



# Ministry of Justice

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## FAMILY PROCEDURE RULE COMMITTEE

At 11:00 a.m. – 12:55 pm on Monday 2 February 2026,

Hybrid, in person at Royal Courts of Justice and online via Teams

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### Present:

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| • <b>Sir Andrew McFarlane</b>       | President of the Family Division          |
| • <b>Mr Justice Keehan</b>          | High Court Judge (Chair)                  |
| • <b>Mr Justice Peel</b>            | High Court Judge                          |
| • <b>Her Honour Judge Suh</b>       | Circuit Judge                             |
| • <b>District Judge Foss</b>        | District Judge (County)                   |
| • <b>Poonam Bhari</b>               | Barrister                                 |
| • <b>Laura Coyle</b>                | Solicitor                                 |
| • <b>Jennifer Kingsley JP</b>       | Magistrate                                |
| • <b>Shabana Jaffar</b>             | Cafcass                                   |
| • <b>Vicki Mulligan</b>             | Lay Member                                |
| • <b>District Judge Cassidy</b>     | District Judge                            |
| • <b>Helen Sewell</b>               | Legal Advisor                             |
| • <b>Robert Edwards</b>             | Cafcass Cymru                             |
| • <b>Graeme Fraser</b>              | Solicitor                                 |
| • <b>Rhys Taylor</b>                | Barrister                                 |
| • <b>Lord Justice Baker</b>         | Court of Appeal Judge                     |
| • <b>Mrs Justice Knowles</b>        | High Court Judge                          |
| • <b>District Judge Nelson</b>      | District Judge (Magistrates)              |
| • <b>His Honour Judge Humphreys</b> | Circuit Judge - Judicial Member for Wales |

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### ANNOUNCEMENTS AND APOLOGIES

- 1.1 The Chair welcomed everyone to the Family Procedure Rule Committee meeting.
  - 1.2 The Chair recognised the work of Robert Edwards who was attending his final Committee meeting as the representative of Cafcass Cymru.
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## MINUTES OF THE PREVIOUS MEETING

2.1 Rhys Taylor (RT) noted that his attendance had been omitted from the December 2025 meeting minutes.

**Action Point [1]: Secretariat to amend the December 2025 minutes to include Rhys Taylor's attendance at the meeting.**

2.2 The Committee approved the minutes and the priorities table from the 1 December 2025 meeting.

**Action Point [2]: Secretariat to arrange for the December 2025 minutes to be published on the relevant FPRC webpage.**

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## ACTIONS LOG

3.1 The Committee noted that 15 actions points were recorded from the 1 December 2025 Committee meeting.

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## MATTERS ARISING

4.1 MoJ Tabled a paper which contained updates on the following:

- Web inaccuracies
  - All previously identified web inaccuracies have now been resolved. This includes the correction of the broken link to Practice Direction 41H (proceeding by electronic means: procedure for online filing and progression of certain applications for or in relation to a financial remedy) on the Justice website's index page.
- Refuges – Safer Serve System
  - The Safer Serve system, which was introduced on 13 January 2025 and enables HMCTS, via a named contact, to verify a refuge resident's details and to facilitate safe electronic service where ordered by the court.
  - Officials noted that at the November 2025 meeting an update was provided on the use of the system in Wales, including case data however no equivalent data was available for England at that time, and the Committee requested a further update to clarify this. Officials informed the Committee that the use of the system has been limited to date, with one case reported in Wales and twelve cases reported in England and that officials continue to work with Welsh Women's Aid and the Women's Aid Federation of England to monitor implementation with responsibility for management of the process will transfer to HMCTS in due course.
  - Officials confirmed that a further update on usage will be provided to the Committee at the end of 2026.

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- Her Honour Judge Suh (HHJS) raised concerns about confidentiality and the practical operation of the system under HMCTS questioning whether the process would be managed centrally or locally and emphasised the need to preserve the safeguards historically associated with the Women's Aid process. The Chair asked officials to provide a more detailed operational update ahead of the next meeting so that the item could be considered substantively.

