kate asked if there was anything the group should consider ahead of this. The Chair asked people to let Kate know.

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

39. Kate Thomas reminded the Council of the Group's two work streams:

1. Review the Guidelines on Judges Meeting Children.
2. Review of the recommendations from the 2015 Final Report of the Voice of the Child Dispute Resolution Advisory Group.

40. Kate explained that Group 1 is looking to send a survey to all Family Judges to ascertain how much they are meeting with children, what assists them to do so and are there any barriers. This piece of research will inform the groups thinking on any changes to the guidelines. Also, the NFJO will be presenting their research on how judges in other countries meet with Children.

41. Group 2 proposes to create a report on what has improved, where we are now and possible solutions.

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

42. Judge Reardon explained that the group have now reviewed a range of research and best practice guidance, as well as the material from the previous FJC conference on trauma.
43. The Group had completed several walk-throughs at different courts and are part way through completing a virtual walk through to consider the key processes which may impact upon trauma experienced people during family proceedings. The Walkthrough Subgroup met last week and picked up multiple key points, e.g. what it feels like to receive an order, contact with the court.
44. A first draft of the introduction to the guidance had been circulated within the group by the Chair, Dr Sheena Webb, which explains trauma informed practice. The Guidance would be for judiciary and practitioners.
45. Dr Sheena Webb explained that it's quite difficult to map out the process from start to finish and there are no existing resources that do this. Vinice and Zoe have pulled an example from private law and are trying to create one for public law. On the issues of cross-examination, the Group was planning to mention it in their guidance. Sheena asked if the Council was aware of any resources that map out the process from start to finish and requested any be shared with her.
46. At the next meeting a table of contents would be agreed, and the group would commence drafting the guidance. A decision was to be made as to how to approach the consultation phase.
47. The Council discussed whether this guidance would need a full public consultation. It was agreed that it would.

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

48. Dr Sheena Webb explained that the Group had reviewed a range of research and practice, including reviewing report templates from a range of providers, and the response to the questions posed to the Principal Lawyers Group about any policies related to hair strand testing had been received and collated.
49. Sheena said that Lindy Stephens was collating responses from the local authorities. Most do not have specific guidance on hair strand testing.
50. The Group have an outline of the table of contents and have commenced drafting their respective sections. Sections included toxicological, behavioural and legal etc.
51. The deadline for the sections to be completed in draft is 9<sup>th</sup> December, with the first rough draft to be presented at the January meeting. A decision was to be made regarding the consultation phase, and which stakeholders should be included.

## Scoping Group: Reunification of Children and Families

52. Matt Clayton said the Group had decided to start by collating resources, research and information on the topic. They received a presentation from the Centre for Justice Innovation at the last meeting regarding the experience of reunification in FDAC.
53. The Group provided the final Terms of Reference for the Council to approve (Paper 5). **The Council approved the terms of reference.**
54. Professor Andy Hayward, in order to assist with sharing relevant research, asked for more detail on the proposed work the Group was going to do and for some guidance on the fundamental aim of the group. Matt suggested a call with Andy to discuss.

## New Work streams

### Intra-familial sexual abuse

55. The Chair explained that the aim was to start this work stream before Christmas, if possible. It was agreed that a representative from the Centre for Expertise on Child Sexual Abuse would be invited to join this group.
56. FJC members who had already volunteered for the group were Louise MacLynn KC, Jenny Beck KC (Hons), Simon Rowbotham, HHJ Reardon, DJ Hussell, and Dr Fiona Straw. The Chair asked for any additional volunteers.
57. Kate Thomas volunteered.

### Parents in Prison (originally 'Mothers in Prison')

58. The Chair explained that due to capacity of members and secretariat the Council proposed to not start this work stream until later in the legal year.

### Business Plan

59. The Chair asked for any final observations on the Business Plan.
60. Ruth Hay highlighted that in any guidance the Council needs to be mindful when signposting resources there needs to be an equity between those that support men and women. Council agreed. She noted the government proposal to remove the presumption of contact might lead some men to think the courts are biased against them and suggested the D&I Group be conscious of this when reviewing FJC guidance.
61. The PFD noted that the Neurodiversity Working Group should be aware that the updated PFD Guidance on intermediaries has just been published.

## **Agenda Item 5: Disclosure to Children and Young People Final Guidance for approval**

62. The Chair thanked Barry Tilzey and Vinice Cowell for the work that has been done to finalise the Flowchart and the guidance. The four papers set out: The text that will be included on the FJC webpage (1), the guidance to accompany the flowcharts (2), and the Private Law (3) and Public Law (4) process maps/flowcharts.
63. The Chair asked if members are content to sign off this work for publication.
64. Hannah Penfold said the guidance should note that it doesn't explicitly deal with adoption cases and suggests this is put on the landing page and guidance document.
65. The Chair said he was surprised that the public flow chart was so much shorter than private one and queries why this is.
66. The Council said they happy with this to be published if the above points are resolved.

