

# **SHADOW FAMILY JUSTICE BOARD ADVISORY GROUP**

## **Minutes**

**The ninth meeting of the Advisory Group took place on 27<sup>th</sup> June 2024 at 4.00pm via Webex Video Conferencing.**

### **Attendees:**

Debbie Maclam (LCJO) Chair  
Pamela Reid (NICTS)  
Joan Davis (Family Mediation NI)  
Caroline Cunningham (NSPCC)  
Steven Allison (DoJ)

**Secretariat:** Michelle Hanna (LCJO)

### **Welcome**

1. The Chair welcomed members to the meeting, thanked them for their attendance and extended a welcome to Ms Cunningham (NSPCC), replacing Natalie Whelehan.

### **Apologies**

2. Apologies were noted from Roisin McCabe (LCJO) and John McCord (University of Ulster).

### **Minutes of the sFJB – Advisory Group meeting on 22<sup>nd</sup> November 2023**

3. The Group approved the draft minutes of the previous meeting for publication.

### **Business Continuity, Recovery and Modernisation**

#### **Lady Chief Justice’s Office (LCJO) Operational Update**

4. The Chair informed members there was no change to the guidance issued in November 2023. Physical attendance was still encouraged whilst remote attendance remained available.
- 4.1 The Chair advised members the statistics had been reviewed to include a broader spectrum of calendar years instead of financial years. Noting the shift in the numbers with an increase in the public law cases and a decrease in the private law cases. Applications received have increased by 5%, disposal has slightly decreased and waiting times across the private and public law cases have decreased which is positive.

- 4.2 The Chair informed members up to date statistics were due to be published the next day.

## **Judicial Modernisation**

### **Vision 2030: Judicial Advisory Group & E-bundles**

5. The Chair advised members uptake continued to remain disappointing, however, it was acknowledged that the manual records of e-bundles being kept do not show the full picture of what is happening in practice. The Chair advised that although formal feedback had been requested recently by the JAG, users are encouraged to provide feedback. E-bundles will continue to be the preferred method of receiving papers.

- 5.1 Ms Reid advised members that e-bundles will be separate from Themis but encouragement to lodge them will continue. Information can be taken from ICOS regarding e-bundles as the information is stored.

## **Modernisation Update**

### **Service Modernisation Programme Update**

6. Ms Reid informed members the procurement of a delivery partner for the Themis project continued to schedule, and evaluation of final tender submissions was complete. The award of contract remains on track for summer 2024 (subject to business case approval and confirmation of funding). Ms Reid advised members that Themis is not only an IT solution but also a business solution across family, civil, criminal and tribunals.

- 6.1 Ms Reid advised members that it will take 5 years for full implementation, commencing in the summer period with a target end date of late 2029. Engagement with stakeholders, including the Advisory Group, remained an important aspect of the work.

- 6.2 Ms Reid updated members that the replacement for Sightlink is progressing, and the next provider should be in place by the next financial year.

## **Estates Programme Update**

7. Ms Reid advised members that approval for the RCJ Modernisation Project's Outline Business Case had been requested. It is anticipated that a decision would be received from the Department of Finance within coming months.

- 7.1 Ms Reid informed members the procurement activities for Bishop Street were at the early stages. A delay in funding has resulted in a delay progressing to the consultancy stage.

- 7.2 Ms Reid advised members a Cour User Experience Survey was being developed for issue later this year. It is anticipated that this will be the first in a series of surveys that will issue to the different users of the court buildings.

### **Problem Solving Courts**

#### **Family Drug and Alcohol Court (FDAC)**

8. Mr Allison updated members that next steps remain subject to consideration by both incoming Ministers and budgetary constraints.

### **Resolutions Outside Court**

#### **Department of Health (DoH) & Department of Justice (DoJ) Private Family Law Early Resolution Action Plan**

9. Mr Allison advised members that consideration continues to be given as to what might be achieved within current budgetary constraints. Potential options will be considered by Ministers in due course.

### **Public Law Systems**

#### **DoJ Expert Witnesses pilot scheme**

10. Mr Allison advised members the call for evidence to support the Review launched on 22 April 2024 and closed last week for structured questionnaires.
- 10.1 Ms Davis advised members that she completed the questionnaire but would like the opportunity to lodge a more detailed response or arrange a meeting to discuss.
- 10.2 Mr Allison encouraged Ms Davis to do both, lodging a more detailed response and also meeting with him as he was aware that the structure of the questionnaire would not suit all groups. Mr Allison updated members that 60 submissions have been received which 45% of these from solicitors and counsel.

**ACTION: Mr Allison and Ms Davis to schedule a meeting to discuss response from Family Mediation NI.**

### **Children's Court Guardian Agency Resources**

11. The update circulated on behalf CCGANI was noted. The Chair observed it appeared to reflect what other agencies are facing with staff pressures, including losing staff due to retirements.

