



Ministry of Justice

FAMILY PROCEDURE RULE COMMITTEE

QB1M, Queens Building, Royal Courts of Justice
And via Microsoft Teams
At 10.30a.m. on Monday 10 October 2022

OCTOBER 2022 AGENDA

1. Announcements and Apologies
2. Minutes of the previous meeting - 11 July 2022
 - a) Minutes of Previous Meeting – 13 June 2022
3. Actions Log
4. Matters arising
 - a) Web Inaccuracies
 - b) 2022 Open Meeting Preparations
 - c) Information Disclosure and Immigration Proceedings
 - d) H v Adoption Agency Working Group
 - e) Recruitment Update
 - f) Annual Report
 - g) Family Procedure (Amendment No. 2) Rules 2022
 - h) Fast Track Procedure
 - i) Possible limits on legal fees
 - j) Enforcement
5. Priorities Table and PD Updates

Standing Items

6. Domestic Abuse Act work
 - a) Domestic Abuse Act Implementation
 - b) Domestic Abuse Protection Orders (DAPO)
7. Private Law Demand Reduction Work
8. Mandating use of FR contested Digital Portal
9. Private Law Injunction Online System

Substantive Items

10. Harm Panel Implementation Update

11. Service of Orders at Refuges
12. Online Procedure Rule Committee
13. Independent Domestic Violence Advisors and Independent Sexual Violence Advisors
14. Recent Practice Direction Updates
 - a) Practice Direction 6 of 2022
 - b) Practice Direction 7 of 2022
15. Permission to Appeal (PTA) Applications Consultation
16. Police Disclosure Orders Consultation
17. Case Management and Intimate Images
18. Deed Poll Name Changes
19. Committee's Public Profile and Publication of Priorities Table
20. Practice Direction 6C

Additional Items

21. Other Procedure Rule Committees
22. Forms Update
23. FPRC Working Groups
24. November 2022 Agenda
25. Any Other Business
 - Closed Material Proceedings - Chair
www.bailii.org/ew/cases/EWHC/Fam/2022/2134.pdf
26. Date of Next Meeting

Monday 7 November 2022 at 10:30am – Annual Open Meeting



Ministry of Justice

FAMILY PROCEDURE RULE COMMITTEE

In person at QB1M, Queens Building, Royal Courts of Justice

And remotely via Microsoft Teams

At 10.30 a.m. on Monday 10 October 2022

Present:

Sir Andrew McFarlane	President of the Family Division
Mrs Justice Theis	Acting Chair
Lord Justice Baker	Court of Appeal Judge
Mr Justice Mostyn	High Court Judge
Her Honour Judge Raeside	Circuit Judge
His Honour Judge Godwin	Judicial member for Wales
Her Honour Judge Suh	Representing District Judge
District Judge Branston	District Judge
District Judge Birk	District Judge
Michael Seath	Justices' Clerk
Fiona James	Lay Magistrate
Poonam Bhari	Barrister
Rhys Taylor	Barrister
Melanie Carew	Children and Family Court Advisory Support Service
Robert Edwards	Children and Family Court Advisory Support Service (CYMRU)
Graeme Fraser	Solicitor
Mrs Justice Knowles	Invited Guest

ANNOUNCEMENTS AND APOLOGIES

- 1.1 Apologies were received from Tony McGovern and Bill Turner.
- 1.2 His Honour Judge Hess and Caroline Bowden were invited to attend the discussion on the Private Law Demand Reduction work at agenda item 7.

- 1.3 District Judge Birk was introduced to the Committee and she will be replacing HHJ Williams who stepped down from the Committee following her promotion to the circuit but agreed to stay on as the District Judge representative until a replacement was in post.
- 1.4 The Committee were reminded that this will be a full day meeting.

MINUTES OF THE LAST MEETING: JUNE 2022 & JULY 2022

- 2.1 The Committee agreed that the minutes for June and July were an accurate record.

