THE LAW SOCIETY OF NORTHERN IRELAND

REVIEW OF CIVIL AND FAMILY JUSTICE: DRAFT REPORT ON FAMILY JUSTICE

Response of the Law Society of Northern Ireland

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Introduction

The Law Society of Northern Ireland (the Society) is a professional body established by Royal Charter and invested with statutory functions primarily under the Solicitors (NI) Order 1976 as amended. The functions of the Society are to regulate responsibly and in the public interest the solicitor's profession in Northern Ireland and to represent solicitors' interests.

The Society represents over 2,800 solicitors working in approximately 520 firms, based in over 74 geographical locations throughout Northern Ireland and practitioners working in the public sector and in business. Members of the Society thus represent private clients in legal matters, government and third sector organisations. This makes the Society well placed to comment on policy and law reform proposals across a range of topics.

Since its establishment, the Society has played a positive and proactive role in helping to shape the legal system in Northern Ireland. In a devolved context, in which local politicians have responsibility for the development of justice policy and law reform, this role is as important as ever.

The solicitor's profession, which operates as the interface between the justice system and the general public, is uniquely placed to comment on the particular circumstances of the Northern Irish justice system and is well placed to assess the practical out workings of policy proposals.

November 2016

Introductory Remarks: Key Principles

1. The Society welcomes the publication by Lord Justice Gillen of the Preliminary Report on Family Justice and the invitation to engage with the Report's interim recommendations. At the outset it is important to state that we commend the Judge for his approach to engagement across the profession and the wider justice arena, which has ensured a thought-provoking Report with many interesting recommendations. The opening section of the Report discusses a number of key principles in relation to the effectiveness of evidence-based reform which takes a long-term view of achieving an effective and efficient family justice system. The Society has provided responses to each of the Report's recommendations indicating our agreement, concerns and commentary where appropriate. As the detail of our response can be found below, it may be useful to set out some of the key principles which the Society has had reference to in developing the response to the Report.

2. In the Review's terms of reference, it is noteworthy that improving access to justice is the headline point and we believe that this overarching principle is the benchmark against which effective reforms should be measured. The preface to the Review is clear that what is being charted is a strategic blueprint for a more effective and efficient family justice system, rather than a pretext for cost-cutting. The Society has consistently maintained that improving efficiencies will necessarily bear down on costs, whilst also improving access to justice for the most vulnerable members of our community. We believe that too often the principles of access to justice, efficiency and economy are placed in an uneasy trade off. Accordingly, the Society welcomes the spirit of much of this Report in its commitment to build on existing strengths and to identify options to deal with some of the weaknesses within the family justice system at present. The additional points made in the Report's preface about better outcomes and use of resources point towards another foundation principle - that an effective family justice system should promote social cohesion in the face of family breakdown. Often the value of stability and the contribution made by our justice system to the resolution of conflicts in accordance with the rule of law can be under-appreciated. This Report has looked at the interests of those children and families coming into contact with our family justice system and sought to make improvements for their benefit with a strong focus on the end goal of a less fractured, more cohesive society.

3. Another important principle which this Report mirrors is the centrality of evidence-based conclusions, which take into account all relevant factors when making proposals for reform. An example of this can be seen in the Report's commitment in Chapter Four to the proposed new Family Justice Board deepening their understanding of how family justice works in other jurisdictions in their particular contexts and their respective strengths and weaknesses. The Society commented strongly in our response to the Access to Justice Review II that the comparison with the Children's Hearings system in Scotland within that Report in terms of legal aid costs was wholly misconceived and pointed out that the cost pressures within that system fell onto the public purse through direct funding and infrastructure. Legal aid costs were in addition to such funding and there were also cases which remained to be adjudicated in court proceedings, making bald comparisons of legal

aid costs misleading. This was before taking into account the massive costs of scrapping a long-established and effective system and beginning anew. The Society is firmly of the view that our judge-led system of family law works very effectively and that the tenor of this Report, which seeks to measure best practice and engage in considered reform which builds upon the strengths of the current system is a better approach. The Society is confident that the family justice system in this jurisdiction will withstand comparison in terms of pursuing the best interests of children, helping to foster social cohesion and address family breakdown.

4. In pursuing a nuanced view of efficiency, the Society welcomes the recognition in the Report that achieving medium to long-term savings requires investment in the improvement of the process and infrastructure within the justice system. The reference to the importance of understanding the difference between "investment to save and pure expenditure" is crucial[1] in developing realistic and achievable reforms. Another key principle in respect of serving the aim in the Report's terms of reference of ensuring a "responsive and proportionate system" of family justice, is to recognise inequalities of access and understanding when it comes to the use of online services. These levels of inequality in accessing an online system are likely to temper its ability to provide a holistic service and on that basis, online resolution systems should be appropriately tailored, trialled and phased in to limited areas where they can be most effective.

5. Such an approach would maximise their utility and minimise any issues for parties in such cases, which would otherwise place additional pressures on court staff in an already stretched environment. The Society notes for example that the Dutch Rechtwijzer system builds in referral to lawyers in areas whereby technology is unlikely to resolve the issue. Accordingly, prudence in implementation will serve the spirit of the Review's findings in relation to taking a strategic view of a fair proportionate family justice system. Any implementation programme should take into account the requirement to provide safeguards for those users experiencing barriers to using the online system effectively. Complementarity with the proposed digital systems to be implemented within the courts process is vital, so as to avoid unnecessary duplication and to ease the burden on front line staff as far as possible.

6. This requirement for a phased and prudent approach to online dispute resolution is further reflective of the fact that the Court's system is starting from a very modest position in terms of technological capability at present. Basic equipment is often unreliable and the range of technical issues encountered during the presentation of live link and video link evidence provides a compelling example of these limitations. The courtroom machinery is a considerable distance behind the position that the Review aims to achieve, reinforcing the importance of substantial upfront investment to make the improvements required. Another example of the problems with unreliable technology is the CJSM secure email system which has suffered from slow response times and complaints that it has crashed on several occasions. This provides another reminder that the breadth of the ambition for digital

[1] At p. 16.

reforms set out in this Report must be matched by the depth of investment to get workable and durable systems in our courts. The system must be installed, reviewed and refined on an ongoing basis with a focus on the end user for each step of the process if it is to prove a success. Rather than reiterate these points throughout each of the recommendations of relevance, they should be taken as a necessary pre-condition towards using any digital system for any purpose within our courts. These requirements are the necessary framework within which we set out our response and are without prejudice to specific commentary provided on the individual proposals contained within.

7. The Report recognises the risks of using an online platform for ancillary relief, whereby complex matters require to be explored and wisely cautions against introducing such a model at this stage.[2] The importance of safeguarding the interests of parties through legal advice and representation is reflected in a number of points within the Report. This enables a practical approach to be taken to maximising the appropriate use of technology to add value to the system overall rather than presenting these options as a panacea to cure all ills. Similarly, the Report's discussion of the options around mediation in Chapter 7 again reflects an important nuance in how we conceive of ADR processes and their position within the family courts system.

