

# SHADOW FAMILY JUSTICE BOARD ADVISORY GROUP

## Minutes

The fifth meeting of the Advisory Group took place at 4.00pm on 6<sup>th</sup> June 2022 via Webex Video Conferencing.

### Attendees:

Julie McMurray (LCJO)  
Karen Ward (NICTS Chief Modernisation Officer)  
Joan Davis (Family Mediation NI)  
Judith Brunt (HSCNI)  
Eamon O'Connor (DOJ)  
Natalie Whelehan (NSPCC)  
Eilis McDaniel (DoH)  
Nula Toman (Disability Action)

### Secretariat:

Catherine Di Maio (LCJO)

1. Julie McMurray welcomed everyone to the meeting and thanked members for their attendance, and explained that she would be chairing the meeting in Mandy Kilpatrick's absence. She extended her thanks to Eamon O'Connor has been replaced by Steven Allison but is in attendance today.

### Apologies

2. Apologies were noted from Mandy Kilpatrick (LCJO) Mairead McCafferty (NICCY), Dr John McCord (UU) and Steven Allison (DoJ).

### Minutes of the sFJB - Advisory Group Meeting on 12<sup>th</sup> August 2021.

3. The minutes of the last meeting were agreed and should be published.

## Disability

4. The Chair welcomed Nuala Toman to today's meeting and thanked her for attending. Nuala is a member of the Shadow Civil Justice Council Advisory Group as a representative for Disability Action and agreed to attend today's meeting to provide members with an update on the issues covered in the report entitled; Progress Towards the Implementation of the UNCRPD in Northern Ireland. Ms Toman advised members that the findings in the report were not positive, progress has been limited and there continues to be barriers for deaf/disabled people accessing services. Ms Toman further issues such as lack of access to advocacy, lack of support for families with deaf/disabled children and lack of educational programs for deaf/disabled children around issues such as safety and consent. Ms Toman also highlighted some deaf/disabled have experienced issues with employment tribunals due to gaps in equality legislation in NI. Ms Toman also advised that some deaf/disabled people feel there should be a bespoke legal aid service for them to improve accessibility to the service.
5. Ms Whelan enquired how Disability Action are going to progress some of the issues highlighted today. Ms Toman advised that Disability Action have compiled a list of issues and shared with the executive office and the priority issues have also been outlined to the Strategic Advisory Board. The Chair thanked Ms Toman for attending today and outlining the issues for members.

## Covid-19 Business Continuity & Recovery

### Operational Update

6. Mrs Ward reported that the Courtroom Refresh Project has upgraded the audio and visual technology within 59 courtrooms, with a further 5 to complete by August 2022. The remaining 3 will complete once stock becomes available and access to the courtrooms can be secured thereafter.  
The next phase of this Project will start in September 2022. This will focus on the installation of Public Information Displays across our venues. Following the publication of the Digital Strategy in January 2022 work is now underway to develop the business case and high level requirements for the Future Core Solution which will replace the aging line of business systems and online services. It is anticipated that a competitive dialogue procurement will launch in Autumn 22 with award of contract expected early 2024. Other work being taken forward by this programme includes the procurement of a Judicial Portal and App to replace the current aging judicial intranet.
7. Mrs Ward advised that following engagement and agreement with a range of stakeholders, NICTS has commissioned NISRA to conduct independent qualitative research to help us learn from our experiences of using remote

technology during the pandemic. This research will help us understand what has and has not worked well, and to inform future technological and process improvements Findings will also be shared with the LCJO to help inform their ongoing work regarding the types of business where a remote or hybrid approach could work well. Invitations to participate in the research have been issued to a number of stakeholder groups and individuals, and the research will take place during June and July. Mrs McDaniel queried who the contact in the DoH was and Mrs Ward advised she would check and confirm that.