ACTIONS LOG

- 3.1 MoJ Policy reported that 26 actions were recorded from the July meeting with a further 7 actions taken forward from June but due for further discussion at this meeting.

MATTERS ARISING

Web Inaccuracies

- 4.1 MoJ Policy reported that no new inaccuracies were raised over the summer recess period.
- 4.2 The Committee flagged that the President of the Family Division's (PFD) guidance on jurisdiction regarding what could be issued in the high court was not currently available on the Judicial website although it was agreed that this is not a matter for this Committee.

2022 Open Meeting Preparations

- 4.3 MoJ Policy stated that the invitation for the open meeting was sent out to all those on the FPRC stakeholder list on 15 September but did not go live on Gov.UK until after the Queen's funeral. 27 expressions of interest had been received to date and members were encouraged to make this event known to anyone they know as the closing date has been extended to Friday 14 October.

ACTION POINT 1: Secretariat to liaise with those Committee members who will be responding to questions at the open meeting.

Information Disclosure and Immigration Proceedings

- 4.4 MoJ Policy stated that the Home Office raised additional concerns to those noted in July regarding the interpretation of Section 97 of the Children Act 1989 and disclosure of information in immigration proceedings as Home Office colleagues were concerned that an offence under that section might be committed if documents are disclosed to their Secretary of State or to a Tribunal in the context of an immigration application or appeal. MoJ and DfE officials are in ongoing discussions with Home Office on this matter. Home Office colleagues have also now indicated that sometimes they need sight of documents from family proceedings other than orders. Further work is required before we consider possible FPR PD amendments.

ACTION POINT 2: If Home Office have ongoing concerns, they should be invited to put these in writing for the Committee to consider further.

ACTION POINT 3: Information Disclosure and Immigration Proceedings to return in Nov for an update.

Recruitment Update

- 4.5 MoJ Policy confirmed that work is underway to fulfil the District Judge member of the Committee. In the interim period, HHJ Suh has agreed to cover the role until a replacement is identified.

Annual Report

- 4.6 MoJ Policy reported that a draft version of the annual report covering the Committee's work for the period covering March 2021 to April 2022 has been prepared. This will be circulated to the President of the Family Division ('The President') and Chair by the end of the week.

ACTION POINT 4: The Secretariat to circulate the annual report to the President of the Family Division ('The President') and the Chair by Friday 14 October.

Family Procedure (Amendment No. 2) Rules 2022

- 4.7 MoJ Policy reported that the latest FPR amending SI was laid on 18 July 2022. The SI covered three provisions:
- The insertion of a new 'hook' rule, to be added to Part 11 of the FPR to allow for a Practice Direction to make provision for the notification of Forced Marriage Protection Orders (FMPOs) and Female Genital Mutilation Protection Orders (FGMPOs);
 - The insertion of a new rule, to be inserted in Part 12 of the FPR 2010 as Chapter 6A, to provide a procedure for dealing with international child abduction return cases with a linked asylum claim; and
 - The insertion of new rule 36.2A to act as a hook for a Domestic Abuse Protection Order (DAPO) pilot Practice Direction.
- 4.8 The SI came into force on 1 October 2022.

Fast Track Procedure

- 4.9 MoJ Policy reported that due to resourcing issues and a number of significant competing priorities, it had not yet set up a working group to consider whether there is resource to develop a proposed new fast track procedure for small money cases in financial remedies proceedings. MoJ Policy confirmed that an initial meeting of the Working Group would be set up in the next 2-3 weeks, to consider resourcing and operational issues arising from the proposed new fast track procedure.
- 4.10 The Committee agreed that in the first instance the Working Group should have an internal make-up (including FPRC members) to consider resourcing issues, before widening the membership it is considered appropriate to progress work in this way. A further update will be provided at the November meeting.

ACTION POINT 5: MoJ Policy to arrange an initial Fast Track Working Group meeting to discuss resourcing and provide an update at the November meeting.

