

# SHADOW FAMILY JUSTICE BOARD ADVISORY GROUP

## Minutes

The fourth meeting of the Advisory Group took place at 2.00pm on 12<sup>th</sup> August 2021 via Webex Video Conferencing.

### Attendees:

Mandy Kilpatrick (PPS to the Lord Chief Justice) Chair  
Karen Ward (NICTS Chief Modernisation Officer)  
Mairead McCafferty (NICCY)  
Joan Davis (Family Mediation NI)  
Dr John McCord (Ulster University)  
Judith Brunt (HSCNI)  
Eamon O'Connor (DOJ)  
Kim Elliott (OLCJ)

### Secretariat:

Julie McMurray (OLCJ)  
Ashleigh Woods (OLCJ)

1. The Chair welcomed everyone to the meeting and thanked members for their attendance. She extended a warm welcome to three new members: Karen Ward (NICTS), Eamon O'Connor (DOJ) and Judith Brunt (HSCNI). The Chair recorded her thanks to outgoing members for their contributions to the group.
2. The Chair updated the group that Mr Justice McFarland has been assigned as the new senior family judge and Chair of the shadow Family Justice Board, following the appointment of Mrs Justice Keegan as the new Lady Chief Justice to be sworn in on 2<sup>nd</sup> September 2021.

### Apologies

3. Apologies were noted from Eilis McDaniel (DOH), Natalie Whelehan (NSPCC) and Ann Shaw (NSPCC).

### Minutes of the sFJB – Advisory Group Meeting on 17<sup>th</sup> May 2021.

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

## Covid-19 Business Continuity & Recovery

### 5. Operational Update

Mrs Ward reported that there has been a significant amount of data that allows for the monitoring of court business. The analysis shows the business recovery levels attained so far, with around 10% more cases coming into the Family courts (Children Order, Family Homes & Domestic Violence, Divorce, Wardship & Adoption) and around 20% more cases now being dealt with when compared to the period immediately prior to the first lockdown.

The NICTS Modernisation Programme has been accelerated by the challenges faced during Covid-19 and has fully supported the pace of change required to keep the courts operational remotely. Royal Courts of Justice is presently being updated. By working closely with the judiciary, justice partners and the legal profession, and listening to user feedback during this period, a number of changes and enhancements to improve the technology available in courtrooms and tribunal hearing rooms have been implemented:

- Virtual and bandwidth capacity has been significantly increased - every court and hearing room being used across the court estate now has the ability to hold remote or hybrid court hearings using video conferencing technology. Further enhancements are being implemented such as breakout areas in WebEx and improved views on Sightlink, and other video conferencing products are being reviewed.
- Remote hearings have proven effective in a number of ways - reducing footfall within our buildings, more effective use of court time as well as reducing waiting time, traveling time and costs for many participants. NICTS wish to build on the benefits established during the Covid restrictions and use them as a basis for further modernisation. The continued availability of live link provisions across all business areas is critical to the courts and tribunals ability to continue to conduct business at a level and pace that will maintain the recovery progression. Operationally there is a real desire to retain and extend live-link provisions beyond March 2022, which is being taken forward by DOJ.

6. The Chair explained that the Lord Chief Justice has continued to liaise directly with his counterparts in UK. It is anticipated that hybrid hearings as a default position will continue to be a feature of court business for some time, as will administrative case management. This approach will be influenced by the nature of the hearing with final determinations and sensitive business more likely to require physical hearings, however the number of attendees coming to court will

need to be considered, together with the option for professional witnesses to attend remotely.

7. The Chair noted that the continued usage of the hybrid model is essential to business recovery, and with the advancements of technology, this area would be a relevant topic for modernisation going forward.

Nuffield Family Justice Observatory (NFJO) Report – Impact of Covid

8. The Chair explained that the President of the Family Division commissioned the NFJO to undertake a rapid consultation in England & Wales to inform the post-pandemic recovery plans of the family courts - this report has been issued to the Judiciary, the sFJB and the sFJB Advisory Group members.