8. The Judge's conclusion that mediation fits alongside court proceedings and negotiations between solicitors within a strong system of dispute resolution is sound.[3] On occasion, mediation is positioned as wholly distinct and opposite traditional legal proceedings, rather than as one important option among other course of action in appropriate cases. This is often driven by a mistaken approach which seeks to position ADR as a cheaper alternative to litigation to be pursued at every opportunity. This Report provides a welcome perspective which seeks to address the importance of appropriate dispute resolution in specific sets of circumstances and the idea that all mechanisms require resources to function adequately. The Report identifies the importance of investment towards strengthening the service provided by Family Mediation Northern Ireland who would require additional capacity to meet demand. The point about complementarity is supported by the Report's observation at para 7.33 that the mediation component of the New Zealand model has actually been frustrated by the lack of availability of legal advice services to participants.[4]

9. The principle of incremental, evidence-based reform applies equally to the drive to move towards paperless courts and more digital forms of working within the court setting. Again, one of the principal goals of the proposed reforms will be a reduction in avoidable delay and an expedition of proceedings where appropriate. Achieving these outcomes will be dependent on the phased implementation of new systems of working, preferably in parallel with existing practices. In this respect, the proposal for a "paper light" intermediary stage is welcome and this should be carefully piloted to ensure that any 'choke points' can be identified where a lack of accessibility and familiarity with the new system is causing delays.

[2] At p. 72-73.
[3] At p. 54.
[4] At p. 52.

We believe that whilst 'paper-light' working and digitised operations are undoubtedly right in principle, NICTS needs to engage in business planning which will set out a number of options for consultation, with costings and detail for all interested persons to provide commentary. This will form the necessary basis for the best practice protocol recommended in the Report. In this vein, the Report has identified a range of options from a narrow to a wide scope and these can be used as guidelines for the development of new IT models.[5] Variances should be built into budgeting to ensure there are sufficient funds available to address any early deficiencies or system wide improvements which may be required. This is a good example of the Report's principle concerning the need for investment to achieve long-term savings.

10. The Society believes that the smooth transition to new administrative structures will be effective only if handled correctly and this is crucial to complement the Judge's recommendations to provide greater cohesion and leadership within the family justice system. Alternatively, failure to handle this transition with care and planning would jeopardise the other reforms in the Report by introducing new sources of delay into the system. This is one reason that the Society is cautious to ensure that administrative reforms such as the proposal for a single tier family court would actually result in greater efficiencies. We are open to persuasion on this point with further critical examination of the workings of the existing arrangements for transfer and of the model in England and Wales as set out in our response.

11. In terms of court structures, the Society is supportive of the Judge's recommendation to introduce dedicated Civil and Family Care Centres, subject to the caveat that adequate transport infrastructure must be in place to promote access to justice across the community. In this respect, the Society welcomes the decision by the Minister for Justice to reverse the decision of her predecessor to close a number of courthouses across Northern Ireland. It is our view that retaining the strengths of the present court infrastructure will assist in the implementation of recommendations in the Report and avoid introducing issues of overcrowding and risk of co-mingling victims with perpetrators. Given the modest savings such closures were being said to produce, we consider this decision to be a good example of the Minister taking an 'invest to save' approach by providing adequate court infrastructure on which to focus reform.

12. In relation to compulsory accreditation in order to undertake Children Order cases, the Society has been willing to consider the benefits of accreditation in circumstances where this may have merit and indeed this was the case prior to the introduction of the Children Order panel of accredited solicitors. Each proposal would require to be considered on its merits against the background of the general professional obligation for solicitors only to take on work which is within their skills and competencies to conduct. Furthermore, the professional training received by solicitors and the requirement to undertake Continuing Professional Development acts as a counterweight to following a model based on accredited specialisms. The Society considers the current system works well and those

[5] At p. 124-128.

practitioners with membership of the Panel advertise this clearly to clients as a badge of further specialism. The Society would caution that moving to a mandatory arrangement should be weighed against the fact that professional training already requires demonstration of core skills and that the gaining of experience for junior solicitors is critical. A system of accreditation may impact on the ability of junior solicitors to gain appropriate experience under the supervision of a master due to reducing area of work available.

13. The responses to the individual recommendations within the Report are set out below and reflect the general principles set out in this introduction. The Society is keen to engage further with the Review upon publication of the final Report and to work constructively with any of the bodies charged with considering and implementing the recommendations.

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CHAPTER 4 - THE INTERNATIONAL CONTEXT (PAGES 23 - 27)

REC NO.	RECOMMENDATION
1	The relevant Executive department or the new Family Justice Board to commission an in-depth study of the systems that operate in Scotland and Guernsey to establish the pros and cons of their Child Youth and Community Tribunal care system.
	The Society is supportive of the proposal for an in-depth study of the systems which operate in Scotland and Guernsey. System-wide costs need to be assessed in the round. Costs pressures can be brought to bear on different sections of the budget in different systems. Broadly speaking this reflects the inquisitorial / adversarial divide, with the former system investing significantly more in resourcing the court process, the latter significantly more in the cost of representation. The Society notes that in October 2016 the Scottish First Minister at her Party Conference has undertaken to carry out a root and branch review of Scotland's children in care system, suggesting that current arrangements may require further consideration.
2	Close monitoring of developments in the Rechtwijzer system of online dispute resolution in Holland and British Columbia relevant to the family justice system, supervised by the Family Justice Board.
	The Society agrees that developments in the Dutch system for online dispute resolution and in British Columbia's system for family justice merit further scrutiny. Statistical research on the Rechtwijzer system shows that the system is useful in the early stages of legal conflict, where parties are orientating themselves and obtaining information on the conflict process. However upon further analysis the Society notes that when a problem unsuitable for online dispute resolution is identified, the system simply offers the user an overview of the legal process, providing a list of lawyers who can assist. In this way there is an attempt to 'unbundle' legal services, so that users can seek assistance with part of a case but retain ownership of its entirety. Here, the Society notes potential issues in delineating aspects of a case that should be assisted by a lawyer and those that should not. This is particularly pertinent given the complexity of family law cases in general. Rechtwijzer research showed that respondents with very complex conflicts and high needs for legal aid visited the website. More broadly, online dispute resolution recommendations should be framed with an individual's access to the internet considered. At times there may be an assumption of an

	individual's easy access to the internet. However often those going through a family crisis do not lead normal lives. Therefore there may be issues with access to reliable devices with an internet connection. Problems will inevitably arise if an individual's access to the internet is sporadic. Any online frameworks should be supported by assistance guides. The Society would welcome an analysis into vulnerable groups' (the elderly, deprived sections of the community etc) ease of understanding using online dispute resolution. It is crucial that simple language is used in any future system.
3	Close monitoring of the "court of last resort" approach to problem solving courts in New Zealand and Australia.
	Close monitoring of the arrangements in these jurisdictions should also involve consideration of all research and articles published to date in relation to same.
4	Liaison arrangements to be initiated whereby a family judge from Northern Ireland will spend, say, three months in New Zealand or Australia attached to their Family Division and, thereafter, to report on what lessons can be learned and practices introduced into the family system in Northern Ireland.
	The Society considers there is merit in an appropriately identified and briefed member of the family judiciary availing of such an opportunity.
5	The Lord Chief Justice to appoint a family judge with specific responsibility for keeping the judiciary and the legal profession up to date with family justice developments throughout the world.
	Subject to sufficient judicial resource being available to undertake this task, the Society is supportive of this recommendation. The Society notes that previous attempts have been undertaken locally to provide information to family law practitioners through COAC's Multi-Disciplinary Newsletter. This has been superseded by the Child & Family Law Update, a journal published twice yearly by the Society, which aims to keep family law practitioners and other professionals up-to-date with developments in child and family law in Northern Ireland. It may be possible to broaden its scope to include international perspectives.
6	The family judiciary and the legal profession to be strongly encouraged to keep abreast of family justice case law and developments in other jurisdictions.
	The Society is supportive of this recommendation. The Society is an active promoter of the Four Jurisdictions Family Law Conference which brings together on an annual basis members of the judiciary, family law practitioners and other professionals from Northern Ireland, Scotland, the Republic of Ireland and the English Northern Circuit.