Possible limits on legal fees

- 4.11 MoJ Policy reported that the Costs Working Group last met on 14 July to consider the issue of whether procedure rule changes could place a limit on legal fees spent by parties in financial remedies cases. The Costs Working Group is in the process of drawing up a report which will be presented to the FPRC in December.

ACTION POINT 6: Possible limits on legal fees to return as a full agenda item in December.

Enforcement

- 4.12 The Enforcement Working Group met in July to discuss proposed changes to FPR r.33.3, such that a respondent to an enforcement application would be required to file and serve a Form E1 prior to the first hearing in the enforcement application. The Working Group was considering revised drafts of amended r.33.3, the Practice Direction update, amendments to the D50K form and draft standard form of order. The Committee agreed to consider the proposed amendment to FPR 33.3 at its November meeting. Amendments to the D50K will need to be considered by the Forms Working Group.

ACTION POINT 7: MoJ Policy to present a paper in full to the Committee as a substantive item in November to consider the draft rule change.

PRIORITIES TABLE AND PD UPDATES

- 5.1 MoJ Policy updated the Committee on the changes to the table since the previous meeting.
- 5.2 The Committee noted that PD12F (International child abduction) needs to be updated.
- 5.3 The Committee referred to the 'voice of the child' item on the agenda and agreed to look at this in December in light of the forthcoming write up following the recent Nuffield Family Justice Observatory workshop.
- 5.4 The Committee also raised an issue on timings on items that are towards the end of the Priorities Table and asked whether these could be looked at and for timings to be included for the December meeting.

ACTION POINT 8: Secretariat to look into the issue raised on PD12F and return with an update in December.

ACTION POINT 9: Voice of the Child to be included on the December Committee meeting agenda.

ACTION POINT 10: Secretariat to look at items 27 onwards in the Priorities Table and provide an appraisal of timings on these with an update at the December meeting.

STANDING ITEMS

DOMESTIC ABUSE ACT WORK

Domestic Abuse Act Implementation

- 6.1 MoJ Policy provided details on the number of Qualified Legal Representatives (QLR). There were 363 at September 2022 which is 92% of the team's target ahead of initial cases requiring QLR. MoJ Policy explained that they are working to address the regional shortages

identified in Wales, North-East and the Midlands; but they are expecting registrations to grow. The Committee asked that confirmation of the data covering Wales be looked at in greater detail.

- 6.2** MoJ Policy stated that they have been in contact with the Family Law Bar Association (FLBA) who confirmed that 500 barristers will receive advocacy/vulnerable witness training between now and April 2023 but that there is a shortage of courses to meet demand for solicitor training. Further work has been undertaken with SafeLives' who are piloting a DA training course for lawyers and will provide around 45 places for training in December. The Committee asked for further confirmation as to whether this vehicle would provide Qualified Legal Representative status and whether it complies with 2.2 of the QLR guidance.
- 6.3** The Committee proposed that MoJ policy should continue dialogue with the FPRC on any changes or adjustments bar those in the statutory guidance which it was agreed should be adhered to until its status has been confirmed.

ACTION POINT 11: MoJ Domestic Abuse Team to follow up on the queries raised regarding the SafeLives training programme.

ACTION POINT 12: MoJ to provide the Committee with the data on the number of Qualified Legal Representatives in Wales.

ACTION POINT 13: Item to return with an update at the December meeting.

Domestic Abuse Protection Orders (DAPO)

- 6.4** MoJ Policy stated that the Domestic Abuse Protection Order (DAPO) is one of the last measures in the Domestic Abuse Act to be implemented. The intention is to pilot the DAPO in 2023 for two years ahead of national roll out in 2025. A number of police forces who expressed an interest have been selected and work is now underway to confirm piloting courts across all jurisdictions. A further update will be provided in December following the forthcoming meeting of the Cross-Jurisdictional DAPO Working Group. In the meantime, the Committee said that they would forward the note put together previously by the Working Group.

ACTION POINT 14: The Committee to send the DAPO Policy Team the previous District Judge drafted note.