8. Mrs Ward updated members on the Probate Portal, which is continuing to receive positive feedback from staff, solicitors and personal applicants. Work is continuing on the development of new case management systems for the Official Solicitors Office and the Office of Care and Protection with a planned go live date of October 2022 and the Planning Appeals Commission and Water Appeals Commission have a indicative go live date of the end of June 2022. Subject to business case approval, a procurement is also due to commence for a new case management system for the Parole Commission.
9. Mrs Ward advised that following the disruption as a result of COVID a re-start of work on the North West Accommodation Project is planned for September 2022, which will include a revision of the Strategic Outline Case. In the meantime work on the Conservation Management Plan for Londonderry Courthouse is underway and early engagement with the local council and the Ministerial Advisory Group has taken place. Work is also progressing on the development of an Estates Strategy with a Principles Paper to be presented to NICTS SMT in June 2022. Within this programme, work is also progressing in relation to the RCJ Infrastructure Upgrade Project. An Internal Consultancy Team (AECOM) has now been appointed and initial work on the concept development and stakeholder engagement will commence in coming weeks. Work on the Old Town Hall Project is unfortunately in exception due to market failure when seeking to procure an Internal Consultancy Team, with alternative arrangements now being explored.

### Judicial Update

10. Mrs McMurray updated members that on the 15 February, the Minister of Health announced the revocation of the remaining COVID 19 restrictions and face covering regulations. The Minister, however placed a number of measures in guidance and stressed the importance that the public should continue to observe sensible measures to lower the spread of Covid-19 in the community. The Lady Chief Justice's Office issued updated guidance on the Judiciary NI website on 23 February 2022. The guidance sets out that Judges

will continue to only require legal representatives and those involved in proceedings to attend in person where it is directed by the Judge. Social distancing continues unless there are mitigations in place and it is anticipated that going forward “hybrid” arrangements will continue to be used. To ensure the benefits of using technology are built upon the Lady Chief Justice is developing guidance, in consultation with the judiciary and practitioners, to assist in promoting consistency and predictability of approach to the question of remote or in-person attendance.

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

11. Mr O’Connor advised that work to complete the evaluation of the FDAC pilot is in its final stages and it is hoped the evaluation will be published shortly.

#### Single Tier System

12. Mr O’Connor updated members that given the restrictions of the short mandate the Minister wanted to focus during the previous Assembly on actions which would deliver more immediate benefits for citizens or which would help set the framework for future reform. The single tier system was among matters which could not be progressed in that context. The reform programme is however intended as an evolving exercise and new actions are expected to emerge but next steps and priorities for the current mandate will necessarily be a matter for the incoming Minister.

#### DoH & DoJ Private Family Law Early Resolution Action Plan

13. Mr O’Connor updated members on the Action Plan and advised good progress continues to be made. A number of products being produced under the Plan are complete and being readied for launch or are being finalised. That includes 3D tours of a courtroom at each tier; a parenting agreement template and explanatory animation; a co-parenting guidance document and accompanying animation; and videos for Litigants in Person attending family court for the first time. Consideration is now being given to what might be achieved under the Action Plan in the context of the budget in the forthcoming business year.

#### Guardian Ad Litem (GAL) & Social Worker Resources & Reports

14. Mrs McDaniel advised members that There are serious pressures in regards to social worker shortages and it should be noted that these issues are replicated throughout all regions and across all court tiers. The DoH are aware of the resulting delays and informed members that the Trusts are

examining the factors which are contributing to this. It is hoped that the NIGALA review will provide further substantial information.

15. Mrs McDaniel added that in response to immediate workforce concerns, particularly in Children Services, the Chief Social Worker issued a workforce appeal to all social workers, social work students and social care staff on the NISCC register on 23rd December 2021. To date 1,289 individuals have responded to the appeal which was structured in a way that allowed people to offer even just a few hours of additional support for a few months and gave examples of the sorts of things people could offer that would be helpful to social work services. There has been an excellent response to the appeal from across the five Health and Social Care Trust areas, however as many of the respondents are already working but are willing to work additional hours, the appeal may offer some additional support to services at this time but will not address longer term staffing issues.
16. Mrs McDaniel advised that a workforce review for Social Work in Northern Ireland has now been completed. The report is available on the DoH website and has been shared with members in advance of today's meeting. In addition to highlighting the need for additional student places, the report makes a number of recommendations to improve the commissioning, recruitment and retention of social workers. A Social Work Workforce Implementation Board has been established to oversee the implementation of the recommendations and action plan from the Review and provide leadership and accountability for the development and stabilisation of the social work workforce. Membership includes Department of Health representatives, Senior Managers from the HSC Trusts, Probation, Education and Voluntary and Community sectors as well as key stakeholders, and staff representatives. The Board is chaired by the Chief Social Work Officer. The Board had its first meeting on 29 March 2022.
17. Mrs McDaniel added that the Department of Health continues to work with the Universities, NISCC and other partners to ensure that newly qualified social workers are aware of the importance of building meaningful, longer-term relationships with service users, and the value that is placed upon continuity of care, particularly when working with vulnerable children and families. As part of that process, a HSC regional recruitment drive has taken place in the past two years to attract newly qualified social workers into working in Trusts. The Trusts are currently undertaking a revised regional recruitment drive in an effort to maximize the flow of newly qualified social workers into vacant posts.