CHAPTER 5 - A SINGLE TIER SYSTEM (PAGES 28 TO 30)

REC NO.	RECOMMENDATION
7	The abolition of the equivalent Family Proceedings Court and Family Care Centre in Northern Ireland and the creation of a single family court, with the jurisdiction of the High Court preserved only for the most complex or legally sensitive cases. This will require legislation.
	The Society is of the view that this recommendation requires further research and consideration. Previously in England & Wales the vast majority of family cases entered the court system at a tier equivalent to the Family Care Centre, with the possibility for cases to move downwards or upwards. To address the problems this presented for best use of resources, a unified family court was introduced. Whilst the Society can see the benefits of one unified set of rules applying in all the family courts, we remain to be convinced that it is necessary to have a unified family court if this results in increased bureaucracy. In Northern Ireland, save for cases in relation to divorce and ancillary relief, the Family Proceedings Court is the starting place for virtually all family cases. It already provides triage, with over 90% of all cases commenced there staying there. Application is made to the District Judge if, due to particular circumstances, the case is viewed as one that requires to be transferred to a higher court. If there are difficulties arising at present in relation to a late transfer between different court tiers, these could be addressed by way of a more rigorous application of the provisions in the Guide to Case Management in Public Law Proceedings. The court system will always have to deal with differing degrees of cases based on content, complexity and special circumstances. The more complex cases will naturally involve more time and expertise whether there is one unified court or three different levels. We would propose that this recommendation should be the subject of fuller research on any problems presenting with the current structure in Northern Ireland and has the benefit of any research carried out in relation to the operation of the unified family court in England & Wales.
8	Careful consideration must be given to the location of such venues, after wide consultation, to ensure true access to justice is maintained in terms of ability to travel to court.
	The Society set out a number of principles on access to justice and the importance of an effective court estate during the recent public consultation on court closures. Under

	Section 68A of the Judicature (Northern Ireland) Act 1978 the Department of Justice is under a statutory duty to provide an efficient and effective system for the operation of the courts and to provide appropriate services to do this. Whilst there was public discussion concerning the distinction between buildings and services during the consultation, it should be emphasised that local courthouses are the hubs of main market towns and serve significant numbers in outlying rural communities. The Society felt that the proposals pursued a strategy of centralisation in larger urban areas which is at odds with the principle of access to justice in local communities. In this context, a courthouse is more than a 'building'. They are places which local communities see as integral to their local infrastructure. Locations of courts were planned to ensure access to justice is served through the provision of welcoming and convenient locations to the population of Northern Ireland. Delivering on this statutory duty requires an overview of the business volumes within the courts, the facilities in place to aid the efficient resolution of cases and the availability of the judiciary to deal with case listings and achieve resolution. The importance of facilities relates not only to efficiency of disposal, but also the ability to protect vulnerable witnesses from potential contact with abusers. For example, this need for a protective environment is common in cases of domestic violence and sexual abuse and more broadly to prevent interference with witnesses in criminal trials. Higher volumes of business with less capacity may increase such risks overall and these risks should be acknowledged and weighed against the adequacy of the court estate. On that basis, the Society has been heartened to see that the current Minister of Justice shares our view on the value of the court estate and supports aims to make our current infrastructure work more effectively for the community. In our response to the consultation, the Society provided some examples whereby additional travelling time would create significant difficulties in areas where transportation was less accessible and that a robust impact assessment should have interrogated these risks in more detail. We welcome the Lord Justice's emphasis on courts working in the interests of community and to seek to look at ways in which their value and operational efficiency can be maximised. We believe the decision to retain the strength of the current court estate provides ample opportunity to achieve this in family cases whilst protecting access to justice. The Society is supportive of a review of the utilisation of the court estate in family proceedings to maximise the benefits of reforms introduced in this Review. Accordingly, we will listen to any case made for dedicated family centres and how these would operate to improve the current system.

CHAPTER 6 - PRIVATE LAW PROCEEDINGS (PAGES 31 TO 44)

One Stop Shops

REC NO.	RECOMMENDATION

9	The introduction up of a “one stop shop” process at first directions hearings before Family Courts.
	The Society would welcome such a development, building on current practices in the family courts.
10	The Department of Health and the Legal Services Agency to combine to fund dedicated services, with set fees, enabling the court to make referrals to services such as Children’s Court Officer, mediation, and anger management service, drug and alcohol testing, housing and debt problems, contact centres, etc.
	The Society considers that such a development would be extremely beneficial and would assist considerably in speeding up the court process and ultimately provide better outcomes. There is also a need for a uniformity of practice throughout Northern Ireland with regard to such referrals. At present there can be significant differences between Trust Areas and courts.
11	All Family Justice practitioners, judiciary and court officers be given training in what services are thus at the court’s disposal.
	The Society accepts that there is an ongoing need for awareness raising amongst those working in the family justice system of all the services which are at the court’s disposal.
12	Wherever possible, representatives of such services to be available for court hearing days, either online physically in court.
	The Society considers that this would be both desirable and beneficial.
13	Such dedicated services to agree set fees for this work (in liaison with the LSA and the trusts) and consideration could be given to automatic legal aid or trust authority if the court so directs.
	The Society considers that such a development would certainly expedite matters.
14	Steps to be taken to recognise the real value of CCOs and to ensure they are adequately resourced.
	The Society is strongly in support of this recommendation. CCOs provide an invaluable service, often with heavy workloads and pressing time frames. Practitioners report that presently it can take 8-12 weeks to get a report in Belfast which adds considerably to delay in cases.

Contact Breakdown

REC NO.	RECOMMENDATION
15	The introduction of a fast track, priority driven triage system for cases where contact has broken down.
	Whilst the Society welcomes this recommendation in principle, we have considerable reservations about its practical outworkings due to the high volume of cases in the family justice system. In the period September 2014 to August 2015, the Family Proceedings Courts dealt with over 4,000 private law applications. Further detailed research and analysis would need to be carried out in order to obtain a better understanding of the nature of the applications and the issues arising. The results of the research would assist with the modelling of any pilot scheme which might be established.
16	The Legal Services Agency (LSA) to introduce appropriate arrangements to facilitate this prioritisation.
	Subject to our response to recommendation 15 above, this is agreed.
17	Such applications to be available with an online template, albeit hard copy service might still be necessary where the respondent did not have online access.
	The Society considers that the availability of all forms as an online template would be beneficial. Subject to our response to recommendation 15 above, we also agree that appropriate arrangements for service will be required where online access is not possible.

Contact Centres

REC NO.	RECOMMENDATION
18	A protocol be drawn up to address the lack of understanding as to the precise role of contact centres by the parents and referrers whereby they think this is a final order.
	The Society recognises the very useful role provided by Child Contact Centres. We consider that the development of a protocol regarding referrals to Child Contact Centres generally would be helpful. The Society plans to engage with the Northern Ireland Association of Child Contact Centres on this issue in coming months.

Streamlining the system

REC NO.	RECOMMENDATION
19	Individual appointments, perhaps in clusters, for first directions hearings to be introduced for at least trial periods across the family justice system.
	The Society agrees that this recommendation should be trialled at a number of different court locations (city, large town, small town) and perhaps with slightly different formulations (individual appointments and clusters) in an effort to find out which works best.
20	A Practice Direction emanating from the Senior Family Judge directing the implementation of the Children Order Advisory Committee (COAC) guidelines, subject to the right of a judge to preclude or vary their use in an individual case.
	The Society agrees that there should be a standard approach to compliance with the COAC Guidelines across all courts, subject to the right of a judge to preclude or vary their use in an individual case.
21	The attention of the profession to be expressly drawn to the preferred use of the C2 system in pending applications.
	The Society notes the preference for the use C2s in pending applications. We accept these should be used responsibly and for proper issues which need to be addressed urgently and cannot wait until the next review. We would welcome further engagement with the judiciary on this issue so that a consistent approach is agreed with regard to the listing and hearing of same.
22	C1 and C1AA forms to be processed through an interactive online template in order to enhance stricter compliance with the COAC guidelines.
	The Society is supportive of this recommendation.