PRIVATE LAW DEMAND REDUCTION

- 7.1** MoJ Policy presented an update on the progress of the work of the Private Law Early Resolution Working Group in relation to measures to strengthen existing Family Procedure Rules and Practice Direction provision around MIAMs and dispute resolution in private family law and financial remedy proceedings.
- 7.2** The Committee agreed to the proposed amendments to Rule 3.8 of the FPR, regarding what circumstances qualify prospective applicants for a MIAM exemption. The Committee also discussed the relative benefits of applicants attending a standalone MIAM in certain circumstances (for example, where a respondent is not willing to engage or is not contactable). The Committee also agreed that there should be amendments to PD3A to mirror changes to legal aid domestic violence evidence criteria.
- 7.3** The Committee agreed to the proposed amendments to Rule 3.9 in relation to the conduct of MIAMs, including in relation to information on the advantages and disadvantages of non-court dispute resolution and the mediator's role in assessing the suitability of other forms of dispute resolution in addition to mediation.

- 7.4 They agreed that provision should be made so that evidence to support a MIAM exemption should be provided to the court with the application. Linked to this, the Committee agreed to bring forward the point at which the court must review the MIAM exemption and any supporting evidence to the gatekeeping stage for private law children cases. Furthermore, it was agreed that where an exemption is no longer relevant, the court should have the power to order both parties to attend a MIAM, where appropriate.
- 7.5 The Committee also agreed with MoJ Policy's proposal for the FPR to expressly provide for (in private law children cases) the court to adjourn proceedings for a short amount of time (or use natural breaks in proceedings) when it thinks the parties would benefit from attempting non-court dispute resolution but is subject to further discussion by the Early Resolution Working Group. The Committee did however discuss concerns about the wider delays in the court system.
- 7.6 The Committee discussed the proposal to have parties set out their position in relation to non-court dispute resolution at the first hearing. It was discussed that often respondents do not provide their response to the application until the first hearing, and the need to ensure that there is not undue burden placed on litigants through this proposal. The Committee were content on this basis.
- 7.7 The Committee also discussed some outstanding proposals which the Group were still yet to agree on, including for example the use of costs orders to incentivise non-court dispute resolution and ideas surrounding early neutral evaluation and single lawyer models. The Committee also discussed whether the Group had looked at whether there should be a pre-proceedings stage to provide people with information before the application is issued.
- 7.8 The Committee agreed for the Working Group to continue its work into the new year to ensure it has time to properly consider these outstanding matters. The Committee suggested that this issue should return in December with a set of proposals including the Group's recommendation on whether a consultation exercise should be undertaken. However, the Committee agreed that the realignment of the domestic violence MIAM exemption evidence requirement and legal aid DV evidence criteria noted should not be included in a consultation.

ACTION POINT 15: MoJ Policy to return in December with a set of proposals and to seek committee agreement on whether to consult.

ACTION POINT 16: Committee to send MoJ Policy a short list of ideas in relation to the pre-proceedings information point.

SUBSTANTIVE ITEMS

MANDATING USE OF FINANCIAL REMEDY CONTESTED DIGITAL PORTAL

- 8.1 HMCTS advised that they recently met with the Financial Remedies Court (FRC) Judges and agreed a target date of the end of January 2023 for mandating the use of the online service by legal representatives. The Committee asked if consideration could be given to reassure those people using the system. The Committee said that the January 2023 date will also provide space to remedy the system issues which have been uncovered but proposed that communication should be considered so that those who use the system will have an update on progress. HMCTS explained that they would provide a further update in November.

ACTION POINT 17: HMCTS to return in November to confirm they are ready aligned for the end of January 2023 date for mandating use of the service by legal representatives.

