

SHADOW FAMILY JUSTICE BOARD

Minutes

Minutes of the twentieth meeting of the shadow Family Justice Board (sFJB)

held on 25th February 2025 at 4pm

in the Judicial Assembly Room and via MS Teams

Attendees: Mr Justice Kinney (Chair)
District Judge Logue
Master Sweeney
Roisin McCabe (LCJO)
Edel McKenna (CCGANI)
Tom Cassidy (HSCT)
Paul Andrews (LSA)
Adele O'Grady (Family Bar Association)
Suzanne Rice (Law Society)
Michael Foster (DoF)

Secretariat: Michelle Hanna (LCJO)

Welcome

1. The Chair welcomed members to the meeting and informed members that he has replaced Mr Justice McFarland as the Interim Senior Family Judge and Chair of the Shadow Family Justice Board.

Changes to membership

2. The Chair recorded the Boards appreciation to Ms Blaithin Cleland, Ms Dawn Shaw and Ms Eilis McDaniel for their contribution to the Board and associated Sub-Committees. The Chair welcomed Ms O'Grady, Ms Edel McKenna and Ms Martina Moore to the Board.

Apologies

3. Apologies were noted from Her Honour Judge McCormick, District Judge Prytherch (MC), Master Wells, Karen Ward (NICTS), Martina Moore (DoH), Steven Allison (DoJ), Brendan Whittle (HSCNI) and Debbie Maclam (LCJO).

Minutes of the sFJB meeting on 20th June 2024

4. The Board approved the draft minutes of the previous meeting for publication.

Business Continuity, Recovery & Modernisation

LCJO Operational Update

5. The Chair provided an overview of the statistics to members in advance of the meeting, noting this item was added during covid to monitor business levels. The Chair suggested, and members agreed to remove this item from the agenda as business levels had moved out of the recovery trajectory.
6. Miss McCabe informed members the secretariat would continue to review the figures before each meeting and include on the agenda if there are areas of concern members should be made aware of.

ACTION: Item to be removed from agenda.

Judicial Modernisation

E-Bundles

7. Miss McCabe advised members the LCJO and courts continue to monitor the use of e-bundles. Issues continue to centre around compliance and formatting.

Modernisation update

Themis Programme Update (Formerly Service Modernisation Programme)

- 7.1 Miss McCabe referred members to the update provided by NICTS, noting Themis will be delivered incrementally over a 5-year period, commencing with Small Claims during Summer 2025.

Other Digital Projects

8. Miss McCabe referred to the update provided by NICTS, noting subject to business case approval the new platform to replace sightlink would be implemented later in the year. Training and demonstrations for the Judiciary, legal profession and other key stakeholders would take place in advance of implementation.

Estates Modernisation Programme Update

9. Miss McCabe referred to the update provided by NICTS, noting focus on the development of a decant brief and stage 2 design of the RCJ modernisation programme is underway and due to complete in the 1st quarter of 2025/26.

The Mental Capacity Act (NI) 2016 Judicial Liaison Group.

10. The Chair advised members that the last meeting which took place on the 18 February 2025 was rescheduled to take place on 26 March 2025 to enable the DoJ to attend. An update will be available at the next meeting.

Problem-solving courts

Family Drug and Alcohol Court (FDAC)

11. Members noted the update issued from the DoJ.

Resolutions outside court

DoH & DoJ Private Family Law Early Resolution Action Plan

12. Miss McCabe advised that the DoJ have confirmed that potential next steps continue to be considered. These will be shaped by the Enabling Access to Justice Programme Delivery Plan which is currently out for consultation.

Public law system

DoJ Expert Witnesses pilot scheme

13. Members noted the update issued from the DoJ.
- 13.1 Miss McCabe referred members to the update and advised that evidence which emerged from the evaluation was considered in the context of the Foundational Review of Legal Aid and it was considered not to be an immediate priority at present but may be revisited in the future as further evidence emerges. She advised that the General Authority continues to apply in the interim.
- 13.2 Mr Andrews confirmed the figures indicate that uptake remains low.

Children Court Guardian resources

14. Ms McKenna advised members that the pressures on the Agency remain high and they are still experiencing high volumes of unallocated cases. At present there are 192 unallocated cases involving 338 children. Ms McKenna confirmed that the triage system in place is continuing with priority allocation being given to cases timetabled for a final guardian report or hearing.
- 14.1 Ms McKenna advised members that two new guardian posts have been taken up in Londonderry and two Belfast posts are at interview stage.
- 14.2 Ms McKenna advised members that a Data Analysis Project will commence to look at the increased demand over the last 3 years. Demand has increased by 14% and options are to be explored within the Agency to streamline processes.

- 14.3 The Chair queried if the 192 unallocated cases figure reflects a high figure. Ms McKenna confirmed that 4 years ago the Agency did not have any unallocated cases.
- 14.4 The Chair confirmed to members that a meeting between the Agency, 5 Directors of the Trusts and the Family Judiciary is due to take place in May 2025 which will be helpful to discuss these issues further.
- 14.5 Ms Rice advised that the issues bleed into the Delay Sub-Committee as the issues of delay are becoming quite difficult due to the increased pressures faced by the Agency.

Children's Court Guardian Agency Solicitors Panel

15. Members noted the update issued by the CCGANI.
- 15.1 Ms McKenna advised members that there was nothing further to add. She stated that helpful feedback was received from solicitors on the updated guidance and some identified elements are to be amended.

Shadow Family Justice Board Sub-Committee on Delay in Public Law Children Order Proceedings

CCGANI Review Pilot

16. Ms Rice advised members that during the recent meeting of the Sub-Committee the draft CCGANI Review Pilot Report was discussed, and the paper identified some factors causing delay.
- 16.1 Ms Rice advised members the Chair of the Sub-Committee is taking forward the similar approach of flagging cases used in the Crown Court to identify and review the 200 day cases in the FCC. This will allow for intensive case management.
- 16.2 Ms McKenna agreed that reviewing the 200 day cases would assist in getting a better understanding of the delay reasons.

