



Ministry of Justice

FAMILY PROCEDURE RULE COMMITTEE
QB1M, Royal Courts of Justice and
Remotely via Microsoft Teams (Hybrid)
At 11.00 a.m. on Monday 9 December 2024

Present:

Sir Andrew McFarlane	President of the Family Division
Lord Justice Baker	Court of Appeal Judge
Mr Justice Peel	High Court Judge
Her Honour Judge Suh	Circuit Judge
His Honour Judge Humphreys	Circuit Judge – Judicial Member for Wales
District Judge Foss	District Judge (County)
Her Honour Judge Birk	Circuit Judge
District Judge Nelson	District Judge (Magistrates)
Poonam Bhari	Barrister
Rhys Taylor	Barrister
Laura Coyle	Solicitor
Graeme Fraser	Solicitor
Jennifer Kingsley JP	Lay Magistrate
Shabana Jaffar	Cafcass
Helen Sewell	Legal Advisor
Bill Turner	Lay Member

ANNOUNCEMENTS AND APOLOGIES

1.1 The acting Chair extended a warm welcome to all attendees at the Committee meeting.

1.2 Apologies were received from Mr Justice Keehan, Robert Edwards and Mrs Justice Knowles.

MINUTES OF THE LAST MEETING: November 2024

2.1 The Committee approved the minutes for the November 2024 meeting.

Action Point 1: Secretariat to arrange for the November 2024 minutes to be published on the FPRC webpages.

ACTIONS LOG

3.1 The Secretariat informed the Committee that 6 actions were recorded from the November 2024 FPRC meeting.

MATTERS ARISING

4.1 MoJ had tabled a paper which contained updates on the following:

- Web Inaccuracies
 - The Committee were informed that the Secretariat continue to resolve web issues.
- Jade's Law
 - A verbal update on the ongoing work emphasised the need for a clear process, transparency and Committee engagement. Plans include reviewing the paper's format, keeping the Committee informed and tracking progress. A volunteer will observe the implementation process, with arrangements underway. A paper will be submitted to the Committee after the implementation board meeting, depending on stakeholder progress.
- Unregulated Experts
 - A verbal update was provided to the Committee, noting that a meeting with the Domestic Abuse Working Group took place on 10 December 2024 to review draft amendments and the consultation paper. Feedback from the Working Group is being incorporated to finalise the rule in a way that ensures consensus. Once finalised, updates will be presented to the Committee. The outcome of the meeting is guiding the next steps, with a substantive update and a request for approval to launch the consultation planned for the Committee's February 2025 meeting.
- Family Procedure (Amendment No.2) Rules 2024 and PD update No. 7 of 2024
 - The MoJ provided an update to the Committee on the revised timeline for the Family Procedure (Amendment No.2) Rules 2024 and PD update No.7 2024. The Committee signed the rules on 5 December 2024, with submission to the Minister corrected from early January 2025 to December 2024 during the meeting. The SI is sent to be laid on 6 January 2025 and will take effect on 27 January 2025. PD update No.7 was signed by the President on 9 December 2024 and should be approved by the Minister by 15 December 2024.
- Online Procedure Rule Committee
 - The MoJ provided an update on the OPRC and its sub-committee, which has refocused its efforts on three key priorities: Developing rules for the digital possession service, drafting model pre-action rules and exploring how technology can enhance CFT system.
 - A formal paper will be shared soon to update the Committee on the SI, set to be laid before parliament on 29 January 2025. The sub-committee has

launched a project focusing on pre-action rules with particular attention on financial matters and their practical application.

DEED POLL IMPLEMENTATION

5.1 The MoJ updated the Committee on delays in reforms to require child name change applications to go through the Family Court and High Court. Progress has been stalled due to unresolved fee equalisation issues between adult and child name changes, which have also delayed modernising outdated regulations that create significant challenges for applicants.

5.2 The MoJ proposed prioritising broader regulatory updates and deferring child specific reforms, but the Committee members strongly opposed this emphasising the importance of resolving the dual process and aligning it with the Children Act to prioritise the child's welfare. Members highlighted that these reforms has been planned for years and were designed to address issues like considering a child's wishes, yet no firm timeline has been set for implementation.

5.3 Suggestions included exploring interim solutions, such as directing cases to the Family Court through practice adjustments. The MoJ committed to re-examining the issue, including briefing the new Minister to potentially resolve the fee policy deadlock. An update on the progress will be provided at the March 2025 meeting with the Committee urging swift action to address the needs of vulnerable children and avoid further delays.