Judicial Consistency

REC NO.	RECOMMENDATION
23	Training sessions, where family judges are expected to attend as a group, to be introduced by a way of a formal and regular system.
	This is noted.

24	In both private and family law, a tutor judge to be nominated to be responsible for ensuring that family judiciary are kept up-to-date with current literature dealing with developments in family law.
	This is noted.

Enforcement

REC NO.	**RECOMMENDATION**
25	The implementation of "stop contact" notices which require to be served before contact is stopped. This should be included in any penal notice.
	The Society supports this recommendation.
26	The invocation of penal notices in all relevant court orders subject to the discretion of the judge to postpone such a notice.
	This is agreed. We have some concerns that there is a danger that by making these the standard or norm it will diminish their effect.
27	The creation by the relevant department, probably the DoJ, of relevant classes to which offenders compulsorily must attend in the event of breaches of orders. Failure to attend would constitute contempt of court punishable by imprisonment.
	This is agreed. The Society notes that the Civil Law Reform Division of the Department of Finance carried out a consultation on *Contact with Children Post Separation* in late 2014, the enforcement of contact orders being one of the issues consulted upon.
28	The introduction of community service orders for offenders who breach family court orders.
	This is agreed. The Society considers that it would be helpful to learn of the experience from England and Wales with regard to the operation of sections 4 and 5 of the Children & Adoption Act 2006. We understand that similar legislative provision has been considered by the Republic of Ireland.
29	An emphasis on swift, priority driven references back to court when breaches are observed.
	This is agreed.

30	The inclusion of these recommendations in appropriate legislation at the earliest possible opportunity.
	This is agreed.

CHAPTER 7 - RESOLUTIONS OUTSIDE COURT (PAGES 45 TO 55)

REC NO.	RECOMMENDATION
31	Mediation or some similar system to be more widely available within the family justice system.
	This is agreed. We consider it must be delivered by a suitably qualified and regulated mediator. It must not be compulsory for the parties, especially in difficult cases such as those concerning domestic violence issues. Parties should have access to a solicitor prior to mediation to allow appropriate initial advice to be given on the legal consequences of mediation.
32	Mediation to be more easily accessible and funded by legal aid as part of the court process. Consideration should be given to introducing legislation similar to s.10 of *The Children and Families Act 2014*, mandating the undertaking of mediation before issuing any private law children or financial remedy cases.
	The Society agrees that mediation should be more accessible and funded by legal aid as part of the court process. We are mindful that there are already layers to the litigation process which include research into the strengths of a case, solicitor negotiations between parties, involvement of Children Court Officers and in appropriate cases, mediation. The Society considers that one of the strengths of mediation as a resolution mechanism is that it is entirely voluntary. Making it mandatory could have the effect of introducing an additional layer of bureaucracy and hardening the attitudes of clients towards its effectiveness. Ensuring effective and efficient ADR procedures acts as an important component of the dispute resolution process, but it cannot act as a panacea to meet the needs of all clients in each and every case. The important aspect of dispute resolution is to ensure that the client has the options available to fit the circumstances of his/her case.
33	Mediators to have some experience in child protection and adult safeguarding.
	This is agreed. As the level of experience will need to be clearly defined, further consultation on this issue will be required in due course.

34	However, our preferred recommendation is for an earlier educative programme similar to that of the Parenting Through Separation, or Separated Parents Information programme in New Zealand and England respectively, where families are required to attend, save in exceptional circumstances, *prior to issuing proceedings*. Thus, mediation is seen as but one possible avenue to be explored which may in the event be advised by the programme.
	The Society agrees that mediation should be seen as an educative process and not just a compulsory form of dispute resolution. Mediation can of course be undertaken at any stage of a case, but it would be preferable for this to take place before formal proceedings are issued. The positive work of the Court Children's Officers also needs to be supported and the benefit of legal advice should also be available.
35	Close liaison between the DoJ in Northern Ireland and the New Zealand family justice system would be the first step, for instance, on the legislative change that would be required to introduce a formalised programme along the lines now operating in New Zealand and elsewhere.
	The Society sees merit in this recommendation. Experience gained elsewhere will be very helpful in preparing draft legislation for consultation in due course.
36	Certain cases should be exempt from immediate referral to a parenting programme and these would include: • Where a party or their children have been subject to domestic violence. • Where there are allegations of sexual abuse. • Where there are allegations of drug or alcohol misuse. • If a party is unable to take part (for example, if they live outside the jurisdiction, are in custody or refused to take part). • If there is an existing order which has been breached.
	These exemptions are largely agreed. We would seek clarification however in relation to the engagement of the first exemption. Does subject to domestic violence operate with a different engagement criteria to *allegations* of sexual abuse/drug or alcohol misuses? Further exemptions might also be considered such as: • Where an application to the court needs to be made urgently because there is a risk to the life or safety of the person who is making the application or his or her family • Where a party is currently involved with social services because there are concerns about the safety or wellbeing of a child.

CHAPTER 8 - DIVORCE PROCEEDINGS IN NORTHERN IRELAND (PAGES 56 TO 63)

REC NO.	RECOMMENDATION
37	The responsible government department to take steps to make the operation of the divorce process in Northern Ireland more administrative and less court–based, thereby reducing cost, time and, most importantly, emotional stress and strain.
	The Society has no difficulty with steps being taken to make the operation of the divorce process in Northern Ireland more administrative with a reduction in cost, time and emotional stress and strain. In Northern Ireland however, the ending of a marriage has always been considered to be a serious matter and the Society recognises that for many people attending Court is a way to acknowledge the step being taken.
38	Administrative and online adjudication of divorces in non-fault and undefended applications to be introduced. There is no reason why such adjudication cannot be processed online.
	The Society acknowledges that such a system clearly has potential, provided adequate security arrangements are in place. However, we consider that it is not appropriate for all cases. For example, in cases where there are children who are under 18 (16 if not in full-time education) the judge has a statutory function to fulfil in approving the arrangements for those children. This should not be done administratively. Similarly there are interlocutory matters which require to be dealt with, such as issuing amended or second Petitions, approving service etc. which are not suited to an administrative process. Even if the granting of a Decree Nisi can be facilitated by administrative process, there has to be a regime for disposing of otherwise unresolved financial matters. The Society also considers that this proposal assumes a degree of knowledge and capability among the population which will not exist for all and alternative options should remain. Please also see our response to recommendation 2. In addition, we refer to our earlier remarks in the introduction about the important of appropriate investment, review and maintenance of technology as critical to any prospect of finding the correct system for clients and other court users.
39	Administrative adjudication to be available for all divorce applications that are grounded upon 2 years' separation with consent and 5 years' without consent, subject to the hardship test.
	Please see our response to recommendation 38.