PRIVATE LAW AND INJUNCTION APPLICATIONS: ONLINE SYSTEM

- 9.1** HMCTS provided an update on the progress of the end-to-end digital service for Section 8 Children Act applications and Part 4 Family Law Act 1996 applications in the Court and Tribunal Service Centre, for both legal representatives and underrepresented parties. ahead of seeking amendments to Practice Directions 36ZD and 36G in November.
- 9.2** HMCTS stated that it is proposed for this issue to come back in November to look for an agreement to extend the existing PD36G which underpins the current system and for the Committee to consider amendments to PD36ZD to make provision for amendments for an end-to-end system. Discussion will include seeking approval to roll out the end-to-end digital service, commencing in Wales.

ACTION POINT 18: HMCTS to come back in November to provide a proposal on amendments to PD36G and PD36ZD.

HARM PANEL IMPLEMENTATION UPDATE

- 10.1** MoJ Policy provided an update on progress against the commitments made in the Harm Panel Report, including the delayed publication of a Government update. The Committee were informed that the remaining commitments made in response to the Harm Panel which are still requiring input from the Committee including the Integrated Domestic Abuse Court (IDAC); and the Voice of the Child Working Group will now be discussed separately going forward.

ACTION POINT 19: The Secretariat, with input from the relevant MoJ policy, to reflect this position in the Priorities Table, and flag those which previously came under the Harm Panel umbrella as separate items.

SERVICE OF ORDERS AT REFUGES

- 11.1** MoJ Policy provided the Committee with the background and recent stakeholder engagement on the issue of maintaining the confidentiality of residential refuge addresses. The Committee were asked to consider options, with a recommendation that these are explored further by the new cross-jurisdictional Working Group that has been set up to consider DAPO implementation as well as domestic abuse family matters.
- 11.2** The Committee proposed that the DAPO Working Group (except the cross-jurisdictional members) should consider the proposals presented to the Committee for rule or Practice Direction changes, and to consider possible practical changes. It was noted that there may be a need for more engagement with the DA Commissioner and the DA sector. It was agreed that this matter should return to the February 2023 Committee meeting.

ACTION POINT 20: DA Working Group to consider this matter and revert to the February 2023 Committee meeting.

ONLINE PROCEDURE RULE COMMITTEE

- 12.1** The Online Procedure Rule Committee (OPRC) team updated the Committee on ongoing work to agree the initial work programme for the OPRC. Adverts for the 3 non-judicial appointments (Lay Advice Member; Legal Expert and member with experience in and knowledge of IT) recently went live with a closing date of 24 October 2022 and a link will be sent to the Committee for their information and for sharing where appropriate.

ACTION POINT 21: OPRC to send the Secretariat a link to the three non-judicial appointment.

INDEPENDENT DOMESTIC VIOLENCE ADVISORS (IDVAs) AND INDEPENDENT SEXUAL VIOLENCE ADVISORS (ISVAs).

- 13.1** MoJ Policy provided an update on proposals for Practice Direction and Rule amendments to allow IDVAs and ISVAs to support a party in the courtroom. The Committee were asked to consider whether they are content with the amendments as presented or whether further, more detailed consideration was required through the cross-jurisdictional Domestic Abuse Working Group.
- 13.2** The Committee noted that further work would still need to be undertaken to provide details on definition of the roles, where they will operate and how these will be fulfilled. The Committee also asked for further amendments to be considered to include a power to remove and for the wording of the proposed amendments to be tightened up.

ACTION POINT 22: MoJ to bring further proposals and discussion points to the DA Working Group to consider.

ACTION POINT 23: MoJ Policy to return with an update in December, including an update on addressing any operational difficulties.

RECENT PRACTICE DIRECTION UPDATES

Practice Direction 6 of 2022

- 14.1** MoJ Policy stated that the Practice Direction was signed in July and included amendments to PD36M; PD36P; PD36V and PD3ZB. A new Practice Direction (PD41D) was also included in the Update and will come into force on 1 November 2022.

Practice Direction 7 of 2022

- 14.2** MoJ Policy stated that Practice Direction No. 7 of 2022 was signed in September and amendments to PD36ZB came into force on the day after the update was signed. A new Practice Direction (PD11A) was also included and will come into force on 1 October 2022.