STANDING ITEMS

PRIORITIES TABLE AND PENDING PD AMENDMENTS

6.1 MoJ Policy stated that the priorities table will be updated and published after the meeting with an accompanying annex, outlining proposed amendments to various PDs. The Committee was asked to approve its publication and all members agreed. The quality team has categorised the issue as tier two in the practice table.

Action point 2: Secretariat to update and publish the updated priorities table and annex.

DOMESTIC ABUSE PROTECTION ORDERS - LAUNCH

7.1 The Committee were provided with an update on the Domestic Abuse Protection Orders (DAPOs) pilot, launched on 27 November in Manchester, Croydon, Bromley, Sutton and with the British Transport Police. Early results show that DAPOs have already been granted, offering protections beyond existing police orders, including cases of controlling or coercive behaviour.

7.2 Two additional pilot sites, North Wales and Cleveland, are planned for early next year, pending approval, to enhance evaluation and include testing in Wales. To avoid confusion in non-pilot areas, it was suggested not to include DAPOs in the Standard Orders suite during the pilot and instead provide clear information about their availability through centralised communication.

7.3 The Committee will revisit the pilot's progress in Spring 2025 with updates on the new pilot sites and their outcomes.

SUBSTANTIVE ITEMS

QUALIFIED LEGAL REPRESENTATIVES

8.1 MoJ Policy presented an update on the Qualified Legal Representatives (QLR) scheme, outlining progress and ongoing challenges since the last review. Key areas discussed included fees, training and the scope of the QLR role.

8.2 It was noted that fees for QLRs were increased by 10% in May 2024, along with the introduction of a terminated appointment fee to compensate for preparation work in cases where appointments are cancelled. This has resulted in a 25% increase in registered QLRs. However, challenges persist in appointing QLRs due to administrative issues and a limited pool of available candidates.

8.3 Training remains a major concern, as promised dedicated training for QLRs has yet to be delivered. In the meantime, general law focused training is being used, though it is acknowledged to be less effective than a targeted programme. The MoJ is actively exploring other training options to address this gap.

8.4 Efforts have also been made to clarify the QLR role, particularly in cases involving prohibited parties. This includes improving communication with parties, such as sending letters to inform them when a QLR is appointed.

8.5 The Committee expressed serious concerns about the scheme, citing ongoing administrative inefficiencies, insufficient training and a lack of awareness among legal professionals about the improved fees. They suggested reviewing the fee structure to reflect the complexity of cases and encouraging participation through stronger support from professional bodies.

8.6 The Committee requested that their major concerns about the challenges facing the QLR scheme be formally recorded. It was agreed that prioritising the resolution of these issues is essential to ensure the scheme's success and its ability to protect vulnerable individuals while improving court processes. Further updates will be provided in April 2025.

PD36ZA PILOT EXTENSION

9.1 The Committee received an update on the PD36ZA pilot, which has been running in North Yorkshire since February 2022. The pilot also called Operation Shield, allows courts to email the police directly when protective orders are made.

9.2 The MoJ asked for the Committee's approval to extend the pilot for another year while they work on a long-term solution that could be used nationwide. It was highlighted that if a national system is ready before the pilot ends, it will replace the current pilot and the Committee will be updated.

9.3 The Committee praised the pilot's success but also expressed frustration that, after three years it has not been rolled out beyond North Yorkshire. Members stressed the importance of expanding it nationally to better protect victims of domestic abuse. The MoJ explained they are working with police and court officials to develop both short-term and long-term plans.

9.4 The Committee approved the extension and urged the MoJ to prioritise rolling out the system across the country. Updates will be provided as progress is made.

MEDIA REPORTING IN CHILDREN PROCEEDINGS: FINAL DRAFT OF PD PROVISIONS

10.1 The Committee received an update on the new PD provisions and amendments. The draft provisions were previously reviewed and updated versions were present at this meeting for final comments and approval before being submitted to the President for inclusion in the PD update. Key changes were highlighted for the Committee's review and a number of points were discussed.

10.2 The proposed rollout of transparency orders will follow a phased approach, mirroring the pilot rollout, public law first, then private law, followed by hearings before magistrates. Transparency orders allow reporters to attend certain hearings, and the new practice directions aim to standardise this process nationally.

10.3 The Committee raised concerns about ensuring the new national rollout does not disrupt courts already participating in the pilot. The Committee agreed that pilot courts should continue operating under existing guidance until the national scheme is fully implemented. Wording will be adjusted to avoid confusion.

10.4 One suggestion focused on clarifying the term "non-lawyer review hearing" in the draft provisions. It was proposed and agreed to specify that parents and journalists must first attend a "lawyer-attended hearing" to ensure legal guidance is provided before applying for transparency orders. This change was approved.

