



# 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 3 March 2025**

### **Present:**

<b>Mr Justice Keehan</b>	Chair of the Family Procedure Rule Committee
<b>Lord Justice Baker</b>	Court of Appeal Judge
<b>Her Honour Judge Suh</b>	Circuit Judge
<b>District Judge Foss</b>	District Judge
<b>District Judge Nelson</b>	District Judge
<b>Her Honour Judge Birk</b>	Circuit Judge
<b>Poonam Bhari</b>	Barrister
<b>Laura Coyle</b>	Solicitor
<b>Graeme Fraser</b>	Solicitor
<b>Jennifer Kingsley JP</b>	Magistrate
<b>Shabana Jaffar</b>	Cafcass
<b>Rob Edwards</b>	Cafcass Cymru
<b>Bill Turner</b>	Lay Member
<b>District Judge Cassidy</b>	District Judge
<b>Helen Sewell</b>	Legal Advisor

## **ANNOUNCEMENTS AND APOLOGIES**

1.1 The Chair warmly welcomed all attendees to the Committee meeting. The President of the Family Division, HHJ Humphreys and Mrs Justice Knowles sent their apologies. The Chair highlighted that it was Judge Birk's final meeting on the Committee and thanked her for her time on the Committee and congratulated her on her appointment to the Circuit Bench.

## **MINUTES OF THE LAST MEETING: February 2025**

1.2 The Chair noted that the Minutes will be published following the meeting. A Committee member noted a typo and will liaise with the secretariat before publication.

**Action Point 1:** Secretariat to liaise with the Magistrate member on the typo in the February 2025 minutes before publication.

## **ACTIONS LOG**

1.3 The secretariat noted that 14 actions were recorded from the February 2025 meeting.

## **MATTERS ARISING**

1.4 MoJ tabled a paper which contained updates on the following:

- Web inaccuracies
  - The Committee were informed that the Secretariat has resolved web issues that had previously been drawn to their attention. However, a committee member flagged Rule 16.4(1) cross-references to Rule 8.42, but the editor of the Redbook has stated there is no Rule 8.42.
  - The secretariat said they will take this point away and review.
- Jade's Law
  - The Chair noted that the implementation board has now been set up. MoJ Policy will be submitting a paper to the board which will provide a deep dive into Section 18 of the Victims and Prisoners Act 2024.
  - The timeline for this work will depend on stakeholder progress and the Secretariat will be kept informed of any changes including work on restricting parental responsibility of child sex offenders.
- Online Procedure Rule Committee
  - It was noted that the draft Statutory Instrument (SI) confirming the OPRC's rule – making powers was laid before Parliament on 29 January. Debates in both the House of Commons and House of Lords are expected in the coming weeks. Once approved, the SI will grant the OPRC authority to make Online Procedure Rules for property cases in the civil and tribunals jurisdictions as well as for Financial Remedies in the family jurisdiction.
- Practice Direction (PD) Update No.1 of 2025
  - The Committee were informed that the Update makes amendments to five existing PDs and inserts one new PD. The PD Update was agreed by the President of the Family Division on 24 February and subsequently approved by the Minister on 26 February.

- Section 91(14) orders – Permission Applications
  - The Committee were reminded that at the February meeting, assurances were requested on managing applications from individuals subject to section 91(14) orders under the Children Act 1989. HMCTS outlined that case flags are used for digital cases; related cases are linked, and litigants must give reasons for any permission applications. Gatekeepers review applications before service, and staff check for existing orders. Guidance on civil restraint orders is under review by the civil team in HMCTS' development directorate with oversight by Lord Justice Birss.
  - The Committee highlighted challenges in ensuring that section 91(14) orders are flagged and visible within court systems, particularly with the new portal system. It was noted that, at present, court staff have to manually search for these orders on the system.
  - Members expressed concern that flags must appear not only on the original case but also on any new cases started by the same party.
  - The Committee also raised a point on improving terminology by not referring to these orders as "barring orders", and ensuring the processes align with how civil restraint orders are handled by HMCTS.
  - The Chair suggested that HMCTS email Designated Family Judges to clarify the process, as there has been confusion amongst the judiciary.

**Action Point 2:** The Secretariat will review the concern regarding the cross-reference to Rule 8.42 in Rule 16.4(1) and ensure that Rule 16.4(1) is amended in the next FPR amending SI to remove the outdated reference.

**Action Point 3:** HMCTS to circulate an email to DFJs regarding the administrative processes for managing section 91(14) orders.

## **PD36ZF – READINESS AND EXPERTS CHECKLIST PILOT**

**2.0** MoJ Policy referred to the checklist pilot conducted in courts across England and Wales from January to December 2024. The pilot tested two new checklists designed to reduce delays, improve communication before hearings, and support the Public Law Outline (PLO). The checklists were used in advocates' meetings to identify potential causes of delays and enhance judicial efficiency.

