

SHADOW FAMILY JUSTICE BOARD: FOURTH MEETING

TUESDAY 16 OCTOBER 2018 4.15 PM
JUDGES' ASSEMBLY ROOM

Attendees

Mr Justice O'Hara (Chair)
His Honour Judge Kinney
Master Sweeney
District Judge Gilpin
District Judge (Magistrates' Courts (MC)) Prytherch
Stephen Martin (Department of Justice (DoJ))
Peter Luney (Northern Ireland Courts and Tribunals Service (NICTS))
Paul Andrews (Legal Services Agency (LSA))
Michael Foster (Department of Finance (DoF))
Eilis McDaniel (Department of Health (DoH))
John Growcott (Health & Social Care Trusts (HSCT))
Patricia O'Kane (Northern Ireland Guardian Ad Litem Agency (NIGALA))
Louise Murphy BL (Family Bar Association (FBA))
Kelly Breen (Law Society LS))
Mandy Kilpatrick (Principal Private Secretary (PPS) to the Lord Chief Justice)

Secretariat: Christine Henderson (DoH).

ITEM 1: Welcome and apologies

Apologies were received from Peter Reynolds, NIGALA, Marie Roulston, HSCB and Martin Quinn, HSCB.

ITEM 2: Minutes of the last meeting

The draft minutes from the third meeting were approved with 2 changes:

Single Tier System – last sentence to read 'Kelly Breen advised the board there had been no significant improvements in transfer times.'

Registered Intermediaries – first sentence to read 'Feedback from Judicial training sessions was there were still issues to be resolved around the use of Registered Intermediaries in the Crown Court.'

ITEM 3: Review of action points

- ~ **Early Educative Programme and Mediation** –Mandy Kilpatrick advised that a PowerPoint Presentation 'Separated Parents Information Programme' had been received from District Judge Prytherch and circulated to SFJB members. The Chair noted that parents were being encouraged to attend mediation after separation with the aim of preventing matters going to court.

HE1/18/266549

Stephen Martin also advised that DoJ had secured in year funding for a pilot scheme working with DoH. He further advised that the aim is to have the pilot up and running before the end of March subject to there being no issues with the tender exercise.

- ~ **Journalist Accreditation & Reporting of Family Cases** - see Matters arising
- ~ **Registered Intermediaries** – Paul Andrews advised that a request for information regarding the issue of Interpreters had been circulated and no issues were raised. Following discussion it was agreed that Mr Andrews would recirculate the request.

The Chair noted that the judicial Crown Court training, which would address issue, will help inform its application in Family Courts.

- **Signs of Safety approach to child protection briefing** – Eilis McDaniel provided an update on the launch of Signs of Safety in June. She noted that the approach which was in the process of being rolled out across all Trusts will train 2500 social workers with the aim of achieving more face to face time with better outcomes for children. It was noted that Signs of Safety was raised at the Family Bar Conference at the beginning of October and that barristers and solicitors have received training.

The Chair advised that the next Judicial Training Event for family business was 21 March and he will consider if the agenda could include Signs of Safety.

Action: Chair to confirm with Deirdre McMahon if 21 March is suitable for Signs of Safety approach to child protection briefing presentation.

- ~ **Shadow Advisory Board** – see Matters arising

ITEM 4: Matters arising

Journalist Accreditation & Reporting of Family Cases

Mandy Kilpatrick advised that a meeting had taken place on 21 June with the Editors' Liaison Group to discuss Press arrangements for Family Courts. A High Court scoping pilot was agreed which would consider what can be provided to the Press while ensuring appropriate safeguard measures are applied. It is hoped to have this up and running after Hallowe'en recess. Ms Kilpatrick advised that there was a need to ensure clear protocols and particularly in the context of where any of the parties could raise an objection to Press attendance/reporting. The Chair noted that the scoping pilot will give journalists a better feel for what happens in family court and will help them to make informed decisions on an appropriate level of attendance. He further emphasised that while he is keen to develop a more open and transparent approach the Press must ensure the confidentiality of the parties.

Shadow Advisory Board

The Chair raised the matter of the Advisory Board that was to be established in support of the sFJB. He noted nominations had been sought however no arrangements had been put in place while the Board was in shadow mode. He further advised that Paula Bradshaw, MLA, had written to him regarding enforcement of Family Court Orders and he noted previous correspondence in this regard and the relevant recommendations in the Gillen Review.