40	Administrative/online adjudication only to be used in divorce applications grounded on one of the fault grounds – adultery, desertion, unreasonable behaviour – when the respondent/co-respondent has admitted the ground and does not wish to defend the application.
	Please see our response to recommendation 38. We also note that in certain situations Respondents and/or Co-Respondents may accept some fault grounds but take issue with other fault grounds. It may be that a Respondent would not wish to defend a divorce Petition on the basis that amendments are made to the Petition and, again, this cannot be done administratively if such an interlocutory matter arises.
41	Administrative/online adjudication to include divorce applications in which there were minor children of the family. However, a Statement of Arrangements would still be required and should be approved by the judge.
	The Society considers that this is not appropriate in cases concerning children, particularly where there are children under 18 (16 if not in full-time education. The judge has a statutory function to fulfil and to approve the arrangement for those children. This should not be done administratively. It is not uncommon for a judge to wish to speak directly with the parties in respect of the Statement of Arrangements for Children under oath.
42	Northern Ireland Courts & Tribunals Service (NICTS) to establish an online information hub, including a telephone helpline, providing information and support for couples following divorce or separation outside court. The information hub/advice line and centre would be located in specified court buildings staffed by NICTS to assist service users.
	This is noted. The Society is mindful that improving website access can lead to a reduction of over-the-counter support. Conversely, however the introduction of new systems making additional demands on the court user are likely to increase demands for face to face support. Vulnerable personal litigants often do not have access to computers or ability to process information via the web. This will need to be considered in conjunction with and not instead of over the counter services. On that basis this should be taken in the spirit in which it is expressed, as an investment in efficiencies for the longer term. See also our responses to recommendation 150 and 151 below.
43	NICTS to invest in technology to enable the online issue of all such divorce proceedings.
	This is a pre-requisite if these recommendations are to be progressed and we refer to our discussion in the introduction.
44	Amendment of the Family Proceedings Rules (Northern Ireland) 1996 to allow for online issue of all divorce proceedings, electronic service and acknowledgement of service.

	The Society agrees that the 1996 Rules will require amendment if the recommendations in this chapter are to come into operation. However, particular consideration will have to be given to what constitutes service of a document electronically transmitted.
45	Online service to be supplemented by the option of service by post in circumstances where online service was not feasible or possible.
	The Society considers that this will be necessary, as there are a number of vulnerable individuals who will not have access to the internet or an ability to use technology.
46	The adjudicator to be a member of the judiciary (that is, a Master of the High Court or a family judge).
	The Society is strongly of the view that the adjudicator should be a member of the judiciary.
46A	Commencement of Article 15 of *The Family Law (Northern Ireland) Order 1993.*
	The Society agrees that the commencement of this Article will be required if the recommendations in this chapter are to come into operation.

CHAPTER 9 - ANCILLARY RELIEF (PAGES 64 TO 74)

REC NO.	RECOMMENDATION
47	A Practice Direction making available a mechanism for parties to attend with legal representatives, or alone if unrepresented, before the Master before proceedings have been issued.
	Solicitors regularly advise clients of alternatives to Court remedies. Solicitors work with their clients to try to resolve legal issues as amicably as possible in the interests of all parties. These cases are generally not recognised in statistics. Accordingly the Society has no difficulty with this recommendation. However, it would be essential that full discovery has been exchanged in advance of any such meeting to ensure full disclosure of assets.
48	Online filing of questionnaires, statements of core issues, adjournment applications, skeleton arguments and, provided proper assurance about security is obtained, discoverable documentation.

	Provided there is accessible reliable technology providing proper assurance about security, the Society has no difficulty with this recommendation. It should be noted that solicitors already encounter a number of problems with the operation of the secure network provided by CJSM and which will require resolution.
49	All applications for ancillary relief to be made on-line.
	Any online facility should be supplemented by the option to continue to lodge hard copies in circumstances where online filing is not feasible or possible.
50	Payment for lodgement of papers using solicitors' ICOS account system.
	An option to pay over the counter should remain where online payment is not feasible or possible.
51	Orders/Amended orders issued online.
	The Society understands this to be the current position.
52	Service of documents to be permitted by email as an option. The option of service by post should remain.
	The Society agrees with both these recommendations. We seek clarification though on what might constitute appropriate service.
53	Option of serving affidavit evidence online.
	The Society agrees with this recommendation, though again, this would be subject to proper arrangements being in place with regard to the signing and swearing of Affidavits and the security thereof.
54	Amendment of the Family Proceedings Rules (Northern Ireland) 1996 (FPR) to allow for such online steps.
	This is accepted.
55	A system whereby the parties should be encouraged to address interim hardship issues for maintenance pending suit alongside the ancillary relief application.

	It is our view that this is increasingly done. In practice maintenance pending suit applications are heard and dealt with alongside ancillary relief applications.
56	Maintenance pending suit applications to be adjudicated following written submissions. Oral evidence only to be heard at that stage if deemed necessary by the district judge or Master.
	The Society has no difficulty with this recommendation. The Society would also be of the view also that maintenance pending suit applications should be dealt with sooner rather than later as the nature of such applications often require immediate resolution.
57	Legislation to be introduced to empower the court to provide for a sale of property in isolation at any stage of the proceedings without hearing the whole case.
	The facility to empower a sale in isolation at any stage should be available to the court for use in appropriate cases. The Court should be in receipt of all of the appropriate discovery; to include the personal circumstances of all the parties including whether or not children reside in the property and also to include what financial services enquiries have been made by both parties.
58	Affidavits in ancillary relief to follow the format set out in paragraph 9.39 above.
	This is noted.
59	Directions and timetabling, especially in relation to discovery to be enforced by a greater use of cost penalties.
	It is the Society's view that where courts can impose cost penalties, they are being utilised appropriately. It is a matter for judicial discretion, but often given the nature of alleged breaches it is difficult to reach a determination as the net effect of a sanction could be to give rise to further hostilities in a case rather than swifter resolution of the issues. In this respect judicial discretion is of vital importance as flexibility is required to determine what is appropriate and likely to be effective within the individual circumstances of the case. Again this was an issue which was considered in the DFP consultation referred in the response to recommendation 27.
60	The implementation of reserve lists for family dispute resolution.
	The Society has no objection to this recommendation.

61	Penal notices to be attached to court orders (save where the judge or Master deems it unnecessary or inappropriate) with the specified provision of clearer consequences, including costs, interest, immediate property sale, transfer of assets, access to/injunction of bank accounts to secure implementation and immediate referral to the judge to address the issue of contempt. This provision could also serve to invoke FPR rule 2.64 (5) ordering discovery and information from third parties and, therefore, a warning to such third parties may also be included.
	Subject to our comments in respect of recommendation 59 above, the Society supports this recommendation.
62	A protocol requiring the offending parties to notify the other as soon as they are aware that they will be unable to perfect the court order.
	The Society has no objection to such a protocol. It would largely reflect current practice, with solicitors to advising their opponent at the earliest opportunity if a matter cannot proceed.
63	The oral hearing of ancillary relief applications to continue pending further consideration of the Rechtwijzer system.
	This is agreed.
64	The power of referral of valuation matters to the Lands Tribunal.
	The Society has no objection to this recommendation but questions whether this would have the effect of a case being dealt with more quickly. It is also likely to lead to added expense.
65	In the arena of ancillary relief, early neutral evaluation to be encouraged by the professions. It would lead to a different Master hearing the case if the matter were not to resolve. Minutiae such as what documentation or raw material would be available for such early evaluation (for example, a statement of core issues) would also have to be contemplated.
	The Society is not entirely clear how this recommendation differs from what is being proposed at recommendation 47. There is an ongoing obligation on solicitors to attempt to settle matters without redress to court. Unfortunately many of the more acrimonious cases, or those with complex issues such as domestic violence or abuse or with an international element, are not capable of being settled at an early stage and require a hearing. It is also our understanding that early neutral evaluation (ENE) does not provide a binding decision. Thus if an intractable dispute is encouraged towards the ENE process

	inappropriately it may serve to merely lengthen proceedings.