## **Agenda Item 6: Medical Treatment Guidance – Final version for discussion**

67. The Chair thanked Maud Davis and Natalia Schiffrin for their continued support in assisting Sophie with updating the guidance documents (Papers 7.1-7.3). The Council had been provided with an updated version of the guidance with any significant changes highlighted.
68. The main guidance had been shared with Mr Justice Poole (as the Family Division lead for Medical Treatment cases), Ministry of Justice Policy officials, the Official Solicitors Office, Cafcass and Cafcass Cymru for final comments. Mr Justice Poole's and Cafcass Cymru's comments are incorporated into the version shared. The Council had not yet had a response from the MoJ or Cafcass. Paper 7.2 sets out suggestions from the Official Solicitor's Office.
69. The Chair asked the Council for views on the suggestions made and on the updated sections of the guidance.
70. The Chair agreed with the points raised by the OS, including signposting that older children could move into the Court of Protection.
71. Simon Rowbotham asked if there had been any changes to the guidance that required the information sheet to be reviewed again from a legal perspective.
72. The Chair requested that Simon reviews the final version of the information sheet one more time once it is finalised.

## **Agenda Item 7: Events**

### Annual Debate on 3 December 2025

73. The Chair explained that the event would take place at the RCJ from 17:00-19:00 and would be livestreamed. The motion for the debate would be, 'Does the term 'permanence' help or hinder outcomes for children?'. The speakers arguing it helps would be Professor Julie Selwyn, Dame Annie Hudson and Tom Wilson, and the speakers arguing it hinders would be Matt Clayton, Cathy Ashley, and Lorraine Cavanagh KC.
74. The Chair shared that there had been nearly 300 sign-ups so far. The Chair asked that any members who would like to attend to please sign up using the form, as in-person places are limited.

### FJC Conference on 5 March 2026

75. The Chair explained that the Conference would take place in Birmingham with the theme 'The Use of AI and Technology in Family Justice'. Possible titles include 'AI and Technology in the Family Justice System' and 'The Role of Technology in Modern Family Law: Opportunities and Challenges'.
76. The Chair outlined the potential topics that could be explored, including:
- a. How AI could be used to improve access to justice in family law, particularly for vulnerable and underserved populations.
  - b. Potential biases in AI systems and ethics of AI.
  - c. Legal tech companies – could be asked to speak about their software that ensures traceable communication between parents/guardians, in the age of vanishing messages.
  - d. 'The art of the possible', the different types and applications of AI, with input from the NFJO/Ada Lovelace Foundation.
77. The Chair asked Council members to discuss the conference title and topics to be included and asked if any members would be willing to take part in the conference steering group.
78. Jenny Beck KC (Hons), Tracy Sortwell JP, Vinice Cowell, Matt Clayton and Hannah Penfold volunteered.
79. The PFD raised that we would need to make sure there was real substance, and suggested half a day on AI and half a day on technology (which could include open adoptions, the media etc.). He also suggested bringing in McKendrick J as the FD lead on AI. Dora explained that she was planning to speak to McKendrick J that afternoon.
80. The group discussed other possible speakers to approach.

### Experts Group: National Schwartz Round

81. The Chair explained that this would be held on the 29<sup>th</sup> of January at 17:00-18:00 on MS Teams. It would be open to professionals in the family justice system to attend including experts, legal practitioners, social workers, and judges. There would be two to three contributors who share an abstracted story about their own experience on an agreed theme – the current suggestion is “*When your best doesn’t feel good enough – practicing in the family court*”. The advert is to be sent out shortly.
82. The Chair continued that Schwartz Rounds provide a structured forum where professionals come together to discuss the emotional and social aspects of their working in a certain sector, traditionally the health and care sector but we would apply it to Family Justice. The purpose of Rounds was to understand the challenges and rewards that are intrinsic to the role, not to solve problems or to focus on specific aspects of a case.

### FJC University Outreach Event

83. The Chair explained that the event was due to take place on 10 February 2026 at Durham University and on MS Teams [**NB** this was moved to 26 January due to availability]. He explained that the event was designed to introduce students to the FJC and its work and focus on Neurodiversity as a substantive topic. The panel would be chaired by the President and include Jenny Beck KC (Hons), Vinice Cowell and 1-2 local academics.
84. The Chair thanked Professor Andy Hayward for helping to organise this event with Durham University Law School.
85. The PFD said this would be a useful event to highlight potential career paths to students and asked if other departments will be invited that are relevant e.g. psychology or social work. Sophie confirmed that they would be invited and that the online attendance would be advertised to students nationally.
86. Simon Rowbotham expressed that he is keen to assist if needed.