#### Expert Witnesses pilot scheme

18. Mr O'Connor advised members that positive signs continue to emerge from the Expert Witnesses Pilot scheme. Since the launch of the pilot in January 2021 the Authority has been used to appoint experts in 98% of relevant cases.

Work has now begun on a formal evaluation to help determine next steps including continuance and rollout to other court tiers and case types.

### Introduction of Domestic Abuse and Civil Proceedings Act 2021 in Northern Ireland (DACPA)

19. Mr O’Conner explained that section 28 of the DACPA, which provides a waiver of the usual financial eligibility limits for eligibility for civil legal aid, came into force on 22 February 2022. The Department expects learning from initial post implementation stages will enable the refinement over time of the evidence that can be used to demonstrate a victim’s eligibility. Progress has also been made on development of the section 29 Report on reducing the financial burden of Article 8 proceedings on domestic abuse victims. Mr O’Connor advised that following a tender exercise earlier this year a consultant has been appointed to advise on additional forms of support for victims of domestic abuse in private family law proceedings. The consultant has begun the process of stakeholder engagement to inform their work. Work is also ongoing to consider the legislative and operational implications of the prohibition of cross-examination by perpetrators. The Project Group co-ordinating implementation continues to make good progress and is working towards a target implementation date of November 2022.

### Review of the COAC Best Practice Guidance

20. Mrs McDaniel updated members on the COAC explaining that the Best Practice Review is to be undertaken in four phases and overseen by a Steering Group. Mrs McDaniel advised Phase 1 is a scoping exercise undertaken by subject matter experts, drawn from the social work and legal professions, to define the quantum of work; explore options to improve compliance with the guidance and format of the guidance; and provide the Steering Group with an outline work programme. Mr Peter Reynolds (social work) and Ms Grainne Murphy (legal) have been appointed as the subject matter experts. Phase 2 will be to review and agree the proposed work programme with a timescale of approximately 4 to 6 weeks. Phase 3 will be the development and will involve the delivery of the revised guidance and implementation plan. Monthly meetings will also take place between the Project Team and Steering Group, reporting progress against agreed milestones, the timeline will be informed by phase 1. Mrs McDaniel explained phase 4 will be delivery and will include the launch of the guidance, supported by an awareness plan and underpinned by an independent evaluation programme which should be reported upon no later than 18 months post-delivery. Mrs McDaniel advised the Steering Group is co-chaired by NICTS and DoH, with members from NICTS, DoJ, NIGALA and DoH in attendance.

21. Mrs McDaniel advised that as part of Phase 1 of the review, the Steering Group agreed to try to establish the extent of awareness of the COAC Guidance among professionals currently, and how often or widely it is used. To facilitate this a survey was held on Citizen Space from 18 February until 04 April 2022 and issued to relevant professionals. A total of 29 responses were received and responses are currently being analysed. A review of the current COAC Guidance was also conducted by subject matter experts from the legal (Ms Grainne Murphy) and social work (Mr Peter Reynolds) professions. Steering Group members from DoH and NICTS met with the subject matter experts week commencing 21 March to finalise this phase of the review.