CHAPTER 10 - THE PUBLIC LAW SYSTEM (PAGES 75 TO 91)

Case Management

REC NO.	RECOMMENDATION
66	A new model for providing information to the court at initial application stage to be developed.
	The Society would welcome any improvement where possible on the current system. At present, the information provided and set out in the Trust Application is usually quite detailed and informative. It may be that this could be supplemented in terms of information provided by the Trust - to include any reports proposed prior to the issue of proceedings. A section summarising core issues might also be helpful. The aspiration that proceedings are issued only when all relevant assessments have been completed appears unrealistic. Experience shows that proceedings are mostly issued when the Trust believe threshold has been met and there is a risk of immediate harm to the child.
67	Judges to be given specific time to read essential documentation and prepare for each hearing. Case listing should make provision for this.
	Whilst it is the experience of practitioners that Judges invariably have read the essential material prior to each hearing and are familiar with the case, the Society agrees that case listing should make specific provision for this.
68	Court lists to reflect the need for in-depth case management, particularly at first directions stage.
	The Society welcomes this recommendation. See also our response to recommendation 19.
69	Judges to determine only the key issues which will affect the ultimate outcome of the case. Peripheral disagreements should be resolved between the parties without the intervention of the court wherever possible.
	It is our view however that judicial guidance and direction throughout the proceedings is welcome. Invariably disagreements especially in relation to contestable matters such as contact arrangements/residential placements will on occasion require judicial

	determination.
70	Social workers and guardians routinely to take part in directions and review hearings by video link, telephone or Skype.
	The Society agrees with this recommendation in principle. However we are also mindful that there is often significant collaboration at these hearings between professionals to resolve issues as and when they arise. Furthermore as indicated previously, the technology is not always reliable. It does not lend itself to group discussion. To enable such exchanges to take place will require significant investment in new infrastructure.
71	Technology and virtual reality courts to be extended to appearances by legal representatives.
	The Society agrees with this recommendation where it is appropriate e.g. where routine non-contentious matters are being resolved. See also our comments in response to recommendation 70 ante and our remarks in the introduction.

Court Orders

72	After each hearing in the High Court and Family Care Centres (or of the new one tier family court, if set up), the trust representative to e-mail an agreed court order to the judge for approval, and onwards transmission to the clerk.
	The Society understands that the proposed arrangements largely reflect current practice in the FCC and the High Court which represent 7%-8% of all public law cases. Any extension to all courts will clearly have significant resource implications for trust representatives.
73	Any order made by a family court to remain in force until the conclusion of the proceedings, or until further order.
	The Society has no objection to this recommendation.

Appeals

74	All appeals to be determined within 21 days of the initial decision, save in exceptional circumstances. Such circumstances do not include legal aid difficulties, unavailability of counsel, or unavailability of judicial resources.

	The specific terms of this recommendation are not contained in paragraph 52 of chapter 10. Whilst the Society agrees that appeals should be fast-tracked, we consider the timeframe is unduly optimistic given the difficulties which may present with regard to legal aid, availability of legal representatives and judicial resource.

Non Accidental Injuries

75	Cases involving alleged non-accidental injury to be fast-tracked at all stages.
	This is agreed.
76	Arrangements to be agreed between social services and the health and social care trusts to ensure the timely provision of medical information in non-accidental injury cases.
	This recommendation is welcomed.

Judgments

77	All written judgments to be published to ensure transparency and public accountability, subject to appropriate steps regarding anonymisation. Steps need to be taken to ensure that there is a recording made of every court where family proceedings are heard so that, if necessary, at least a CD of the hearing can be made available upon reasonable request.
	This is agreed.

Judicial training and leadership

78	The Judicial Studies Board (JSB) to develop a dedicated family training team tasked with the delivery of on-going, quality training. Attendance at training events should be mandatory. • A multi-disciplinary training team should be developed, resourced under the auspices of a new Family Justice Board (see Chapter 20). • There should be a specific leadership role(s), with management responsibilities in a new family court, accountable to the High Court family judge. • There should be regular meetings of all family judges arranged by the designated High Court Family Judge.

	• The proposed management information system, which has been developed by the Northern Ireland judiciary, and modelled on the English CMS system, should be progressed by the Northern Ireland Courts & Tribunals Service (NICTS). This will inform those judges with management responsibilities regarding workload and the effectiveness of current practices, and will enable problems within the system to be quickly identified and resolved.
	The Society is supportive of this recommendation.

Experts

79	Trusts to be required to have all medical notes and records available when proceedings are lodged. This should ensure that the most appropriate experts are identified at the earliest stage.
	This recommendation is welcomed. We would point out that difficulties can on occasion arise with the availability of client's own medical records.
80	Judges only to permit papers to be released where an expert is really necessary. Serious consideration must always be given as to whether more than one expert report is to be allowed in any discipline.
	The Society considers that this recommendation largely reflects current practice.
81	Judges to make it clear that the fact that an expert's opinion is unfavourable is not necessarily a ground for allowing papers to be released to another expert, unless some factual error was apparent or the methodology was questionable.
	This is agreed.
82	Limits to be placed on the volume of documentation which is forwarded to experts and the number and range of questions which they are instructed to answer.
	The Society has no objection in principle to this recommendation. A discretion to exceed the limit should be available for cases of exceptional circumstance.
83	Judges to be encouraged to place limits on the length of expert reports.
	The Society welcomes this recommendation, albeit judges should retain a discretion to exceed the limit in exceptional circumstances.

84	A new attitude to expert evidence to be implemented.
	The Society has no objection in principle to this recommendation.

Accreditation

85	The Law Society to introduce a compulsory accreditation system for those solicitors accepting instructions in cases under *The Children Order (Northern Ireland) 1995*. Equally so, there should be accreditation for members of the Bar in this type of case.
	The Society has been willing to consider the benefits of accreditation in circumstances where this may have merit and indeed this was the case prior to the introduction of the Children Order panel of accredited solicitors. Each proposal requires to be considered on its particular merits, against the background of the general professional obligation for solicitors only to take on work which is within their skills and competencies to conduct. This general professional obligation is a cornerstone of the Solicitors' Practice Regulations 1987 and the risks involved in stepping outside these boundaries in terms of client care are evident. Furthermore, the professional training received by solicitors and the requirement to undertake Continuing Professional Development acts as a counterweight towards following a model based on accredited specialisms across all areas of law. The Society considers that the current system works well and those practitioners with membership of the Panel advertise this clearly to clients as a badge of further specialism. There are clear incentives for practices offering family law services to achieve accreditation and this allows trainees the opportunity to work alongside experienced professionals in the field. The Society would thus caution that moving towards a mandatory arrangement should be weighed against the fact that professional training already requires demonstration of core skills and that the gaining of experience for junior solicitors is critical. Making the system mandatory may impact on the ability of junior solicitors to gain appropriate experience under the supervision of a master due to reducing area of work available.
86	The Legal Services Agency to set up a system of accredited experts with a scale set of fees.
	The Society understands that the Legal Services Agency is currently considering • establishing fixed hourly rates for different types and • a system of fixed fees for certain types of cases of consistent predictability where the amount of work required is foreseeable and not particularly variable.

Single Tier System (See Chapter 5)

87	The abolition of the FPC and FCC and the creation of a new family court. The High Court will remain as a separate entity hearing only those cases designated as being of sufficient complexity or containing novel points as to justify hearing by a High Court Judge.
	Please see the Society's response to recommendation 7 ante.

Regional models of best practice

88	All trusts should have regionally agreed, streamlined procedures relating to the family law system, and a regional model of best practice in this area should be developed.
	The Society considers that regionally agreed streamlined procedures by the trusts are essential.