### **Action Point [3]: Officials to provide an out-of-committee update on the transfer to HMCTS.**

- G v H

- Officials updated the Committee on the Court of Appeal's referral in the G&H case (July 2023), which raised questions about permission to apply to revoke placement orders and the status of children as automatic parties or whether the court has discretion.
- Officials noted that the judgment considered whether children are automatically parties to such applications and, consequently, whether a children's guardian must be appointed under rule 16.4 FPR, or whether the court retains discretion under rule 16.3 FPR. Officials further noted that similar issues arise in relation to applications for permission to oppose an adoption order.
- The Committee established the G&H Working Group ("the Group") to consider the issues raised in the judgment, and the matter was triaged into Tier 2 in 2024.
- Officials reported that in September 2025, the Group agreed that amendments to rule 16.3(1)(b) to extend its scope to additional categories of permission applications would be desirable.
- The Group also agreed that further work was required to determine which permission applications should be brought within the amended rule. Officials have commenced this work; however, competing priorities have limited progress. Officials confirmed that they will return to the Committee once further work has been undertaken, including further consideration with the Group.

- Financial Remedy Pilot

- The Committee were updated that a paper will be brought to the March 2026 meeting seeking an extension of the Express Financial Remedy Pilot ("the Pilot"), which is due to expire on 3 April 2026. The proposed extension would retain the current terms to allow further time for sufficient data to be collected to assess the Pilot's effectiveness.
- It was noted that this data analysis will support a more informed decision on the long-term future of the Pilot. The timing and duration of any proposed extension will be confirmed in the paper submitted to the March meeting.

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- The Committee were reminded that the Pilot was last discussed at the Early Resolution Sub-Group meeting on 24 April 2025, and that updates were previously provided at four FPRC meetings: February 2025, and February, June and December 2024.
  - Mr Justice Peel indicated that he would be meeting with HMCTS to discuss the proposed extension of the pilot scheme.
  - The Committee agreed that the substantive discussion would take place when the paper is presented in March.
- Mediation Vouchers
    - Officials updated the Committee on the family mediation voucher scheme (“the scheme”), with officials noting that confirmation is awaited on whether funding will be extended into 2026–27.
    - Since the scheme’s launch, the MoJ has agreed to continue funding it on several occasion.
    - Demand for vouchers has continued to rise over the past year, with an average 14.6% increase in vouchers issued between April–December 2025/26 compared with the same period in 2024/25. Improvements to data collection from mediators and clients have also strengthened confidence that the scheme is continuing to fulfil its intended purpose.
    - Officials noted that continuation of the scheme beyond March 2026 remains subject to confirmation of departmental allocations following the multiyear Spending Review.
    - Officials confirmed that they will return to the Committee once departmental allocations have been agreed, and that a paper will be presented at the March FPRC meeting.
    - The Committee asked when an announcement regarding future funding was likely to be made in order to support planning by delivery partners.

**Action Point [4]: Officials to update the Committee on the expected timing of the announcement regarding the extension of the Mediation Voucher Scheme.**

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## SUBSTANTIVE ITEMS

### PATHFINDER

5.1 Officials gave an update on the Pathfinder Programme and were invited to approve an extension of Practice Direction 36Z (and the annexed Practice Direction 12B (Pilot)) from 31 March 2026 to 31 March 2027.

**Action Point [5]: Officials to include the proposed PD36Z (and annexed PD12B) amendment in Practice Direction Update No. 1 of 2026 and prepare it for signature by the President of the Family Division and the Minister in March 2026.**

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5.2 The Committee agreed to reactivate and repurpose the currently inactive Children's Working Group to review the relevant practice directions ahead of the next phase of the rollout. Members suggested expanding its membership to include additional representatives, including judges from Pathfinder areas.

**Action Point [6]: Secretariat to finalise the membership of the repurposed Children's Working Group and confirm the list with the Chair, including representation from District Judges and Pathfinder areas.**

5.3 Officials confirmed that they intend to return to the Committee in March or April 2026 with further proposed amendments to PD36Z.

5.4 Officials also explained they were developing a communications plan to announce further rollout. The purpose of the communications is to highlight the benefits of the model and outline the operating model.

## MODERNISATION OF PD27A

6.1 Officials updated the Committee on the draft "easy read" guide which has been co-developed with Bundles Working Group ('the Group') to support the implementation of the new Practice Direction 27A ('PD27A'), which comes into force on 2 March 2026.

6.2 The Committee provided minor points and suggestions for improvement to the guide to be sent by email to the Secretariat for consideration, including:

- Balancing guidance on court correspondence to avoid overwhelming court staff.
- Clarification on preliminary documents and agreement of indexes/chronologies, especially for financial remedy and children's cases.
- Inclusion of links or instructions for preparing electronic bundles.
- Consideration of how the guide is disseminated, given the volume of documents sent to litigants in person; suggestion to use links rather than attachments.

6.3 RT asked when the guide would be published, noting that releasing it a week or so in advance of the PD's coming into force date would allow time to include a link to the Financial Remedies Guide currently being drafted.