PERMISSION TO APPEAL (PTA) APPLICATIONS CONSULTATION

- 15.1** MoJ Policy updated the Committee on the consultation issued on whether a “nominated Financial Remedies Court Circuit Judge” should be able to discuss an application for permission to appeal as being totally without merit, and order that there should be no reconsideration at an oral hearing. 24 responses were received with all agreeing with the proposal.

- 15.2** MoJ Policy stated that the intention is to come back to the Committee with the consultation report and draft rule amendments for consideration for inclusion in the next Statutory Instrument.
- 15.3** The Committee noted that amending the category of judge who could dismiss an application for permission to appeal as being totally without merit, as proposed in the consultation paper, would have resource-saving consequences as only a handful of judges are currently able to do this. The Committee raised a concern in relation to who may dismiss permission applications in children cases and was asked to follow this up in writing. The Secretariat agreed to check if the issue on extending powers in children cases had been previously raised as a question.

ACTION POINT 24: MoJ policy paper to check previously agreed actions on the issue of permission to appeal applications in children's cases.

ACTION POINT 25: MoJ Policy to come back to the Committee in November with a paper reporting on the consultation responses and possible draft rule amendments.

POLICE DISCLOSURE ORDERS CONSULTATION

- 16.1** MoJ Policy reported on the consultation proposing Practice Direction amendments to set out a specific procedure for applications for police disclosure orders, to provide clarity regarding to whom the disclosures should be made and make associated consequential amendments. Six responses had been received and a full paper will be presented at the November meeting.
- 16.2** The Committee agreed the complexity of this issue and offered to review the consultation responses.

ACTION POINT 26: MoJ Policy to come back to the Committee in November with a paper reporting, which will include consultation responses.

CASE MANAGEMENT AND INTIMATE IMAGES

- 17.1** MoJ Policy spoke to the issue following a recent judgement in the case of Re M: Private Law Children Proceedings: Case Management: Intimate Images where it was highlighted that there was a lack of guidance in family courts when intimate images are submitted as evidence in private law child proceedings. The Committee were asked to consider options and next steps in relation to court guidelines on managing intimate images.
- 17.2** The Committee agreed the option to amend the FPR/PD to directly incorporate detailed case management guidance on use of intimate images in Private Family Law Proceedings and proposed that this be considered by the DAPO Working Group but that this be put back to February due to the demand on the DAPO Working Group's schedule.

ACTION POINT 27: Item to be considered at the DAPO WG ahead of the Committee meeting in Feb.

ACTION POINT 28: Item to return to the Committee in February 2023 with a timeline and proposal.

DEED POLL NAME CHANGES

- 18.1** MoJ Policy provided the Committee with an update on the deed poll name change project. The issues regarding the training material had now been resolved and the Judicial College confirmed that they were content. MoJ Policy stated that the next step is to draw up a plan for the communication and implementation of the reforms, plus agree a laying date for the secondary legislation on the basis that the Master of the Rolls is content.
- 18.2** The Committee asked whether its continuing concern on the different level of fees could be addressed before this issue returns in December.

ACTION POINT 29: Deed Poll name changes item to come back in December with an update on the different fees issue.

COMMITTEE'S PUBLIC PROFILE AND PUBLICATION OF PRIORITIES TABLE

- 19.1** MoJ Policy spoke to the issue put forward previously by the Committee in relation to a proposal to consider the publication of the priorities table as a means of ensuring transparency to the public on items discussed.
- 19.2** The Committee asked for more time to discuss this issue, especially with a view that the Annual Report would have been published in the meanwhile and proposed that this comes back in December. The Committee also discussed whether the Annual Report should have a foreword to raise the profile and to underline the work of the Committee.

ACTION POINT 30: Secretariat to share draft Annual Report with the Committee for any comments before it is published.