Role of Guardian Ad Litem in Freeing Orders

89	The court should have the power in exceptional circumstances to reintroduce the Guardian Ad Litem after a freeing order is made and before an application for adoption has been mounted. This is a matter that requires urgent consideration when the long overdue new Northern Ireland adoption legislation finally is introduced.
	The Society supports this recommendation.

CHAPTER 11 - SECURE ACCOMMODATION ORDERS (PAGES 92 - 98)

REC NO.	RECOMMENDATION
90	Art. 44 of *The Children (Northern Ireland) Order 1995* and regulations made under art. 44 to be amended to empower a judge to direct that in exceptional circumstances, where it is deemed to be in the interests of the child or public safety, the child's attendance at a secure accommodation order hearing shall be secured by way of Live Link to the institution where they are then being held.

	This recommendation is welcomed provided it is exercised sparingly and only in the most exceptional of circumstances. This must not become an issue driven by financial resources, as young people have a right to be heard and to be present at any hearing that determines their welfare and has a far reaching impact on their lives. Prioritising the hearing of secure accommodation cases (possibly before the main Court List begins) may assist in many cases in preventing long periods of waiting time which leads to increased risk of absconding.
91	As this would be a change in policy and require legislative change, the relevant department first to consult with young people, families, legal representatives and others on proposals.
	This is agreed.
92	The specific circumstances in which Live Link is to be used to be clearly identified, including agreed principles and considerations of risk.
	This is agreed.

CHAPTER 12 - PROBLEM SOLVING COURTS (PAGES 99 - 105)

REC NO.	RECOMMENDATION
93	Problem solving courts to be established in Northern Ireland as a means of reducing the societal harm caused by domestic violence and abuse and by substance misuse.
	The Society supports this recommendation. Courts that reduce the impact on victims and fast track cases are welcomed. Reducing delay is essential in such cases and further investment is required for the improved delivery of services. Further consideration will be required following the outcomes of the two DOJ led Working Groups. The current focus is currently on criminal cases and therefore a pilot scheme incorporating civil cases is also welcomed along with any initiative that leads to the prioritisation of family justice.
94	The Domestic Violence Listing Arrangement pilot in Londonderry to be enhanced, initially to improve support for victims and provide for court-supervised offender programmes and, thereafter, to encompass civil proceedings.
	The Society would welcome such a development. Appropriate funding would be required for the wide range of services to be provided. Currently a large proportion of cases include allegations of domestic violence. There is currently a deficit in the provision of

	perpetrator programmes and the provision of same is essential.
95	Consideration to be urgently given to establishing a new Family Drug and Alcohol Court, based on the English model, initially as a pilot scheme, in parallel with the development of the planned Addiction Court pilot.
	The Society considers that further support for those suffering with addiction problems would be a positive outcome. We note that the report *After FDAC : outcomes 5 years later* published on 22 September 2016 (downloadable from www.fdac.org.uk/wp-content/uploads/2016/09/FDAC-Report-final-1.pdf) shows that mothers reunited with their children after care proceedings in the Family Drug and Alcohol Court are more likely to stay off drugs and alcohol for longer and their family life less likely to be disrupted when compared with cases heard in ordinary care proceedings. Further consideration will be required regarding the out workings of such a scheme in Northern Ireland. The Society will wish to consider any feedback arising out of the pilot schemes.

CHAPTER 13 - CHILD ABDUCTION (PAGES 106 - 116)

REC NO.	RECOMMENDATION
96	A protocol or guidance to be drawn up to ensure compliance with the recommended timeframe in Hague cases and which provides for a written statement of reasons why the parents in a particular case cannot comply.
	The Society agrees with the necessity for the preparation of guidance in this area in conjunction with training to raise awareness amongst practitioners.
97	Greater emphasis on obtaining at the earliest date, from Northern Ireland and from the other country involved, all relevant records. Central authorities should as a priority gather documents from the very first indication that there are to be proceedings.
	The Society concurs and again believes there is scope for awareness building through CPD training.
98	A protocol or guidance to be drawn up (perhaps after a multi-disciplinary recommendation from the Family Justice Board (see Chapter 20), as to how the voice of the child can be effectively considered in Hague cases.
	The Society recognises the importance of discussion regarding such guidance/ protocol in recognising the value of the voice of the child being heard in the most effective manner in such proceedings.

99	Judges in Hague cases in every instance, at the earliest stage available, to consider the advisability of mediation with mediators who are well versed in the procedures unique to such cases.
	The Society accepts the importance of ADR (especially mediation) in such cases at an early stage and would welcome identifying a list of mediators with experience in cross border mediation in such cases e.g. through MiKK- International Mediation Centre for Family Conflict and Child Abduction.
100	Representatives are fully conversant with the European Union Mediation Directive and with the Hague Conference Good Guide to Good Practice on Mediation in Child Abduction work.
	This is agreed. We would refer to our response to recommendation 99 above.
101	The Directive and the Guide to be part of the authorities bundle in most if not all Hague cases.
	This is agreed.
102	Consideration of a specific change in the rules so that the period for lodging an appeal in such cases is shortened.
	This is agreed.
103	Northern Irish practitioners to participate in the Hague Bureau and should make a special point of submitting papers to the Hague Conferences which regularly take place.
	The Society agrees that this would be useful. We also consider that the training available through LEPCA (Lawyers in Europe on Parental Child Abduction) conferences and webinars would assist Northern Irish practitioners in accessing relevant training easily.
104	A specialist legal group to be set up in Northern Ireland - comprising judiciary, Family Bar, Law Society and Central Authority - to advise and update practice and procedure in Hague cases.
	The Society would welcome consideration being given to the setting up of a specialist legal group for practitioners dealing with international child abduction work.
105	Department of Justice and the Legal Services Agency to consider as soon possible revisiting the approach to handling defendants' applications under the Hague Convention and to secure compliance with Council Directive 2002/8/EC of 27 January 2003 and the

	general approach to Brussels IIR cases.
	This is agreed.

International abductions involving non Hague countries

106	Judicial liaison to be used in this area and we encourage that practice.
	This is agreed.
107	Practitioners to be encouraged to seek consular assistance.
	This is agreed.

Abduction within the European Union involving Brussels IIR

108	The Family Bar Association and the Law Society to take proactive steps to set up training sessions to ensure practitioners become more aware of the provisions of the Brussels II regime.
	This is agreed.

Abduction within the UK

109	A judge to be appointed as an international liaison judge (perhaps the current serving Hague Convention liaison judge) to develop already existing and new international contacts, sustain contact with family judges internationally and keep abreast of developments.
	This is agreed.

CHAPTER 14 - PAPERLESS COURTS (PAGES 117 - 130)

REC NO.	RECOMMENDATION

110	Within 12 months from the date of this Report, the Bar Council, the Law Society and NICTS to collaborate to draw up a best practice protocol regarding e-files, electronic bundles, electronic applications and electronic file management systems. That best practice document should form the basis for the area chosen for a pilot scheme and as a basis for further dissemination.
	The Society is supportive of moving forward in a collaborative way to draw up a best practice protocol in this area and for the arrangements as agreed to be appropriately piloted. This should draw on experiences of problems in the current system, avoid pitfalls seen elsewhere and be mindful of the principles outlined in the introduction.
111	A family court centre to be thereafter selected as a pilot scheme for hearings listed from that date involving the use of e-files, narrow scope electronic bundles and virtual reality hearings in appropriate instances unless directed otherwise by the judge. That should become a key component of all case management hearings at an early stage. Within 24-36 months all family justice cases should use these processes.
	The Society welcomes a pilot scheme in this area and would be supportive of any initiative that would expedite cases and reduce the need for producing multiple voluminous bundles of documents. The Society is conscious that significant investment, training and support would be required to ensure that the outcomes are positive. The Society is also aware that currently members experience some difficulties with the provision of online orders through the ICOS system along with significant issues in relation to the CJSM secure email system. The Society recognises that case management reviews in family cases can be distinguished from those in the civil section. Often there is significant collaboration at these reviews between professionals to resolve issues as and when they arise. If professionals are not physically in attendance at Court, there may be the potential for unintended consequences.
112	In the family division, all “no fault” divorce applications, unless otherwise directed by the Master or the judge, to be processed by way of online applications as soon as the relevant legislation is passed
	Subject to the caveats raised elsewhere with regard to the availability and use of technology, the Society supports this recommendation but would welcome a pilot scheme to allow further consideration of any issues which may arise.
113	A full review of the use of this system in the family division to take place within one year of its inception – that is, within 24 months of this Report - by the Family Justice Board or such body as the Lord Chief Justice sets up to consider it.
	The Society agrees that a review of the use of this system should take place within one year of its inception.