She explained that the report centred on the viewpoints of the continuation of using remote courts. Many saw a role for certain types of remote hearings, with decisions made on a case by cases basis, taking into consideration the vulnerability of parties and their wishes and views, the complexity of the case, and whether there was access to technology for all participants. Concerns were raised over challenges facing some litigants in person. It was noted that all practitioners highlighted the positive impact of remote hearings on their time and working patterns. Some concerns were raised regarding the parents' ability to fully participate.

Ongoing pressures were noted, pandemic issues caused specific delays, such as technological problems, adjournments because an in-person hearing was required, problems of communication between parties and their legal representatives, and reduced opportunities to assess children and families. Pre pandemic issues have been exacerbated in terms of resources, capacity, limited judicial/court capacity, delayed expert assessments and participants being late to join proceedings.

9. The Chair advised that similar lessons had been learned from our own experiences in NI. It is understood that the process was less than ideal in the early stages, but , alternative procedures had to be implemented quickly to ensure the justice system was operational and in line with Public Health advice. With the analysis of this report, there is a desire to take the positives and embed them in our new way of working, while ensuring avoidance of those that did not work as well.

Dr J McCord advised that similar findings were reported by the University of Ulster (UU) in their report on the impact of Covid in NI which was more of a snapshot in time, shared with the Minister, DOJ and NICTS. Dr McCord wished

to express his commendation to staff across the justice system on their resilience during a difficult time. He noted that this will have pushed on the modernisation programme, and with some minor improvements the system will be useful for all involved.

10. The Chair agreed that there is a real need for further modernisation, noting the Justice system had reacted quickly to a new way of working. The significant issues raised at the beginning of remote hearings were challenging for all parties. Legal representatives reported benefits from being able to cover more business due to attending remotely, but were concerned that some parties did not take the remote hearing as seriously as physical attendance in court, or faced interruptions due to IT issues. More recently legal representatives are signing in via the Bar Library which works more effectively. The Chair highlighted that although many issues have resolved we cannot lose sight that there is a requirement for the personal touch when dealing with sensitive family issues, parents need to be heard and feel that their views have been taken into account, regardless of the outcome.
11. Mr O'Connor asked whether the remote hearings had sped up justice delivery. The Chair explained that effectively more Judges had been assigned to manage the family courts by hybrid means. While statistical information was being collated from 2019 onwards to provide a clear comparison on business operations, she noted that family courts had quickly resumed a high level of business and it is hoped that the extra resources could be retained as long as necessary. Mrs Davis highlighted that some parents were under the impression that there was a significant delay in getting their cases listed, possibly three to four months before a first court hearing date for contact was set. More legal representatives seemed to be referring clients to Family Mediation NI in the first instance to try and resolve matters due to the perceived delay in the court system. Dr McCord thought that it may not be that there is a delay in listing but more delay faced in terms of Court Children Officer (CCO) referrals with children on waiting lists for a significant period, at present it may be difficult to resolve this issue. Mrs Elliott explained that issues with social work and guardian resources had been raised at the substantive Shadow Family Justice Board meeting, and judges had agreed that shorter focussed update reports could be submitted where this would help move the case on. Case management was also being completed administratively by judges without the need for hearings where appropriate, however when the statistical information is compiled it will give a clearer picture. The Chair highlighted that internal targets for listing had been reached and that if extra time is required in any given step, it is assessed and approved by the Judge when required.