10.5 Members discussed the ambiguity around the term "secure email". It was clarified that personal email services like Gmail or Hotmail are not secure under data protection laws. The Committee recommended specifying that secure email refers to paid-for, professionally managed accounts compliant with UK data protection laws. This will be reviewed and refined further. The updated PD will be refined and submitted to the President for approval. The Committee will be notified once the PD has been published.

BUNDLES – POST CONSULTATION FEEDBACK

11.1 The MoJ Policy team presented a paper outlining recommendations from the Working Group based on feedback from the consultation on bundles. The paper focused on the first four questions of the consultation, providing proposed recommendations for each.

Question 1: There were mixed views about providing separate guidance for parties on preparing bundles. The recommendation was to continue to explore this possibility.

Question 2: On whether the PD should specify additional documents for inclusion. The recommendation was to leave decisions on including extra documents to the judge's discretion.

Question 3: The Working Group proposed creating a new bundle template that could allow for linked, indexed documents.

Question 4: For sequential numbering such as Bates numbering, the recommendation was to adopt it across all case types except financial remedy cases, where standard sequential numbering should continue.

11.2 The Committee highlighted the need to keep bundles concise and relevant, especially in domestic abuse cases, where unnecessary materials like excess test messages should be excluded. Bundle formats also need to be accessible for those with learning disabilities or difficulties. Bates numbering was strongly supported for care cases but received mixed opinions for private law cases.

11.3 The Committee discussed the role of HMCTS in producing digital bundles, particularly for private law cases. Examples of portal-based bundles were shared, showcasing how these can streamline the process. Further guidance from HMCTS is being developed to ensure consistency and usability.

11.4 The Committee also proposed consulting key legal organisations like, Resolution and the Law Society, before finalising the recommendations to ensure stakeholder input. This additional consultation would help ensure the proposed changes are practical and well received.

11.5 The next steps are to finalise the recommendations for Questions 1-4, discuss Questions 5-7 and present a full draft at the next Committee meeting. The Committee recognised the progress made and stressed the need to make bundles clear and efficient while continuing to work with HMCTS to develop effective solutions.

EARLY RESOLUTION: UPDATE ON EVALUATION PLANS – (To cover voucher scheme)

12.1 The Committee was updated on the Early Resolution Sub-group, which met on 21 November to review new rules introduced in the spring. These rules aim to encourage early agreements through non-court dispute resolution (NCDR). The Sub-group discussed progress and ways to increase awareness of tools like FM5 form and pre-application protocols.

12.2 The Committee shared positive feedback, saying the rule changes have led to more people using mediation and NCDR. However, concerns were raised about the low awareness and limited use of the FM5 form, which is only used in certain areas of digital cases. The Committee emphasised the need to raise awareness of the form and pre-application protocols among legal professional, judges and other key stakeholders.

12.3 The Committee also suggested improving the NCDR by incorporating NCDR into judicial training through the Judicial College, updating the court orders to include NCDR, and using the FM5 form earlier in the process. Members also emphasised better communication with parties before court to reduce conflicts and ease the court's workload.

12.4 The Committee noted that the Early Resolution Sub-group and the Online Procedure Rule Committee both deal with pre-action protocols for financial remedies. They suggested the two Committees work together to ensure these protocols are applied consistently and effectively.

12.5 The Committee acknowledged the progress of the Early Resolution Sub-group and emphasised the need to continue refining and promoting NCDR processes. A further update on the Sub-group's work will be provided in due course.

12.6 The planned discussion on the mediation voucher scheme was deferred.

FAST TRACK: FINANCIAL REMEDY APPLICATIONS

13.1 The MoJ updated the Committee on the Express Financial Remedy pilot, set to launch in early 2025. The pilot aims to resolve financial remedy cases with combined assets under £250,000 within 30 weeks of filing, hence addressing delays.

13.2 A draft PD and updated Form A were shared. The form now includes a question to check if a case qualifies for the pilot, with cases automatically included to ensure enough data for evaluation. The pilot will run for one year in selected courts in the Northeast, Northern circuit, not including Stockport, and Birmingham.

13.3 The Committee supported the proposals, and all agreed to move forward with the plans. They suggested to revisit the draft documents in February 2025 if further input is needed. Results will be evaluated during the year, with updates provided as the project progresses.

ONLINE CONTESTED FINANCIAL REMEDY SERVICE: PD36N/ NEW PD41H: Next Steps

14.1 The MoJ provided an update on new and updated rules to support the contested financial remedy digital service for legal representatives. The Committee was asked to approve two key proposals.