Paula Bradshaw had also asked what provisions had been made in regard to implementation of the recommendation 164 relating to the recent findings of the University of Ulster (UU) report on litigants in person (LIP). The Chair advised that this was also an issue for the shadow Civil Justice Council (sCJC).

Stephen Martin advised that the DOJ had lead responsibility and that David Lavery had engaged with NI Humans Rights Commission (NIHRC) on this issue and a further meeting is due to take place at the beginning of November with both NIHRC and UU.

Following discussion it was agreed to await the outcome of those discussions but it was thought that it would be beneficial if NIHRC or a UU representative chaired a Reference Group for LIP that could then feed in to the work of the sFJB and sCJC It was agreed that a meeting of the shadow Advisory Board would be arranged after the next sFJB meeting.

sFJB members were content that the Chair should respond to Paula Bradshaw and that a meeting was not necessary.

Action: Letter from Paula Bradshaw to be circulated to members of SFJB.

NIGALA and Overview of Article 56 Appointments

Patricia O’Kane tabled a paper on a ‘Review of Article 56 appointments’ for discussion (Annex 1 attached). In summary the paper was to inform discussion with judiciary and stakeholders in order to address efficient use of Guardian and Social Work resources, i.e. timing of appointment, whether an appointment should be made, move away from routine appointment of a guardian at the time of an Article 56 report and address delays in concluding cases.

The Chair expressed concerns on how far the recommendations go and requested that a sub group meet to discuss and consider the paper prior to the next SFJB meeting.

Action: Louise Murphy, Kelly Breen, Judge Kinney, John Growcott, District Judge Prytherch, Patricia O’Kane to meet and consider ‘Review of Article 56 appointments’ paper and report back to next SFJB meeting.

Loughinisland Centre

The Chair noted the concerns about special needs children being sent to specialist units in Great Britain and Republic of Ireland along with the impact should a child not agree to move outside this jurisdiction. Eilis McDaniel confirmed the additional impact on costs including the facilitation of parental contact social workers visits. The Chair provided information and all welcomed a proposal to open a home in Loughinisland, which it is understood will take referrals from January 2019. Kelly Breen also advised of a 2nd centre being opened by MACS in Dundrod which can take 3 children.

Family Drug and Alcohol Court (FDAC) Update

Stephen Martin provided an overview of the FDAC model and advised that the pilot had started 12 December 2017 with funding in place until 31 March 2019. To date 13 families had been involved comprising 16 parents and 25 children. He further advised that the next steps include plans to evaluate the pilot (it is considered 25 families are required to enable an effective evaluation) and the possibility of extending it beyond March 19 and perhaps to another trust area. It was noted that while initial intervention costs have been high the impact of a dedicated team is considered beneficial. It was also noted that realising longer term benefits with projects that have upfront investment and short timescale are important.

Action: Stephen Martin to provide further update on FDAC at next meeting of SFJB

Review of 'Guidance on Instructing Experts' in Public Law Proceedings

Kelly Breen spoke to a paper on the review of 'Guidance on Instructing Experts' in public law proceedings tabled by Peter Reynolds, NIGALA (Annex 2 attached). She advised that the Legal Services Agency and Law Society sub-group including NIGALA met on 25 July to look at current protocols and the delay in getting expert reports. A reworked guidance document was discussed at a meeting on 8 October and further enhancements are to be incorporated before a final draft is made available for the next meeting of the SFJB.

Action: Kelly Breen/Peter Reynolds to table final draft of revised 'Guidance on Instruction Experts' at next SFJB meeting.

Further discussion followed on experts either not releasing reports until payment is received or experts seeking an upfront payment of 20% before initiating any work. Paul Andrews advised that payment cannot be made in advance for reports related to family proceedings as the statutory threshold needs to be met before a solicitor can claim. The impact on case progression and the limited availability of experts was discussed.

Paul Andrews undertook to review this matter further and report back at the next meeting.

Action: Paul Andrews to gather further detail including the number of experts currently used.

Amendment to Terms of Reference

It was agreed to amend the Terms of Reference to reflect that the timeframe for publication of minutes is within 6 weeks of their approval.

ITEM 5: Next Steps

Covered in Matters Arising

ITEM 6: Any Other Business

The Chair noted that correspondence had been received from Ms Emma Little Pengelly MP relating to a model framework for paternal contact. It was agreed that he would respond and highlight matters of interest at the next meeting. No other business items were raised.

ITEM 7: Date of next meeting

The next meeting of the Shadow Family Justice Board will take place on Wednesday 23rd January at 4.15pm in the Judges' Assembly Room, Royal Courts of Justice.