### **Children's Court Guardian Agency Solicitors Panel**

12. The Chair referred members to the written update provided.

### **Children's Court Guardian Agency for Northern Ireland Review Pilot**

13. The Chair referred members to the written update provided.

### **Working Group on Disclosure**

14. The Chair advised members that the Working Group on Disclosure is reviewing the English Practice Direction, consulting with colleagues in E&W who are giving the group an insight on the practical effects.

14.1 Ms Hanna confirmed that the working group have made a first draft of the Practice Direction and are working towards a final draft.

### **Social Worker Resources & Reports**

15. The Chair referred members to the written update provided.

### **NIPSA strike/work-to-rule**

16. The Chair referred members to the update provided and advised members that the Trusts impacted at the moment are the BHSCT, the NHSCT and the SEHSCT. The Chair advised that the targeted area involved private law work, and that Mr Cassidy had advised the sFJB that the Belfast Trust are moving cases to the court team, who should not be affected by NIPSA's actions.

16.1 The Chair confirmed that the sFJB had voiced concerns on the impact of the actions but recognised that the sFJB have no remit and can only note and express their concerns.

16.2 Ms Davis advised members that she has not experienced any impact at the moment as most of the clients do not have social worker involvement.

16.3 Ms Cunningham advised members that impact issues have not been reported but will follow up with staff.

**ACTION: Ms Cunningham to follow up with staff regarding impact of NIPSA actions with NSPCC.**

### **Delays in Children Order Cases/Performance Monitoring**

### **Review of the Children's Order Advisory Committee (COAC) Best Practice Guidance**

17. The Chair referred members to the written update provided.

### **Private Law System**

## **Introduction of Domestic Abuse and Civil Proceedings Act 2021 in Northern Ireland**

18. Mr Allison advised members the Department were looking at the uptake which was still lower than expected. Research with the Ulster University and Queen's University had commenced to provide advice into what the Department should be doing to prioritise and understand why so few are applying for the waiver. This research should be available by the end of August 2024 as workshops are commencing on 22<sup>nd</sup> July 2024.
- 18.1 Mr Allison advised members that the draft section 29 Report has been subject to Ministerial and Justice Committee consideration. The consultation had been delayed due to the upcoming election.

### **Litigants in Person (LiP)**

#### **LiP Reference Group**

19. Mr Allison advised members that the Reference Group and its work continues to evolve. There was good attendance at the recent seminar on 24<sup>th</sup> June 2024. One member of the group is an IT expert and AI developments may be looked at.
- 19.1 Ms Reid agreed that the LiP Group is very useful and deliver everything positively with a good drive.
- 19.2 The Chair agreed as the members come with their own experiences and advised that the Lady Chief Justice is aware of AI impact.

### **Open Justice**

20. The Chair advised members the sFJB was continuing to have a watching brief on the Transparency Implementation Group in England and Wales and updated members on the pilot which the Lady Chief progressed on sentencing in the Court of Appeal.
- 20.1 The Chair advised members that she had attended a recent PBNI event with the Lady Chief Justice and the Minister. As part of her address the Minister had said that there is a need to help participants and especially victims and witnesses in understanding the justice system.
- 20.2 Mr Allison informed members Andrew Dawson had commenced scoping work on the policy development for reporting in family courts. He is looking at the England & Wales reporting pilot.
- 20.3 Ms Davis advised members conversations took place in 2016-17 with Lord Justice Gillen and the overall consensus being that reporting would be

beneficial, but with a lot of safeguards. The public want to know what happens in family courts, however, education is required. The main issue would be the identification of people, especially children and young people.

20.4 Ms Cunningham advised the NSPCC produced an animation for children and young people who have to give evidence in court. Mr Allison was interested and agreed that seeing the animation would be useful. Mr Allison advised that the department had produced a number of videos in which the department are waiting for the Minister to approve.

**ACTION: Ms Cunningham to forward Mr Allison animations.**

#### **Cross Border Protocol for Judicial Protocol Regulating Direct Judicial Communications Between Scotland, England and Wales, and Northern Ireland in Children's Cases**

21. The Chair advised members the conference was held in April, and it was very successful. The next conference will take place in Edinburgh during Spring 2025.

#### **Delay in GP notes and records from GP practices**

22. The Chair advised members this matter was previously raised in the sFJB meeting and referred members to the note from Ms Spence which was circulated. Ms Spence has agreed to draft a protocol regarding lodging of GP notes and records, and this will be shared with members once finalised and agreed by the sFJB.

#### **Child Abduction Recommendations**

23. The Chair referred members to the written update.

#### **AOB**

24. The Chair advised members that Mr Justice McFarland is retiring in December 2025

#### **Next Meeting**

25. It was agreed that the date of the next meeting would be confirmed.