12. Mrs Davis felt that there was still a perception was that the courts were closed and parties did not seek legal representation which was positive in encouraging more parties to engage in pre-court mediation, and may help reduce court backlogs. She was concerned however about the need for court intervention in particular for fathers, who were prevented a relationship with their children, where the mother did not engage, as in these cases mediation is not suitable.
13. Dr McCord at this junction wished to highlight that when he ran comparisons in his report he found that those parents who had representation were more dissatisfied with the service they received, than those who represented themselves and dealt directly with the court. The Chair acknowledged the frustration felt by the parties involved, and hoped this would improve as legal administrative staff on furlough returned to offices to assist practitioners with court documents, etc. Both the Chair and Mrs Elliott expressed an interest in the analysis of data which Dr McCord observed,

**ACTION: Dr McCord offered to provide this to the Secretariat at a later date.**

### **Problem-solving Courts**

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

14. Mr O'Connor explained that the evaluation is being developed with pro bono support from the academics at QUB, which has continued to be impeded by pressures caused by the pandemic. DoJ is continuing to liaise with QUB to try and bring the evaluation to a conclusion and will share information emerging as soon as possible.

**ACTION: Mr O'Connor to share evaluation with secretariat for circulation when available.**

### **Single Tier System**

15. The Chair explained that DoJ reported they have begun work on developing a consultation paper for Ministerial consideration, but the timing was subject to Minister's priorities and there is no further update for the group at this time.

### **Voice of the child and vulnerable adults**

#### **Signs of Safety (SoS)**

16. Mrs Elliott advised that in February 2021, Mr Leeson, Health and Social Care Board (HSCB) gave a helpful presentation to the sFJB on SoS. He outlined the broad aims of SoS and the supportive rehabilitation and early intervention models in care planning were positively noted by members, as long as outcomes were closely monitored and evaluated. The Chair had highlighted that it had

been reported that initially Judiciary were not made aware of the SoS model and when it had been used within cases coming before them, but were encouraged by the roll-out of the programme. Mr Leeson also offered to return to the sFJB and provide further feedback as matters progress.

17. Mrs Brunt further explained that SoS was the best practice guidance in working with children and parents/guardians, explaining to children why they need to be in care and highlighting any dangers. There is a requirement to evaluate the initiative which should commence at the beginning of December 2021. There has been very positive collaboration with Tusla in the Republic of Ireland, with the ability to contrast experiences, unfortunately impacted by Covid, but there is a comprehensive training plan. Work is ongoing and the health professionals are aware of the importance of engaging with the Bar and Law Society. Mrs Elliott noted that sFJB legal practitioner members reported positive engagement.

#### Guidance and training

18. The Chair referred to the high-level report from the Gillen Review Training Group dealing with serious sexual offences which noted potential areas of mutual interest to family practitioners.

Geraldine Hanna, the Chair of the Group has been invited to attend a future meeting of the sFJB to provide a briefing on their work.

#### **Resolutions outside court**

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

19. Mr O'Connor explained that the Joint DoJ/DoH Private Family Law Early Resolution Action Plan (the Plan) was considered by the Committee for Justice on 15<sup>th</sup> April 2021 and launched by the Ministers on 5<sup>th</sup> August 2021. The Plan has two aims, to support parents to resolve disputes outside court wherever possible and to support the early resolution of disputes which do come before the courts. This is envisaged as an evolutionary exercise, with early actions informing decisions on how the Departments might best support separating parents in the future. A number of information tools and initiatives for parents will launch in the coming months following engagement with stakeholders. For example, plans are underway for a forum of a mediation pilot where the discussion will help shape the pilot and inform the tender process.

20. Mrs Davis said she was glad to see a plan of action in this area albeit some four years after Gillen recommended it. She highlighted some areas for accuracy eg Citizens Advice NI is now Advice NI. Mrs Davis also emphasised the role of Family Mediation NI in developing early intervention services over the last 21 years with policy makers in DOH; adding they have been providing mediation services in conjunction with the DOJ/HSCB since 2009, their current contract

having most recently been awarded in 2018. Ms Davis sought clarity over the mediation 'pilot' that Mr O'Connor referred to, querying was it in-court or early intervention when in the court system which would maybe help to prevent the matter going further into the court process - as it could not be pre- court as this was already provided for. Mr O'Connor stated that he would seek clarification and provide this to Mrs Davis and the members.