6.4 Officials confirmed that the guide will be published before the coming into force date of 2 March 2026.

**Action Point [7]: Committee members to submit feedback and suggestions on the guide to the Secretariat for officials' consideration.**

6.5 Several members raised points about the need for clarity on which documents should be included or excluded, the need to reference specific documents (for example a C1A or C7), and the importance of ensuring the guide is not too lengthy or overwhelming for recipients.

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- 6.6 The Committee acknowledged the need to balance the inclusion of essential evidence with the risk of overwhelming the court with irrelevant or excessive documentation, especially from litigants in person. District Judge Nelson (DJN) and His Honour Judge Humphreys (HHJH) discussed the section advising litigants not to include emails, texts, or WhatsApp messages unless ordered. Concerns were raised that this could prevent crucial evidence from being included in fact-finding hearings. The Committee agreed that case management hearings should clarify what evidence is needed and considered that the current wording in the guide “or as directed by the court” provides a caveat to address this.
- 6.7 The President of the Family Division agreed for the guide to be published as President’s Guidance on the judiciary.uk website.
- 6.8 Laura Coyle (LC) highlighted concerns about the amount of material being sent to litigants in person and suggested that links be used in place of multiple attachments.
- 6.9 MoJ Legal clarified that it is intended that the guide should be disseminated by HMCTS in cases where litigants in person would be responsible for preparing the bundle.
- 6.10 The Committee agreed to allow the Group to provide final sign off on the guide following any amendments made in light of any feedback from the Committee, given the imminent commencement of new PD27A.
- 6.11 The Committee were made aware of the proposed amendments to PD27A, including correction of numbering anomalies and exploration via email with the Group of whether clarification on the collaborative preparation of documents is required. Officials noted that they will provide an update to Committee at the March meeting in relation to the proposed amendments to PD27A for the Practice Direction Update No1 of 2026.

**Action Point [8] Officials to return to the Committee at the March 2026 meeting with proposed PD27A amendments for inclusion in Practice Direction Update No. 1 of 2026.**

## **NOTIFICATION OF NON-MOLESTATION ORDERS TO POLICE – PD36ZI**

- 7.1 Officials presented proposed amendments to PD36ZI to strengthen automatic electronic notification arrangements by extending the scope of information shared to the police by (i) enabling the transmission to the police of certain contact details (email addresses and telephone numbers) of parties where known to HMCTS and (ii) providing notification of service status together with the certificate of service for early intelligence and safeguarding purposes.
- 7.2 The Committee raised concerns about the potential for confidentiality provisions to be invoked in ways that could frustrate legitimate police contact, including by respondents seeking to avoid service. The Chair requested further consideration of the drafting to ensure that confidentiality provisions are not exploited unmeritoriously, with the further considered proposals to be brought to the March 2026 meeting.

**Action Point [9]: Officials to return to the March 2026 meeting with revised drafting proposals to ensure that confidentiality provisions are not exploited by respondents seeking to evade service.**

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7.3 Officials noted that they will return to the Committee once they have finalised proposals for sharing of certain other parties' details, via additional amendments to the same PD. Officials also noted that these proposals will require further work and consideration by the Domestic Abuse Working Group.

### **PRIVATE FAMILY LAW DIGITAL PROJECT UPDATE & DEMO**

8.1 Officials demonstrated the latest developments across three workstreams designed to assist separating families including:

- Updated GOV.UK content for making child arrangements, with improved plain English and user-tested guidance, especially on mediation.
- Triage tool to guide users through options (mediation, court, parenting plan) based on their circumstances, with safeguarding checks and tailored support links.
- Child Arrangement Planning Tool: allows users to create a parenting plan online, with a printable PDF output. Plans for future enhancements include save-and-return and online collaboration.

8.2 Members welcomed the progress before asking officials give consideration to providing Microsoft Word outputs alongside PDFs, queried use by non-parent applicants, and encouraged alignment with the evolving Pathfinder programme as rollout expands.

8.3 Rhys Taylor highlighted that the child arrangements plan currently generates a PDF output, and he suggested that this format may be difficult for some users to edit. He asked whether an MS Word version could be provided to increase usability. Officials confirmed that this point had been considered and noted that user testing had already been undertaken with individuals with lower literacy levels, which will inform future improvements to accessibility and format options.

8.4 Members also sought clarification on whether the system could be used by nonparent applicants, such as extended family members or carers. Officials confirmed that the system is intended to be accessible to anyone, and that the triage tool is being designed to capture a range of early routing questions such as whether the user holds parental responsibility so that it can direct them to the most relevant guidance or external resources.

