

# SHADOW FAMILY JUSTICE BOARD

## Minutes

**Minutes of the Nineteenth Meeting of the shadow Family Justice Board (sFJB) held on 20<sup>th</sup> June 2024 at 4.15pm in Judicial Assembly Room and via WebEx video conferencing.**

**Attendees:** Mr Justice McFarland (Chair)  
Judge Crawford  
District Judge (Magistrates Court) Prytherch  
District Judge Logue  
Master Sweeney  
Master Wells  
Bronagh O'Reilly (DoJ) on behalf of Steven Allison  
Dawn Shaw (CCGANI)  
Tom Cassidy (HSCT)  
Judith Clarke (LSA) on behalf of Paul Andrews  
Bláithin Cleland (Family Bar Association)  
Janice Spence (Law Society)  
Catherine Cassidy (HSCNI) on behalf of Brendan Whittle  
Debbie Maclam (LCJO)  
Roisin McCabe (LCJO)

**Secretariat:** Michelle Hanna (LCJO)

1. The Chair welcomed members to the meeting.

### Apologies

2. Apologies were noted from Steven Allison (DoJ) Bronagh O'Reilly attended on his behalf, Brendan Whittle (HSCNI) -Catherine Cassidy attended on his behalf, Paul Andrews (LSNI)- Judith Clarke attended on his behalf, Eilis McDaniel (DoH), Karen Ward (NICTS), and Michael Foster (DoF).

### Minutes of the sFJB meeting on 28<sup>th</sup> February 2024.

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

### Business Continuity, Recovery & Modernisation

#### LCJO Operational Update

4. Mrs Maclam advised members there was no change to the [guidance](#) issued on the Judiciary NI website on 6 November 2023.

5. Mrs Maclam provided an update on business recovery for the period January to March 2024 noting a decrease in the sittings, applications received, applications disposed and average waiting times for both public and private law.
6. The Chair noted the significant increase in public law cases being received with 1,000 public law cases received in 2023 and 3,632 private law applications.

### **Judicial Modernisation**

#### **Vision 2030: Judicial Advisory Group (JAG) and E- Bundles**

7. Miss McCabe advised members the focus of the last meeting of the JAG centred around the use of e-bundles and consideration of how best to proceed.
8. Miss McCabe informed members the Lady Chief Justice continued to encourage the Judiciary and legal profession to make greater use of e-bundles. Noting uptake on using e-bundles continued to be disappointing in the statistics for January to April 2024 monitoring period and invited members to provide feedback.
9. The Chair agreed that e-bundles were necessary and beneficial, but no-one has started the process. The Chair advised that judiciary would require more computer hardware in order to use the e-bundles, Miss McCabe advised that this would be fed back into the reform team for consideration.

### **Modernisation update**

#### **Service Modernisation Programme Update**

10. Mrs Maclam advised members the evaluation of final tender submissions were now complete and there is a green light for gateway review. Themis work was continuing and was likely to commence with small claims.

### **Estates Programme**

11. Mrs Maclam informed members various business cases were proceeding, and Themis and Estates are included in the Departments Modernisation Bid which had been submitted.

### **The Mental Capacity Act Judicial Liaison Group.**

12. Master Wells informed members that the next meeting of the Mental Capacity Act Judicial Liaison Group is scheduled for Wednesday 26<sup>th</sup> June 2024 at 4pm.

### **Problem-solving courts**

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

13. Ms O'Reilly advised the position remains the same and next steps will be determined by the Minister in due course.

## **Resolutions outside court**

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

14. Ms O'Reilly advised members consideration continues to be given as to what might be achieved within the current budgetary constraints and potential options will be considered by the Minister in due course.

## **Public law system**

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

15. Ms O'Reilly advised members the next steps will be informed following the call for evidence which has been extended to 21<sup>st</sup> June 2024. Ms O'Reilly encouraged members to contribute either through the call of evidence questionnaires or a more general submission.

### **Children Court Guardian resources**

16. Ms Shaw advised members pressures continued within the Agency and an increased number of public law applications contribute to those pressures. The Agency currently have 154 unallocated cases involving 279 children and young people and 61 high priority cases. Ms Shaw confirmed that 6 staff have been appointed and are now in post, however, are not yet at full caseload capacity.