Working Group on Disclosure

17. The Chair advised members the Working Group are due to meet on the 19th March 2025 to review the final stages of the draft Practice Direction.

Social Worker resources

18. Members noted the update issued by the DoH.
- 18.1 The Chair agreed it is positive that there has been progress regarding recruitment and advised that the meeting scheduled in May 2025 with the Agency, Trusts and Judiciary will be most helpful to discuss further.

NIPSA strike/work-to-rule action

19. Mr Cassidy advised members the action was still confined to the BHSCT, NHSCT and SEHSCT and has not been actioned in either the SHSCT or the WHSCT. NIPSA's intentions are to extend the action to all 5 Trusts, negotiations are still ongoing with the department.

Delays in Children Order Cases/Performance Monitoring

Review of the COAC Best Practice Guidance

20. Members noted the update issued by the DoH.

Private law system

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

21. Members noted the update issued by DoJ.
- 21.1 Mr Andrews advised members that uptake on the waiver still remains low and work is ongoing to increase numbers.
- 21.2 Ms Rice advised members that in her experience the documentary evidence is difficult to collate. She agreed that the information being shared regarding the waiver is good but suggested that discussions could take place with the PSNI at a later date.

Litigants in Person (LiP)

LIP Reference Group (LiP RG)

22. Members noted the update issued by the DoJ.
- 22.1 The Chair advised members that the Lady Chief Justice met with members of the LiP RG in December and discussed matters such as the promotion of the Equal Treatment Bench Book. He advised of ongoing workstreams and engagement with the Group.
- 22.2 The Chair said that Les Allamby, Chair of the LiP RG, would be invited to attend the next meeting to provide an overview of the Group.
- 22.3 Ms Rice advised members that the Law Society have been working closely with the LiP RG and have drafted a Charter which is due to be published on 18 March 2025. Many stakeholders views were taken into consideration while drafting the Charter.

ACTION: Mr Les Allamby to be invited to attend the next meeting of the sFJB to update members on the work of the Group.

A copy of the LiP Reference Group Charter to be provided for discussion at the next meeting.

Matters Arising

Open Justice

Judicial Family Working Group (JFWG)

- 23. The Chair advised members the JFWG have met twice, focussing on improvements and reform. The Chair confirmed that the Lady Chief Justice is very keen to progress open justice, discussions are ongoing as to how that can be done within the current legislative framework.
- 23.1 The Group are also considering reinvigorating the use of Personal Education Plans and Judge Loughran is liaising with the Department of Education.
- 23.2 The Chair advised members that another priority area is a potential Early Resolution Pilot within the Family Proceedings Court.
- 23.3 Ms Rice advised members that the South-Eastern Trust has a built-in mediation model offering mediation with parents and the Court Children's Officer although the model is not reflected through each of the Trusts. A conversation with the Trusts might be beneficial about rolling out the model amongst all Trusts.
- 23.4 Mr Andrews suggested to members that the Early Resolution Pilot should not be designed in the same way as the High Court Pilot and suggested early design of the Pilot to fit within the Family Proceedings Court.
- 23.5 The Chair agreed that everyone should have an input in creating the model.

Cross Jurisdiction Conference

- 24. The Chair advised members he was attending the conference in Edinburgh on the 4 April 2025. The Chair welcomed any comments or feedback on the Cross-Jurisdiction Protocol and how it has been operating.
- 24.1 Ms Rice commented that the Law Society would welcome a more streamlined process in Northern Ireland.

Delay of GP notes and records from GP practices

- 25. Members noted the update issued by the DoH.
- 25.1 The Chair suggested that GP notes should be requested at the start of a case and sent back if not required. The notes should not contain redactions, and that any updates will be reported at the next meeting.

LCJO Reform Team Priorities

26. Miss McCabe advised members that the LCJO are currently reviewing and agreeing the current workstreams with the Chair.

Family Justice Council Guidance on responding to a child's unexplained reluctance, resistance or refusal to spend time with a parent and allegations of alienating behaviour

27. The Chair agreed that the guidance was an extensive document, and this would be discussed in more detail at the next meeting to allow members time to review the guidance.
- 27.1 Ms Rice queried who would be taking responsibility for taking this forward and welcomed the sFJB being a possibility.

Correspondence from the Belfast Area Domestic and Sexual Violence and Abuse Partnership 2024

28. The Chair referred members to the correspondence received from the Belfast Area Domestic and Sexual Violence and Abuse Partnership.
- 28.2 Mr Andrews advised members that he examined the 2021 figures and advised that 2,900 Legal Aid applications were submitted and 2,232 in 2024.
- 28.3 Members agreed that the secretariat would look into a further available statistical data.

ACTION: Mr Andrews to provide legal aid statistics in respect of Non-Molestation Orders.

Independent Review of Children's Social Care Services

29. The Chair confirmed that a meeting is being held in May 2025 with members of the Judiciary and Children's Services Organisations.

Divorce and Dissolution Legislation

30. Mr Foster advised members the department are carrying out work in relation to the substantive law of divorce and dissolution with a reference to no fault divorces. He advised the previous Minister, Caoimhe Archibald MLA, had indicated that some scoping work would be undertaken, and invitations were issued, with a meeting having taking place during the last few months. The new Minister has agreed for the DoF to work on a possible consultation for his consideration which is being issued later this year.

Next Meeting

31. It was agreed the next meeting of the Shadow Family Justice Board will take place on Wednesday 7 May 2025 at 4pm.