#### Sub-committee on Delay in Public Law Children Order Proceedings

22. Mrs McMurray updated members on the work of the criminal investigations working group. The group has focused its efforts on addressing issues with the process for requesting information from the PSNI in related criminal proceedings. The group prepared the following draft documents, PSNI Disclosure Schedule, Pathway regarding PSNI Disclosure Protocol for Concurrent Care and Criminal Proceedings in Family Courts and Guidance to Practitioners Regarding the PSNI Disclosure Protocol for Concurrent Care and Criminal Proceedings in Family Courts. The drafts were approved by members of the sub-committee and presented to the sFJB on 25 April 2022. Members of the sFJB were content with the drafts and initially agreed that the target date for commencement of the new protocol should be 1 June 2022. This has been pushed back, to September to allow for circulation of the documents.

#### LIP Reference Group

23. Mr O'Conner updated members that the Reference Group continues to prove a positive forum for engagement. The latest meeting took place on 5 April. The focus continues to be on supports for LiPs in family proceedings but there is growing interest among LiP members for focus on McKenzie Friends. Work on the tools developed by the University of Ulster with funding from the Nuffield Foundation for LiPs in family proceedings, a pathfinder and website repository of information, has concluded, with a formal launch taking place on 13 April 2022. The Department is now in discussions with UU on funding for future maintenance and development when the Nuffield funding ends in July 2022.

## Open Justice

24. Mrs McMurray advised members that the sFJB are keeping a watching brief on the Family Division's Transparency Review in England & Wales its report was published in October 2021. The Transparency Implementation Group (TIG) is responsible for the management; piloting and evaluation of the implementation of the recommendations of the report, minutes from the group were shared with members. It is hoped that the outcomes may assist the DoJ in developing Open Justice recommendations for NI.

## Establishment of a Regional Care and Justice Campus

25. Mrs McDaniel updated members on the development and implementation of an integrated Care and Justice Campus for Northern Ireland, which is being taken forward by the Department of Justice and Department of Health. In line with the responses to public consultation, Ministers have now agreed to a governance arrangement, which will involve the Departments of Justice and Health co-chairing a Partnership Board to oversee the operation of the Campus, which will be characterised by sharing of services, facilities and spaces across the Lakewood Secure Care and Woodlands Juvenile Justice Centres and better co-ordinated and connected services in the community. Under the new arrangement, both Centres will continue to operate as separate entities. However, in future, any child admitted to either Centre can expect to receive a consistent standard of therapeutic care, underpinned by effective therapeutic planning and equal access to health, education and other services. Children and young people with experience of secure care and juvenile justice will be engaged on a co-design basis throughout implementation.
26. Mrs McDaniel explained that under the new Campus arrangement a new Framework for Integrated Therapeutic Care will be put in place across both sites. A consistent model of education and training will be developed and implemented across both sites and a new multi-disciplinary therapeutic service will be established and operate across both sites, managed by a Clinical Lead. This will complement and support wider health and care service provision across both sites; and a common set of operating standards will apply across both sites and will be used to guide joint inspections.

## Judicial Update

27. Mrs McMurray updated members on progress and advised that it had been hoped that a 'mock hearing' would test the third phase of the e-bundles pilot using Caselines following the settlement of the case to be used at the end of March. Unfortunately, despite the best efforts of all parties involved it was not possible to arrange a suitable hearing date before the end of term. The



Judicial Digitisation Steering Group considered that the lessons learned from the several training and demonstrations had been applied to the new practice direction and there was little benefit in prolonging the pilot at this stage. They recorded their thanks to the Caselines team and all parties involved for their efforts to date. Mrs McMurray advised that the new practice direction to encourage the use of e-bundles does not specify or depend on any particular software solution, but will deal with how a permitted e-bundle should be structured and lodged with the court. The direction will aim to standardise the submission and format of e-bundles received regardless of source to include the requirements of the judges using these. As noted at the last meeting, the use of e-bundles will largely be limited to those areas within the High Court where they are allowed for within existing practice directions or with the permission of the judge. NICTS are still exploring options for the secure storage of e-bundles, which will include a review of retention and disposal schedules for electronic documents. There are therefore no plans to extend the use of e-bundles beyond the High Court at this stage.

#### AOB

28. Nothing Arising

#### Next Meeting

29. The Chair stated that the next meeting would take place on the 7<sup>th</sup> November 2022 at 4:00pm.