**2.1** Qualitative data on adjournments, case lengths, and non-compliance hearings was collected at the start and end of the pilot. However, overlapping initiatives in the pilot areas made it difficult to directly link improvements or setbacks to the checklist pilot. Feedback was gathered through five focus groups with 26 participants, including judiciary members, local authority representatives, solicitors, and Cafcass staff.

**2.2** It was concluded that the checklists were seen as an additional burden on the workload of Local Authorities, solicitors and judges without providing significant benefit. Committee Members noted the overlap and additional workload but considered it to be understandable. The Committee were content to confirm that this will mark the end of this pilot.

## **Practice Direction 27A: Bundles Consultation**

**2.3** MoJ Policy talked the Committee through the Working Group's recommendations on the final set of consultation questions (questions 8-10) and the recommendations in relation to position statements (consultation question 6).

**2.4** The Committee raised points regarding the structure, formatting, and accessibility of court bundles. Members raised concern on inconsistencies between paginated bundles and electronic PDF page numbers, which have created confusion during proceedings.

**2.5** The Committee highlighted that the lack of alignment between page numbers and PDF numbers wastes time for all parties, and suggested the index should be paginated where possible to ensure consistent numbering. The Chair proposed the PD requires PDF and page numbers to align, regardless of whether the index itself is paginated. This suggestion gained broad agreement, with members highlighting that alignment is necessary to avoid confusion and potential inefficiencies.

**2.6** The Committee discussed the standard font to use in court bundles. It was flagged that whilst Arial was suggested due to accessibility, particularly for court-users with learning difficulties, there was concern that this would deviate from the current wide use of Times New Roman in template orders and judgments. It was agreed that a further review should be made into font requirements in other Procedural Rules.

**2.7** There was discussion on position statements, particularly in cases involving litigants in person (LIPs). Judges raised concerns that position statements can sometimes be inflammatory, particularly in children's cases. It was suggested that guidance should steer parties toward measured and focused language that aligns with the court's overriding objectives.

**2.8** MoJ Legal highlighted that current Guidance in relation to Qualified Legal Representatives (QLRs) requires the bundle to be provided to the QLR seven days before a hearing, while the proposed PD suggests filing five days before. The Committee agreed this issue will need to be addressed but had no further comments on the Working Group's proposals in relation to timescales for agreeing, serving and filing bundles.

**2.9** Members discussed drafting easy-read guidance in relation to bundles for LIPs. It was agreed this would be helpful but that its preparation should not delay the publication of the new PD, once finalised. Members suggested individuals and organisations who may be able to assist.

**2.10** A revised draft of the PD will be submitted to the Committee's next meeting. The Committee confirmed its wish to then undertake a short consultation on the revised draft with key stakeholders.

**ACTION POINT 4:** MoJ to revise the draft PD in light of comments from the Committee at its December 2024 and February and March 2025 meetings.

**ACTION POINT 5:** MoJ and the Working Group to consider logistics for the preparation of easy-read guidance.

## **PRACTICE DIRECTION 12J: Domestic Abuse and Harm**

**3.1** MoJ Policy informed the Committee that they have engaged with Women's Aid, the Domestic Abuse Commissioner, and other stakeholders to identify concerns in relation to the current provisions in PD12J. MoJ policy summarised key points including issues related to abuse counter-allegations.

**3.2** Members noted that PD12J is complicated and has undergone various amendments over time. This and a lack of available data makes it difficult to effectively evaluate its application.

**3.3** The Committee agreed that the Policy Team should ask the Domestic Abuse Working Group to consider the way forward and then a progress update should be reported to the Committee.

**Action Point 6:** MoJ Policy to liaise with the Domestic Abuse Working Group and then report back to the Committee with a progress update.

## **EARLY RESOLUTION**

**4.1** MoJ Policy provided an update on the Early Resolution sub-group's work to evaluate the impact of recent changes to the Family Procedure Rules (FPR) and PDs made in April 2024. It was noted that, due to limited data, it has been challenging to evaluate the impact and the policy team are now developing an evaluation plan, to be finalised with the sub-group before the summer break. In the meantime, the sub-group is focusing on raising awareness and embedding the changes across the judiciary, legal professionals, and LIPs.

**4.2** MoJ Policy informed the Committee of key initiatives, including Judicial College training on non-court dispute resolution (NCDR), updating standard orders to reference mediation and pre-action protocols, and improving resources for LIPs, including easy-read guidance on Gov.uk. The Chair noted support for encouraging judges to consider NCDR at all stages of proceedings. Judges also suggested looking at potential powers to mandate mediation or arbitration in family cases. The Committee also discussed collaboration with external organisations such as AdviceNow to enhance support for families and improve awareness of pre-action protocols.

