



Ministry  
of Justice

**Family Justice Policy**

102 Petty France

London

SW1H 9A

Chris.palmwalker@justice.gov.uk

[FPRCSecretariat@Justice.gov.uk](mailto:FPRCSecretariat@Justice.gov.uk)

[www.justice.gov.uk](http://www.justice.gov.uk)

30 March 2023

Dear Colleague,

**FAMILY PROCEDURE RULE COMMITTEE CONSULTATION ON STRENGTHENING THE RULES AND PRACTICE DIRECTIONS TO ENCOURAGE EARLIER RESOLUTION OF PRIVATE FAMILY LAW CHILDREN AND FINANCIAL REMEDY ARRANGEMENTS**

Please find enclosed a consultation paper issued by the Family Procedure Rule Committee (“the Committee”). The Committee is consulting on the principle of the proposed amendments to the Family Procedure Rules 2010 (“the Rules”) and supporting Practice Directions. Specific amendments to the Rules and Practice Directions will be drafted once this consultation has closed and all responses reviewed and analysed.

The proposals are intended to strengthen the existing provisions around attendance at Mediation Information and Assessment Meetings (“MIAMs”) and to encourage more people to attend mediation or other forms of non-court dispute resolution (“NCDR”). The paper complements the Government consultation on supporting earlier resolution of private family law arrangements, published earlier this month. The Government consultation can be found here <https://consult.justice.gov.uk/>. We would encourage you to respond to this as well as the present Committee consultation.

The family courts are under significant pressure. In recent years, child arrangement and financial remedy case volumes have increased, and once in court cases are taking longer to be resolved, resulting in growing case backlogs. This trend was exacerbated by the COVID-19 pandemic. The Committee believes that many of these disputes could be resolved much earlier, reducing the negative impact protracted litigation can have on families, especially children. This would also enable the resources of the court to be focussed on those cases in most need of its protection.

To determine what rule changes could be considered to support the earlier resolution of private law cases, the Private Family Law Early Resolution Working Group (“the Group”) was established in summer 2022. The Group has worked alongside MoJ Policy to support the

Committee in exploring how the Rules and Practice Directions could be strengthened to better enforce the requirement to attend a MIAM and to better encourage parties to attempt NCDR to support the earlier resolution of private law family cases. All proposed amendments recommended by the Group are outlined in this consultation paper. The consultation also includes questions on proposals the Group and Committee had not reached an agreement on, but are now seeking views of consultees to inform an approach.

The Committee invites comments from interested parties in respect of the specific questions posed in the consultation paper. Please could you send your comments by email, with the subject line **FPRC Private Law Consultation**, to [FPRCSecretariat@Justice.gov.uk](mailto:FPRCSecretariat@Justice.gov.uk) by 25 May 2023.

Copies of the consultation paper have been sent to the following bodies. The names of individual respondents have been omitted from the list below:

Access to Justice Foundation  
Association of Costs Lawyers  
Association of HM District Judges  
Association of High Court Masters  
Association of Circuit Judges  
Association of Directors of Children's Services  
Association of Lawyers for Children  
Bar Council  
British Association of Social Workers  
Cafcass  
Cafcass Cymru  
Chartered Institute of Legal Executives  
Children's Commissioner for England  
Citizen's Advice Bureau (national organisation)  
Council of HM Circuit Judges  
Council of HM District Judges (magistrates' courts)  
Designated Family Justices  
Domestic Abuse Commissioner's Office  
Family Justice Council  
Family Law Bar Association  
Family Mediation Council  
Family Rights Group  
Family Solutions Group  
High Court Judges of the Family Division  
International Family Law Committee  
Judicial College  
Judicial Office  
Justices' Clerks' Society  
Justice's Legal Advisers' and Court Officers' Society  
Local Government Association  
Magistrates' Association  
Magistrates' Leadership Executive  
National Society of Prevention of Cruelty to Children  
RCJ Citizen's Advice Bureau  
Resolution  
Social Work England

Support Through Court  
Supreme Court  
The Law Society  
Transparency Project

I am copying this letter and attachments to the President of the Family Division's office and to members of the Family Procedure Rule Committee.

Please feel free to forward these papers to other people or to let me know of other people who should be sent a copy of the papers. Do not hesitate to contact me via the FPRC Secretariat mailbox (with the subject line ***FAO Chris Palmwalker***) if you require any further information.

Yours faithfully,

**Chris Palmwalker**

Enclosures:

Consultation Paper