8.5 The President of the Family Division welcomed the progress of the digital workstreams and commended the development of the online information hub, noting the value of high quality digital tools in supporting the wider modernisation programme.

### **TRANSPARENCY: REPORTING IN FINANCIAL REMEDY PROCEEDINGS**

9.1 Officials provided an update on the planned consultation for the permanent framework arising from the Transparency Reporting Pilot in financial remedy proceedings. Officials explained that an early-January consultation launch had not been possible, owing to the need for further judicial engagement before the consultation paper can be finalised.

9.2 Officials reported that, following preliminary engagement, further work was required to ensure clarity and precision in the proposed consultation questions. Additional material was needed to address issues raised by members of the judiciary, and officials also needed to take account of related work currently being undertaken within the King's Bench Division. After reviewing the policy, legal capacity, and dependencies across

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these parallel workstreams, officials concluded that it would not be feasible to complete the necessary pre-consultation work in time for a launch in January/February. As a result, the timeline had been revised, with the Committee informed that autumn 2026 now represents the earliest viable point for laying the required Statutory Instrument and issuing accompanying Practice Direction amendments. Officials emphasised that this timeline reflects the minimum deliverable timeframe.

9.3 The Committee confirmed that it was content with the proposed approach to pre-consultation engagement (including with the Committee's Information Sharing and Transparency Working Group) and the revised timetable, and that final sign-off of the consultation paper should be delegated to Mr Justice Peel, Mrs Justice Lieven and District Judge Harrison.

9.4 During discussion, members noted that the consultation title should be amended to reflect that the proposals concern both financial remedy and children proceedings, where applicable. They also agreed that when presenting consultation questions, it would be sensible to separate strands relating to each jurisdiction while recognising that a number of questions may appropriately be replicated across both areas.

**Action Point [10]: Officials to amend the consultation title to reflect that the proposals relate to both financial remedy and children proceedings, where applicable.**

**Action Point [11]: Officials to revise the draft consultation document so that the consultation questions are separated into financial remedy and children strands, while identifying any questions that appropriately apply to both jurisdictions.**

**Action Point [12]: Officials to finalise the consultation paper, undertaking the liaison and pre-consultation engagement agreed by the Committee.**

9.5 Officials further noted that they will provide an update on progress, including initial feedback from stakeholders, at the next meeting in April 2026.

## **PRACTICE DIRECTION 36G AND 36ZD**

10. The Committee approved the extension of PD36ZD (private law digital service) to 31 March 2027 to support plans for national rollout and agreed a parallel extension of PD36G to 31 March 2027 to retain existing digital application routes for those outside the PD36ZD pilot areas pending full rollout.

## **POLICE DISCLOSURE ORDERS – 2024 PROTOCOL**

11.1 Officials reported that there was a need for ongoing discussions with the police representative of the Disclosure Working Group in order to agree a final version of the Annex 5 order to the Disclosure of Information between Family and Criminal Agencies and Jurisdictions: 2024 Protocol ("the 2024 Protocol") (dated 13 January 2026).

11.2 The Committee agreed that Poonam Bhari and District Judge Foss will meet with representatives from the Metropolitan Police Service and the 2024 Protocol Team to seek to finalise this work and to determine whether the issue will need to be brought back formally to the Committee following those discussions. Officials will provide a further update at the March/April 2026 meeting.

**Action Point [13]: Officials to liaise with Committee members and representatives of the Disclosure Working Group to arrange for them to meet to seek to agree a revised version of the Annex 5 template order.**

**Action Point [14]: Officials to provide an updated report to the Committee at the March/April 2026 meeting.**

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## **SECRETARIAT ITEMS**

### **PRIORITIES TABLE, TRIAGE FORMS**

12.1 The Committee agreed to remove the “Single Lawyers Model” workstream from the Priorities Table following confirmation from Resolution that no pilot had been undertaken and that the regulatory constraints identified rendered the model unworkable. As there was no ongoing activity or expectation of further work from stakeholders, officials considered the workstream closed.

**Action Point [15]: Secretariat to remove Single Lawyers model workstream from the Priorities Table.**

**Action Point [16]: Secretariat to arrange for the updated Priorities Table to be published on the relevant FPRC webpage.**

12.3 The Committee considered and agreed that the following triage forms should be added to the Priorities Table at Tier 3:

- Digital post placement adoption application: statement of truth from local authority
- Reciprocal Enforcement of Maintenance Orders ('REMO'): functions to be performed by Justices' Legal Advisers
- Proposal for a single lay justice to hear REMO cases with a legal adviser remotely.