**4.3** The Committee discussed the importance of involving Cafcass practitioners in supporting NCDR. The Chair emphasised the necessity to continue monitoring the impact of the changes while raising awareness of the changes.

**4.4** MoJ Policy noted that the CPR have been amended in light of the judgment in *Churchill v Merthyr Tydfil*. The sub-group recommend that the FPR should not currently be similarly amended. The Committee agreed with this recommendation.

## **PATHFINDER**

**5.1** MoJ Policy provided an update on the Pathfinder pilot, it was noted that the expansion to West Yorkshire is due to launch 3 June. The Committee had previously agreed to the associated amendments to PD36Z being included in a PD Update. The Chair shared positive feedback from Birmingham and MoJ Policy indicated there are plans to further expand the pilot into four additional DFJ areas: Hampshire, Stoke-on-Trent, Wolverhampton, and Worcester. It was confirmed that funding has been secured to complete this expansion within the 2025/2026 financial year.

## **POLICE DISCLOSURE ORDERS**

**6.1** MoJ informed the Committee that as previously agreed, the Working Group has considered the Police Disclosure Order template at Annex 5 of the 2024 Protocol relating to the disclosure of information between family and criminal agencies and jurisdictions. In discussions with the Disclosure Working Group (which drafted the 2024 Protocol) the Working Group had agreed that one template order should be used across both public and private proceedings. It was flagged that there are many local variations of the police disclosure template. Members of the Working Group had produced a revised draft template Annex 5 order. This had been shared with the Disclosure Working Group, who had reverted with a revised draft, which was shown to the Committee.

**6.2** The Committee raised concerns regarding the ongoing complexity of the Annex 5 template, particularly in light of revisions proposed by the Disclosure Working Group. The Chair suggested exploring whether separate templates for legally represented parties and for cases involving litigants in person might help reduce the complexity and the burden on family judges.

**6.3** The Committee agreed that the template required further simplification and asked the Working Group to further revise the template, with a view to a further draft being submitted to the Disclosure Working Group, including an explanation for the proposed simplification. The Committee noted that the style used in the template should be consistent with the approach taken to all standard orders and MoJ agreed to further liaise with the standard order drafting lawyers regarding this.

**Action Point 7:** The Working Group to further revise the Annex 5 template.

**Action point 8:** MoJ to liaise with the standard order drafting lawyers to seek comments on the revised draft Annex 5 template.

## **PD36ZD: PARENTAL ORDER APPLICATIONS**

**7.1** The Committee approved the proposals to amend PD36ZD so that a scan of a certified copy birth certificate can be uploaded in parental order applications made on the digital portal, on the basis that Cafcass/ Cafcass Cymru officers will have had sight of the hard copy certificate.

## **PRIORITIES TABLE**

**8.1** MoJ provided an update on structural changes to the Priorities Table. As part of this, the entire table was reviewed and several items were reallocated across the tiers to better reflect the current status of work and Committee priorities. A new Tier 4 has been introduced to capture matters that are not active workstreams but for which the Committee will receive periodic updates. The changes aim to improve clarity by distinguishing between active areas of work and issues where progress is either paused, dependent on other/ external factors, or being monitored.

**8.2** It was confirmed that Tier 1 continues to reflect the most urgent and high-priority work. Tier 3 includes issues where no active work is currently underway, but which may return to scope at a later stage.

**8.3** As part of the review, the Committee also considered the item on triage, relating to Social Work England's proposed amendments to PD12G and PD14E. It was agreed that this should not proceed as a standalone item but be taken forward as part of a broader review of the relevant Practice Directions.

**8.4** The Committee acknowledged that the work strand on inherent jurisdiction proceedings relating to adults may need to be moved from the Wish List to the Priorities Table. However, it was recognised that this would be a substantial piece of work.

## **SECRETARIAT ITEMS**

## **OTHER PROCEDURE RULE COMMITTEES**

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

## **FORMS UPDATE**

**10.1** The Secretariat informed that the Committee that an update would be provided once the next Forms Working Group meeting has been arranged.

### **FPRC WORKING GROUPS**

**11.1** The Committee noted amendments that were needed to the Working Group table.

**Action Point 8:** The secretariat to amend the Working Group form.

### **DATE OF NEXT MEETING: 7 April 2025**

**12.1** The next meeting will be held on Monday 7 April 2025 and will be a hybrid meeting both at the Royal Courts of Justice and via MS Teams.

FPRC Secretariat  
March 2025

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