**ACTION - Mr O'Connor to provide information in regards to the mediation pilot scheme referred to in the Action Plan.**

21. Mrs Davis explained that early intervention is not for all parties, there has to be a willingness to engage and an overall understanding of the need for compromise. From her experience, working with the right service can provide the stability and support that is required - for example therapeutic support instead of mediation. Mrs Davis suggested that the language used should be re-considered to ensure accuracy and transparency for the public to be able to comprehend it. She felt parents may not relate their high conflict situation to Alternative Dispute Resolution (ADR) as a 'legalistic' title did not make clear it was 'mediation', however she is looking forward to engaging in this initiative.
22. Dr McCord also welcomed the Plan, and agreed that this was long overdue and will bring us into line with England & Wales. He noted his research underlined that plain English is a must as legal terms such as ADR are not understood. Dr McCord went on to state that DOJ's animated video will be embedded into the UU website for Litigants in Person (LIP). He emphasised the need for close working on early resolution, with increased focus on mediation - aiding parents to make agreeable decisions without going into court. He said these can be inbuilt into the pathfinder tool which will encourage engagement without having to enter the judicial system, which could help to triage Family Proceeding Cases at an early stage and divert those that are suitable towards mediation, even 'at the door of the court'.
23. Mrs Davis informed members that the FMNI early intervention team also take referrals from court which are treated separately from privately funded cases. She felt it would be beneficial if cases were referred earlier to prevent being in the system too long as parties then become entrenched and mediation services will not provide a positive outcome where they come to the service too late. Therefore, for the benefit to be felt by parties, there should be early engagement of parties; GAL's/parents/Social workers etc. Mrs Davis highlighted that change was slow and felt more could be done collectively.

## **Public Law System**

### NIGALA Subject Access Request (SAR) Protocol

24. The Chair reported that NIGALA are drafting a new protocol between the Judiciary and themselves to speed up the process when they receive a SAR request. As this includes court reports submitted by the GAL, typically they would require judicial permission to release the report. The protocol will be considered when the NIGALA board meets in September, and should not have any impact on the courts.

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

25. The Chair highlighted that at the last sFJB meeting, serious pressures were reported in regards to social worker shortages and Article 56 appointments, noting the difficulty in filing reports within the statutory 8 weeks. These issues seem to be replicated throughout all regions and all court tiers. The Health Trust and Executive Directors have been looking into staff shortages, taking into account the courts' concerns. It was noted that there is a greater volume of paperwork associated with children's courts in comparison with adult services, and this may be a deterring factor for new staff. There has been particular issues in recruitment and retention of staff. It was discussed at the sFJB that it may be helpful to hold a multi-disciplinary conference seeking engagement from social workers, which could energise support for CCO's, dispel fears and discuss the expectations within a court setting.

As discussed previously the judiciary are keen to deal with cases as quickly as possible and alleviate the pressures felt by the Children's Court Officers and Guardians and have permitted shorter written reports or oral updates where appropriate.

26. The Chair also highlighted that the sFJB have agreed that the issue of Article 56 appointments are to be included in the review of the COAC Best Practice Guidance going forward.

### DOJ Expert Witnesses pilot scheme

27. Mr O'Connor explained that a Pilot for general authority for legal aid to engage expert witnesses was launched on 25 January 2021 in Family Proceedings Courts, while still early days it is starting to show positive results. From launch until the end of April, the General Authority (GA) was used 35 times for DNA and drug and alcohol tests as well as psychiatric and psychological reports; 19 of these were in April itself showing that familiarity with the scheme was increasing amongst the profession. DOJ have been working with the Legal Services Agency



(LSA) to improve communication with legal representatives who may be unaware of the system and how to apply it. With a greater uptake over time more evidence can be gathered to inform future development. Issues can be addressed through the LSA's monthly key messages to practitioners. DOJ will continue to monitor practice on an ongoing basis.