14.2 The first was a new PD41H to provide a permanent framework for the contested financial remedy online service. The second involved minor updates to PD36N, addressing temporary issues for cases issued before the end of the year.

14.3 After reviewing the proposals the Committee approved both. These changes will now be included in a PD update which was submitted to the President and the Minister in mid-December and changes were agreed.

PERMISSION TO APPEAL

15.1 The Committee was updated on amendments to introduce a permission to appeal filter for appeals from magistrates' decisions in family court cases. The proposal initially agreed upon at the October 2024 meeting, ensures that permission to appeal will only be granted by a circuit judge or exceptionally a high court judge rather than magistrates. Draft amendments to Part 30 of the FPR and PD30A were presented for review.

15.2 The Committee discussed how appeals from decisions made by justices' legal advisers would be handled. These appeals will also go to a circuit judge to maintain consistency. While appeals from legal advisers are expected to be rare, the Committee agreed that applying the same rules as magistrates' decisions ensures fairness.

15.3 Concerns about the grounds for appeal including cases considered "totally without merit", were addressed. The Committee agreed that all appeals should follow the same criteria, allowing circuit judges to decide such cases on the papers without an oral hearing when appropriate.

15.4 The Committee reviewed and approved the proposed amendments, including additional provisions to address appeals from justices' legal advisers. The changes will be finalised and included in the upcoming PD updates.

PATHFINDER PD CHANGES

16.1 The Committee was updated on the proposed changes to PD36Z which supports the Pathfinder process in family courts. The Committee reviewed and approved three key proposals.

16.2 The first proposal involved removing the review stage from the Pathfinder process which stakeholders including judges and Cafcass found unclear, rarely used and challenging to implement. The Committee agreed that the stage's objectives like early support and referrals were already being achieved earlier in the process. Courts will retain the option to order reviews on a case-by-case basis.

16.3 The second proposal was to extend the Pathfinder pilot for an additional year to allow more time for evaluation and data collection. The Committee supported the extension emphasising the importance of refining the process and assessing its long term effectiveness before broader implementation.

16.4 The third proposal focused on expanding the pilot to include new courts in West Yorkshire, Swansea and Mid-West Wales. The Swansea and Mid-West Wales expansion is set to begin in March 2025, with the launch date for West Yorkshire to be confirmed. Members welcomed the expansion and highlighted the importance of securing funding to support the new areas and ensure successful implementation.

16.5 The Committee approved all three proposals and commended the progress. These changes will be incorporated into the next PD update for implementation.

PD36ZE EXTENSION PLANS

17.1 The MoJ updated the Committee on the PD36ZE pilot and sought approval to extend its provisions for an additional two years to allow the flexibilities it provides to the Child Arrangements Programme.

17.2 Feedback from previous evaluations including judiciary input was largely positive and no significant feedback has been received. The MoJ highlighted that allowing the flexibilities to expire could create unnecessary burdens on local courts amid other system changes.

17.3 The Committee approved the two-year extension to ensure the continuity and allow further evaluation. The MoJ will implement the proposed amendments before the current PD expires in February 2025. This extension will provide additional time to assess whether a permanent implementation is appropriate.

ADDITIONAL ITEMS

OTHER PROCEDURE RULE COMMITTEES

18. The Secretariat reported that, after discussions with other Committees' Secretariats there are no relevant updates to share with the Committee.

FORMS UPDATE

19. The Secretariat updated the Committee on the Forms Working Group, explaining that the scheduled meeting for the week of 18 November was cancelled. This decision was made to avoid duplicating efforts as another Working Group was already set to review the form in question.

FPRC WORKING GROUPS

December 2024 Minutes – Family Procedure Rule Committee

20. The Bundles Working Group was acknowledged for their ongoing work.

AoB

A member raised the topic of the mediation voucher scheme. They highlighted that the Current rules do not establish the scheme but only acknowledge its exists. If the scheme becomes permanent the rules will need to be update. For now the scheme operates separately from the rules.

The Committee discussed feedback from the November Open meeting. Attendees suggested that future agendas should include brief explanations for each item to provide more context. This would help attendees better understand the topics being discussed.

It was also noted that some responses during the meeting felt overly scripted and members agreed to aim for more natural discussions in the future. The Committee will revisit these suggestions at the next meeting to improve Open meetings.

DATE OF NEXT MEETING: 3 February 2025

21. The next meeting will be held on Monday 3 February 2025 and will be a hybrid meeting both at the Royal Courts of Justice and via MS Teams.

FPRC Secretariat

December 2024

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