ACTION POINT 31: Secretariat to contact the President of the Family Division's office regarding possibly including a foreword to the Annual Report.

ACTION POINT 32: Item on publishing the priorities table to come back for discussion in December.

PRACTICE DIRECTION 6C

- 20.1** MoJ Policy spoke to the issue previously raised in July 2022 regarding PD6C being out of date. The anomaly mainly centred on a number of outdated contact details, but the Committee were informed that there was not sufficient resource to take this work forward. The Committee were therefore asked to consider this exercise alongside existing priorities in order to progress this work.
- 20.2** The Committee suggested that consideration be given to revoking PD6C and replacing it with an interim Practice Direction stating that PD6C is being reviewed and to set out key addresses for requests and orders for disclosure.

ACTION POINT 33: MoJ Policy to raise this point with the President of the Family Division's office and to bring this issue back to the December meeting.

FORWARD PLANNING AND UPCOMING MEETINGS

OTHER PROCEDURE RULE COMMITTEES AND FAMILY PROCEDURE RULE COMMITTEE LINK

- 21.1** No specific points of interest for the Committee were raised by the Secretariat following their conversations with the other procedure rule committee secretariats.

FORMS WORKING GROUP UPDATE

- 22.1** MoJ Policy stated that the next Forms Working Group meeting is on Thursday 13 October and the Form E amendments will be discussed. The Committee suggested that someone from the Standard Orders team be nominated to join the Forms Working Group.
- 22.2** The Committee also raised an anomaly concerning translation of forms into Welsh language and noted that specific feedback would be provided separately to the Secretariat highlighting these issues.

ACTION POINT 34: Secretariat to investigate concerns voiced over Welsh translation of forms upon receiving written feedback from the Committee member.

FPRC WORKING GROUPS

- 23.1** The Committee asked that membership of the Early Resolution Working Group and the Fast Track Procedure Working Group be added to the table.
- 23.2** The Committee asked that the membership on the Costs Working Group be amended to reflect that Elizabeth Darlington has replaced Philip Marshall

ACTION POINT 35: Secretariat to add the Early Resolution Working Group and the Fast Track Procedure Working Group for the November meeting.

ACTION POINT 36: Secretariat to update the Costs Working Group membership.

DRAFT NOVEMBER 2022 AGENDA

- 24.1** MoJ Policy advised that the draft November 2022 agenda would be updated following this meeting.

ANY OTHER BUSINESS

Closed Material Proceedings

- 25.1** The Committee raised an issue in relation to procedure for closed material proceedings in family cases. MoJ Legal advised that in order to progress this work the powers would need to be identified which would allow for the Family Procedure Rules to include procedure for closed material proceedings but noted that the House of Lords (now Supreme Court) did not allow closed material proceedings in some cases. However draft rules regarding closed material had previously been prepared in relation to national security issues and there may be a possibility to read these across to other circumstances if a relevant rule-making power can be identified. The Committee asked whether the previous draft provisions could be looked at again to consider the issues of scope and next steps guidance.

ACTION POINT 37: MoJ Policy/ Legal to review the previous draft rules/guidance on closed material proceedings and to bring a paper to the Committee in February to outline proposed next steps.

Standard Orders Templates

- 25.2** The Committee raised concerns in relation to standard judgement templates and their workability but recognised that this was not strictly a Committee issue and therefore suggested that the President of the Family Division's Office assist to look into these.

File Retention Periods

- 25.3** The Committee raised concerns in relation to the access of material by adults about proceedings which related to them when they were children. The Committee compared file retention periods in HMCTS, Cafcass and Local Authorities but did not reach a conclusion. However, the Committee noted that as this issue is due to be discussed by the Family Justice Council there was no need to take this matter further unless raised again.

DATE OF NEXT MEETING

- 26.1** The next meeting will be held on Monday 7 November 2022 and will be the annual open meeting. This will be undertaken remotely by MS Teams.

Simon Qasim – Secretariat
October 2022
fprcsecretariat@justice.gov.uk