### Interim Care Orders (ICO)

28. The Chair explained that DoH are planning to consult on revising timescales for ICOs. sFJB members noted that views expressed through the Access to Justice and Family Justice reviews and also the Care Proceedings Pilot were mixed on these proposals, yet the majority were supportive of a legislation solution to address any areas of concern. In practice, this would remove the requirement for the ICO to be reviewed after the initial eight weeks and every four weeks thereafter. DOH felt this could alleviate some of the delay within Family Courts which has been exacerbated by the pandemic. Following the review of the 2011 Family Justice Review (England and Wales) a statutory time limit of 26 weeks was introduced for the disposal of care proceedings, and interim orders, once granted, now last until the disposal of proceedings.

29. The Group were advised that sFJB members considered that it would be difficult to reach a consolidated view on this matter but noted that, subject to ministerial consent, the DOH plan to undertake a targeted consultation on the subject in the autumn to which members could respond.

### **Private Family Law**

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

30. Mr O'Connor advised that the [Domestic Abuse and Civil Proceedings Act \(Northern Ireland\) 2021](#) was enacted in March 2021. A significant amount of work is required to support implementation of the family justice provisions in the Act. The framework requires a timetable to commence provisions around the offences, expected by early 2022, including the procedure for court rules to be prepared for consideration by the Rules Committee, and technical changes to court IT systems. Provisions governing prohibition of cross-examination of victims requires regulations and development of operational arrangements before these can be implemented. DOJ also requires to undertake further consultation on other evidence of domestic abuse that would trigger an automatic prohibition on cross-examination in person.

31. Mr O'Connor also stated that DOJ is taking steps to progress the legal aid financial eligibility waiver for victims of domestic abuse provided for by section 28 of the Act. A strategic outline business case considering options for implementation of the waiver has been developed and is currently awaiting Department of Finance approval. Subject to the outcome of that approval process, the next step will be to engage with stakeholders on the implementation of the waiver, in particular to explore how victims of abuse can best be enabled to demonstrate their eligibility for the waiver, with a view to introducing the waiver alongside the provisions of the Act relating to the domestic abuse offence. This engagement will also provide a foundation for work on the report required under section 29 of the Act, considering potential additional forms of support for victims of abuse.

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

#### Review of the COAC Best Practice Guidance

32. The Chair explained that sFJB consider that a substantial over-arching review of the COAC Best Practice Guidance is required as a priority. Mrs Ward confirmed that DoH, NICTS and DoJ have agreed to take this forward, and are exploring resources and funding. A group of stakeholders is to be identified in the first instance to determine which areas of the guidance required updating. The second stage of the project would then be to consider resource and procurement issues and to explore options as to how the required work could be carried out. It was noted that involvement of the legal professions would be important and a nomination for a Bar representative was being sought. A timeframe is yet to be put in place - a meeting has been scheduled for late August 2021.

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

33. Mrs Elliott advised that Judge Kinney chairs a sub-committee on delay in public law cases focussing on the causes of chronic delay existing prior to the onset of the pandemic. Progress has been hindered by a lack of available case information and analysis will require manual interrogation of a dataset of cases by Trust and NICTS staff which could not be undertaken at the beginning of the year due to current pressures. Mrs Elliott identified that the group have ran into issues in relation to the electronic data sets as there is insufficient detail. It was hoped that plans for NICTS Digital Modernisation would provide better and more accessible information in the not-too-distant future. Mrs Elliott explained that the sub-group were also looking at delays arising from criminal investigations and liaising with the PSNI to revise the existing protocol for requesting information. Disclosure was one of the principle causes of delay and particularly impacted upon cases where non-accidental injuries or non-molestation orders were involved. It was suggested at the last meeting that it may be helpful if the joint protocol for concurrent care and criminal proceedings could be re-energised, to fine-tune the detail in the first instance, before making it consistent common

practice in all tiers. The sub-committee's working group dealing with those criminal investigations has produced a draft template for requesting information from the PSNI and is now being further refined by members. A review of the joint protocol has also been discussed by the working group. The group is due to meet again in September.