17. The Chair queried if a business case would be required for additional staff. Ms Shaw advised that no additional resources are being allocated, however, staff pressures and conditions would continue to be highlighted at the Agency's next meeting in July 2024.

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

18. Ms Shaw advised members the guidance has been revised and circulated and solicitors continue to be appointed once directed, the Agency are aware of the challenging scenario with unallocated cases.

19. Ms Shaw informed members that an Agency Assistant Director retired at the end of April 2024, and another is due to retire at the end of July 2024 which may cause additional pressure.

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

#### **CCGANI Review Pilot**

20. HHJ Crawford advised members the CCGANI Review Pilot draft report was at the final stage and is due to be signed off and an update will be available at the next meeting.

### Working Group on Disclosure

21. Judge Crawford advised members the Working Group on Disclosure has produced the first draft of the Practice Direction with thanks to Ms Cleland. The Working Group is due to meet again next week, and it is hoped that progress will be made before the end of term.

### Social Worker resources

22. Mrs Maclam provided an update in the absence of Ms McDaniel informing members that pressures continue, and the departments safe staffing project would be beneficial and the 2-3 year targeted approach will help to provide stability although staff pressures are likely to continue.

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

23. The Chair advised members the work-to-rule was having a considerable impact and asked Mr Cassidy what was the understanding of NIPSA's directions. Mr Cassidy updated members that NIPSA was rolling out the action through the trusts. The targeted area involves private law work assigned since 1 January 2024 which is to be handed back to management.
24. Mr Cassidy informed members the Belfast Trust are moving cases to the court team who should not be affected by NISPA's actions but was aware of 5-6 cases being impacted. The Trust would try to negotiate for some flexibility but there was no indication of how long the strike would last and confirmed that NIPSA are able to fund small strikes.
25. DJ Prytherch noted the considerable impact of availability of reports on the Family Proceedings Court informing members she was considering directing social workers to attend court to provide a verbal report. DJ Prytherch advised that she is due to meet and would discuss the issue with colleagues to understand if other courts are also being impacted.
26. Mr Cassidy acknowledged the difficulties that the strike action was having including complying with court directions and was unsure if the strike action would impact a court direction for a social worker to attend court to provide a verbal update.

### Delays in Children Order Cases/Performance Monitoring

#### Review of the COAC Best Practice Guidance

27. Mrs Maclam advised members that there was no further update since the previous meeting.

## **Private law system**

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

28. Ms O'Reilly advised members that the uptake of the waiver remains low, and steps are being taken to make sure everyone gets access. Ms O'Reilly advised that there is no start date yet in respect of the section 29 report, as it has been delayed due to other pressing priorities.

## **Litigants in Person**

### *LIP Reference Group*

29. Ms O'Reilly advised members that the Litigant in Person Reference Group continues to be an effective forum a further seminar is scheduled to take place online on the 24 June 2024 which and the Lady Chief Justice is due to attend.

## **Matters Arising**

### *Open Justice*

30. The Chair sought comments regarding press access to courts and advised that anonymity in the family courts may be an issue.

31. Judge Logue advised members that she attended the Annual Conference of the Association of District Judges on 22 March 2024 and there was a presentation on Transparency for the District Bench from the Transparency Project which encourages reporting on everyday cases and use a blog which appears to be effective.

### *Cross Border Protocol*

32. The Chair advised members that there was no further update and that most of cases with a cross border element were from the Republic of Ireland.

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

33. Ms Spence advised members that she was thankful for the opportunity to speak with colleagues to see if something can be released regarding how notes and records can be released from GP practices. The Chair noted that redaction of notes and records can add to delay and that the court has directed lodgment of unredacted notes to avoid unnecessary delay. Ms Spence advised members that there is a redaction service in the Lisburn Area but does not believe there are plans to extend it. Master Wells noted that in patient cases notes and records are directed through a court order within 14 days which is complied with. Ms Spence confirmed she would continue to consider further and work on a draft protocol for the submission of GP notes and records.

**ACTION: Ms Spence to draft a protocol regarding GP notes and records**

*Child Abduction Recommendations*

34. Miss McCabe advised members a review of priority work was ongoing.

**Next Meeting**

35. It was agreed the next meeting of the Shadow Family Justice Board date will be confirmed by August 2024.