**Action Point [17]: Secretariat to add the following three workstreams to the Priorities Table at Tier 3:**

- (i) Digital postplacement adoption application: statement of truth from local authority;**
- (ii) REMO functions to be performed by Justices' Legal Advisers; and**
- (iii) Proposals for single lay justices to hear certain REMO cases remotely.**

**Action Point [18]: Secretariat to amend the Priorities Table to reflect the inclusion of these three Tier 3 workstreams.**

12.4 The Committee suggested that the Secretariat to liaise with District Judge Alan Jenkins in relation to REMO matters, given his appointment as the lead judge in this area. Members also noted that Judge Hess would be preparing an article for the Family Law Journal to explain how REMO operates and to demystify aspects of the regime. The Committee further

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suggested keeping the relevant HMCTS lead informed in relation to REMO development. RT indicated his willingness to support this work and to assist with the REMO strand alongside Judge Hess and District Judge Jenkins.

**Action Point [19]: Secretariat to liaise with District Judge Alan Jenkins regarding REMO work and ensure coordination with Judge Hess's planned Family Law Journal article.**

**Action Point [20]: Secretariat to keep HMCTS informed on specific REMO developments.**

## OTHER PROCEDURE RULE COMMITTEES

13.1 The Committee was informed that the Secretariat had engaged with the Secretariats of the other Procedure Rule Committees and was invited to note the following cross jurisdictional updates.

### *Online Procedure Rule Committee (OPRC)*

13.2 The Committee was informed that the OPRC's public consultation on its first set of Online Procedure Rules closed on 15 January. Officials are analysing the responses.

13.3 The Committee noted that the OPRC sub-committee continues to undertake work arising from its earlier summer consultation, with a particular focus on inclusion, accessibility, and continued user engagement. Officials advised that the OPRC expects to agree its next steps formally in the Spring.

### *Criminal Procedure Rules Committee (CrimPRC)*

13.4 The CrimPRC will be invited by its Secretariat to consider the judgment in *K v P* (Criminal Solicitor as Court Appointed QLR) [2025] EWFC 321, in which the President of the Family Division addressed the position of a court appointed qualified legal representative who was simultaneously instructed in related criminal proceedings. Officials advised that the judgment does not appear to necessitate amendments to the Criminal Procedure Rules or associated Practice Directions. However, CrimPRC members will be asked to consider whether the current framework is sufficient or whether any procedural gaps have been identified.

13.5 At the same meeting, members will also be invited to provide preliminary views on work being progressed by the Judicial Contempt of Court Procedural Rules Working Group, chaired by Lord Justice Edis. Officials noted that a drafting sub-group has been established to explore potential restructuring of CrimPR Part 48 to more closely align with the architecture of the Civil and Family Procedure Rules and with the framework recommended by the Law Commission. CrimPRC members will be asked to comment on the development of template contempt rules capable of adoption, with appropriate adaptations, across jurisdictions.

### *Judicial Contempt of Court Procedural Rules Working Group*

13.6 The Committee noted that Her Honour Judge Suh had attended the most recent meeting of this Working Group. The Working Group had expressed appreciation for the

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Committee's paper submitted in December 2025. Officials informed the Committee that (as noted at paragraph 13.5 above) the Working Group has now established a drafting subcommittee, comprised of non-judicial members, to develop a harmonised set of procedural rules governing contempt proceedings arising from breaches of court orders. This work will draw primarily on the existing Civil and Family Procedure Rules and seeks to ensure a coherent cross jurisdictional approach. The Committee will receive further updates as the work progresses.

### **FPRC WORKING GROUPS**

14. The Committee reviewed the updated list of the FPRC Working Groups. Following the Committee's discussion at the December 2025 meeting, the Secretariat had reviewed and updated the Working Groups table to clearly distinguish between groups that are active groups, inactive groups and past groups – the latter defined as those whose purpose has been fully completed or which the Committee has agreed are unlikely to be revived.

### **DRAFT MARCH 2026 AGENDA**

15. The agenda will be updated to reflect comments received at this meeting.

### **DATE OF NEXT MEETING: 1 March 2026**

16. The next meeting will be held on Monday 1 March 2026 and will be a hybrid meeting both at the Royal Courts of Justice and via MS Teams.

*FPRC Secretariat*

*February 2025*

*FPRCSecretariat@justice.gov.uk*