34. Dr McCord queried whether there was any initiative to allow for the joining of data sets from various organisations even for statistical purposes. If the DOJ, DOH Police shared information on individual cases there would be a clear transmission of data. He advised of such an initiative in Wales which gave academics access to the SAIL (Secure Anonymised Information Linkage) dataset, and further indicated that the University of Ulster (UU) might consider such as a future project. The Chair was unaware of any such initiatives here on the family side, but mentioned the Causeway Project was particularly successful for data-sharing within criminal agencies and lead to successful case management within the court system. Mrs Elliott agreed, but thought an initiative of that scope would need a common IT database at its core which could support data-sharing operationally, based on up-to-date 'real-time' information,. Mrs Ward hoped the issues could be explored by NICTS as part of the modernisation programme, adding that there is a need for greater sharing of information electronically with cases being heard remotely.
35. Dr McCord suggested that the database of information would be a dataset that brings together information from Government Departments, Public Bodies and the NHS with input and advice possibly from NISRA, which has provided UU with data in the past for written papers on social science concepts on an individual, and high level, basis. The information was highly beneficial - for instance when looking at litigant in person mental health issues by having the complete dataset the UU were able to link the adults and child in some cases which provided interesting collective outcomes. He suggested UU may be able to evaluate digital development and how to collect the data, which would allow for better integration.
36. The Chair noted that this was an extremely helpful discussion and one which would be looked into further; she requested that Dr McCord keep the group informed on the UU's paper on proposals for sharing data.

## **Other Areas**

### **Litigants in Person (LIP)**

37. Mr O'Connor explained that the reference group was now made up of 8 LIP and 8 other stakeholder representatives, who last met on 8<sup>th</sup> June 2021. They have continued to engage with the NICTS in improving the service for LIP in terms of the modernisation programme. Professor Grainne McKeever has recently been appointed to the NICTS Stakeholder Advisory Group. Ms Mulhern, the Chair of

the LIP reference group gave a presentation at the last sFJB meeting and informed the members that the work of the group can be distilled into three of ten key themes: identifying practical steps to make the court easier to navigate for LIP; finding ways of building a greater mutual understanding, and providing an effective vehicle in allowing LIP to be heard. Progress to date has included visits to courthouses to identify difficulties with navigation and suggest possible solutions to NICTS. The group has also been working closely with NICTS regarding digitisation to assist LIP.

38. Mr O'Connor described the partnership with DOJ and the University of Ulster and how they are continuing to develop a new website called 'Litigant Voice' which will include updates of the reference groups meetings and a range of information services for LIP. Dr McCord had circulated the relevant links to members demonstrating the online navigation tools being developed following the last meeting. Mrs Elliott said she had found these to be very intuitive and helpful and had shared the tools with the NICTS Modernisation Programme Manager. Subsequent to this, Dr McCord met with DoJ to discuss the document assembly tool, template tool and NavTool for LIPs in private family law proceedings.

39. Dr McCord has further developed and refined these tools in parallel with work on the LIPNI project and the new family court information section of the UU website. He explained that they have just obtained feedback from NICTS and design group users on the website, animations and prototype of the Pathfinder tool which they hope to launch in early autumn.

## **Other Business**

### Open Justice

40. The Chair highlighted that the sFJB are keeping a watching brief on the Family Division's Transparency Review in England & Wales which is due to be published October 2021 and ensured that this will be circulated to members once available.

### Establishment of a Regional Care and Justice Campus

41. Mr O'Connor explained that the Review of Regional Facilities for Children and Young People made it clear that the needs of children and young people involved were not being well served by having two separate systems which saw many of the same children experiencing frequent moves between facilities. DoH & DoJ are committed to developing a needs-led model of practice in the Secure Care Centre

which clearly identifies risks and mitigation measures necessary to deal with these more appropriately. Discharge plans for the Secure Care Centre will ensure that each child admitted will have a plan in place to support discharge and resettlement back into the community and that planning for discharge/ transition will begin from the point of admission, and will be regularly reviewed.