### **Agenda Item 9: Public Consultations Criteria**

87. The Chair raised that it was suggested at an FJC Exec meeting for the Council to develop criteria for when a piece of guidance was consulted on and the type of consultation used. He explained that the types of consultation the FJC had used previous were ‘key stakeholders only’ and ‘full public’.
88. The Chair explained that the Civil Justice Council uses a different system, though they are often calling for evidence rather than doing a consultation on a best practice guidance. They have ‘Fully Public’, ‘Anonymous’ and ‘Confidential’ relating to the publication of responses. They have also used workshops and breakout groups in their annual conference as a form of consultation on new/existing work, alongside written submissions.
89. The Chair asked the Council to discuss what sort of criteria should be used to decide whether a piece of work should be consulted publicly, privately or not at all.

90. The Chair suggested we use either full public consultation, or key stakeholder consultation.
91. Dr Sheena Webb suggested that for some types of work a staged approach would be needed, e.g. stakeholder consultation followed by a public consultation. The Chair mentioned that the FPRC sometimes go public and then consult stakeholders on the final version.
92. The Chair suggested that those with ideas send their comments to Sophie.
93. Judge Reardon asks who would approve this criteria list. The Chair said the full FJC Council would approve.

### **Agenda Item 10: Comms Strategy**

94. The Chair provided an update on the implementation of the FJC Comms Strategy, stating that:
- a. Improvements had been made to the Events section of the FJC website, to make it easier to navigate.
  - b. The Secretariat was setting up a way for individuals to sign up to receive information about events and publications.
  - c. Natalia Schiffrin had drafted an outreach email that can be sent to stakeholders, asking them to promote the FJC on their websites. This was paused to await the mailing list subscription being added to the FJC website.
  - d. The secretariat was working on further website improvements and would look to introduce feedback forms to the Debate and Open meeting.
  - e. There are plans to record some videos introducing members of the Council and add them to the website.
95. The Chair raised that it would be helpful for members to volunteer to contact their professional associations to offer to do a short slot on the FJC at their association's conference or to provide an update at a general meeting.
96. The Chair discussed the website analytics from 1 July to 31 October 2025 (Paper 10), stating that the Covert Recordings guidance remains the most visited page of the website, with over 1,800 users visiting in the last 3 months. The Top 5 most visited pages are:
- 1) Covert recordings page
  - 2) Family Justice Council home page
  - 3) Alienating Behaviours page
  - 4) Events/past events page
  - 5) Members page

### **Agenda Item 11: Consider whether there is a need for additional oversight on academic referencing**

97. The Chair raised the question as to whether there was a need for additional oversight on academic referencing in drafting FJC guidance. He noted that, at present, each working group drafting guidance had an academic member of the group or the draft

guidance would be considered by the academic member of the Council when it was shared for consideration. The Chair invited comment from other members.

98. Professor Andy Hayward agreed that it is good to have an academic on the Council, and that we should endeavour to reference peer reviewed research and be conscious of bias.
99. Dr Sheena Webb noted that with only one academic we need to be robust in critically evaluating each other's work to ensure we do not cherry pick.
100. Andy mentioned that this was one of the reasons that it was important the D&I group consider guidance to ensure that all EDI aspects are covered.

### **Agenda Item 12: Research Update**

101. Professor Andy Hayward provided an overview of his latest research update (Paper 11). He asked anyone to get in touch if they can't access certain documents.
102. Primarily, he noted there will be a lot of discussion following removal of presumption, as well as there being some interesting points around information stored on birth certificates e.g. the right to know origins. He predicted DA to be a key focus following the DAC Report, as well as litigation being used as a form of coercive control.
103. Andy stated he is happy for any FJC working groups to ask for him to collate research on a particular topic.

### **Agenda Item 13: AOB**

104. Ruth Hay asked if the FJC is putting any comment out on the repealing of presumption of contact. The Chair and the PFD stated there is no plan to.
105. Ruth said the Family Mediation Council are seeing child-inclusive mediation ordered by judges and are trying to pull a response together on this. The FMC are happy to offer Judicial College support with training on mediation but need a contact.

### **Agenda Item 14: Guest Speaker Dr Rajnaara Chowdhury Akhtar (University of Warwick)**

106. Dr Rajnaara Chowdhury Akhtar joined the meeting virtually and provided a presentation to members on non-court, faith based, dispute resolution and the broader issues relating to Muslim marriage recognition, using her research at the University of Warwick.
107. Members were welcome to request a copy of the presentation after the meeting.
108. Members thanked Dr Rajnaara Chowdhury Akhtar for her presentation for elucidating the Council on Muslim faith-based dispute resolution forums. The PFD suggested the FJC should think about what it can do to provide a platform for this information to be digestible and accessible.