42. Mr O'Connor continued to explain that both Departments acknowledge that further detail is required as to how the Care and Justice Campus (the Campus) will operate in a coordinated way and the specific nature of any satellite provision as part of the Campus. To help develop the necessary detail, work is underway to map existing services along a continuum of care, from early intervention through to the time when children and young people leave the Secure Care Centre.

43. Mrs Brunt highlighted that DOH are working on the plans for joint care, taking into account both children from Justice and those subject to a secure article 44 care order. She advised that an ambitious consultation has just been launched following Ministerial approval. Mrs Brunt wanted to explain that the spirit of the Campus was based on need not deed, and as such the high number of children that are currently looked after will benefit from wrap-around external support system providing pre and post care services. The Chair agreed that this was a positive initiative, aiming actively to ensure the child has that care structure and therapeutic support that they need to live as part of their community.

#### Judicial Update

44. The Chair explained that an early digital benefit brought about by Covid was the impetus to move more quickly towards paperless courts, particularly for remote hearings. Mrs Elliott explained that the first step towards this was the e-bundles pilot in High Court to support the sharing of court papers electronically in civil and family cases - the aim of the pilot was to test usability and help inform specifications for a future technical solution which would be accessible by all.

She explained that first stage of the pilot used the Bar's Optimised Brief & Bundling Service (OBBS) which had been designed as a service for their members. Four cases were successfully piloted between mid-April and end June in the Family Division, Commercial Hub and Chancery Division of the High Court. Mrs Elliott highlighted that the initial feedback from the judiciary and legal profession has been largely positive with a few minor issues which will be considered for future cases. The over-riding comments depict a service that will greatly improve efficiency, cost and time, while the issues are mainly around time deadlines and the ability to upload documents / instructions, which most expect, with practice, would decrease.

45. The feedback collated is being evaluated and this will highlight any lessons learned which can be applied to further pilot hearings. Mrs Elliott advised that in the coming term NICTS hoped to arrange testing with two further e-bundling providers to maximise learning opportunities and see what is possible. At this stage the plan is to focus those tests on interlocutory / case management matters in High Court proceedings where hearing bundles are most used to help refine requirements for NICTS to take forward to find the most suitable solution for all users.

#### Any Other Business

46. The Chair advised members that the Chief Justice and Minister of Justice has agreed that the shadow Family Justice Board would continue to be chaired by a judge in its current format, until such times as the recommendation for an Independent Chair could be achieved. This was reflected in the Civil & Family Justice Modernisation Plan which had been recently published.
47. In terms of this advisory group, the Chair acknowledged the lengthy agenda and the time since the last meeting which meant there was a lot of information given orally. She suggested that a brief written report is circulated to members providing a full update in advance of future meetings, which will allow members

a chance to digest and deliberate on matters which they wish to seek further clarity from the respective representative at the meeting.

48. Dr McCord agreed that this would allow him to digest the material fully and review across the board, and when at the meeting this would ensure that the meeting is more focused. Mrs Davis agreed that anything that could focus the group would be very helpful. All members agreed to the new format going forward.

49. The Chair hoped that together members will continue to review this process to enable the group to use their time more efficiently, and allow for comprehensive messages or suggestions to be fed back into the sFJB going forward.

50. Mr O'Connor wished to inform the group that the consultation for the introduction of standard legal aid fees in children's cases will close on 24<sup>th</sup> September 2021. He stated that the consultation is live on the website at present if any parties wish to respond.

#### Next Meeting

51. The Chair stated that the next meeting of the sFJB is scheduled for mid-October and it is anticipated that the Advisory Group meeting will be convened before the end of the year – a date is to be confirmed.