114	NICTS to take steps to ensure that all arrangements adopted now regarding e-files and electronic bundles will be compatible with any future implementation of a fuller electronic file management system, the same to be set up within two years from the date of the publication of this Report.
	The Society expects that significant investment would be required to facilitate the provision and use of e-files and electronic bundles. Our members are also very conscious of issues surrounding cyber security and accessibility. Consideration and collaboration would also be required regarding the compatibility of any systems with users' systems.
115	NICTS to set up and service an online special support system for the benefit of non-users of the internet. This must ensure that potential litigants who are incapable of access to internet are not marginalised.
	The Society considers that it is essential that potential litigants who are not able to access the internet are not marginalised.
116	Any system of regulation for the use of electronic bundles, applications or file management systems to retain the flexibility to allow parties to transfer from the electronic administration affairs to the traditional paper form at the discretion of the Master or the judge.
	The Society would welcome flexibility to allow transfer from electronic to paper files, if necessary and to avoid unnecessary delay and disruption to proceedings. The Society is supportive of any measures which would reduce the costs incurred by practitioners with regard to printing and preparing multiple bundles for Court. The Society believes further significant investment would be required in this area to ensure the smooth running of any electronic exchange of documents.
117	Any digital filing solution to ensure the security of the data being stored and prevent unauthorised access to electronic court files. NICTS should immediately undertake steps to ensure this protection is secured.
	Security of data is a major concern for the Society. Currently cyber crime is on the increase and we believe that significant investment will be required to adequately guard against this threat on an ongoing basis. The Society is also mindful of the need to balance security with flexibility for users.
118	The Judicial Studies Board, Bar Council and Law Society to provide, as soon as practicable, appropriate training seminars to meet the new digitisation system.
	The Society will work collaboratively in the development of any training required.

119	The relevant rules committees to consider the necessary rule changes to implement this process.
	This is agreed.

CHAPTER 15 - DISCLOSURE (PAGES 131 - 132)

REC NO.	RECOMMENDATION
120	The implementation by the Senior Family Judge of a practice direction along the English lines for Northern Ireland.
	The Society would welcome an opportunity to contribute to discussions on the introduction in Northern Ireland of a Practice Direction along the lines proposed by Lord Justice Munby for England & Wales.

CHAPTER 16 - THE VOICE OF THE CHILD AND VULNERABLE ADULTS (PAGES 133 - 148)

REC NO.	RECOMMENDATION
121	Every family judge to receive training in the art of interviewing children and child development.
	This recommendation is welcomed. However the interviewing of children by the Judge or indeed attendance at Court needs to be child specific as well as case specific. The expectations of sibling groups can also lead to additional complication.
122	Judges to determine at an early stage whether or not it is in the child's interest for the child to be interviewed personally by them and where the decision is made not to interview directly, this should be kept under review as the case proceeds.
	The Society is in agreement with this. Any determination with regard to interviewing a child needs to be balanced with the child's expectation of an outcome of an interview and with the expectation of a sibling group.
123	The Bar Council and the Law Society to introduce guidance and specialist training for those questioning children and the vulnerable.

	The Society has provided such guidance and specialist training in relation to children since 1995 for members of the Children Order Panel. Admission to the Panel is by examination, interview and experience and is reviewed bi-annually. Solicitors undertaking the Advanced Advocacy Course also receive specific training in both these areas.
124	Family courts to be open to pre-recording of evidential interviews, pre-court familiarisation, court supporters and special measures such as Live Link and screens.
	The Society agrees with this recommendation in principle. Clear guidance would be needed on pre-recorded evidential interviews. Joint Protocol Interviews Police/Social Services, whilst under a higher standard of proof, should be considered for use in family proceedings. Pre Court familiarisation has been available on a case by case basis in a number of the Court Houses and this could be extended. Live links are also a possibility. Screening may or may not provide assistance to children and further research on this would be useful. In addition, the functionality of electronic and live links should be improved to ensure this process is not further complicated.
125	Registered intermediaries to be introduced into the family justice system with the power of the court to appoint them. In this context, courts should consider putting the required questions to a vulnerable witness through an intermediary. This could be done by the court itself, as would be common in continental Europe. (see Re W at para [28].]
	Registered Intermediaries in the family justice system would be a novel idea in Northern Ireland and their exact role and purpose would need to be further explored and researched.
126	As a first step, Registered Intermediaries (RIs) to be introduced for a specific part of civil justice, namely family justice, on a non-statutory basis. Referrals for RI assistance could be limited to cases where the securing the evidence of the vulnerable witness was of particular importance for the effective conduct of court business.
	As already noted this is an interesting idea which requires further resourcing and investigation, perhaps through a pilot scheme.
127	This to be done administratively in the first instance using the court's inherent powers for a pilot scheme in Belfast Family Proceedings Court and Family Care Centre, where there would be sufficient numbers to allow a proper evaluation. Whilst it would be cheaper to permit it in smaller jurisdictions - such as Craigavon, where there are fewer cases - this would diminish the evaluation process. A pilot would demonstrate that the costs are justified by the benefits – better client experiences, most effective use of court time and compliance with Articles 6 and 8 of the European Convention on Human Rights.

	The Society agrees that any pilot should be done administratively in the first instance and take place in a court division where case numbers are sufficient to allow a proper evaluation.
128	The Department of Justice to explore with NSPCC the potential for the Young Witness Service, which currently supports child witnesses in the criminal justice system, to be extended to the family court. This should initially take the form of a pilot to identify the costs and benefits that would be associated with a full roll-out.
	This is an interesting idea which the Department may be able to follow up more quickly than the proposals in respect of RIS.
129	The formation of a Family Justice Board [see Chapter 20], if adopted, to take up this issue of children and vulnerable adults in the family courts, carry out further research and make further appropriate recommendations.
	The Society agrees that this is an issue upon which further research is required and would be an appropriate topic for the Family Justice Board to undertake.

CHAPTER 17 - THE COURT SETTING (PAGES 148 - 150)

REC NO.	RECOMMENDATION
130	No change in the current formal setting of the family courts or the nomenclature used, although this is a classic example of how the Family Justice Board could revisit the matter as time passes and experience evolves.
	The Society agrees that these are matters which can more usefully be considered by any Family Justice Board.
131	A renewed emphasis on the use of plain and simple language by judiciary and the legal profession in family courts.
	The Society is supportive of this recommendation.
132	No change in the role of the lay magistracy in the family courts.
	This is agreed. The members of the lay magistracy provide an important link with and involvement of the public in the administration of the family justice system.

CHAPTER 18 - OPEN JUSTICE (PAGES 151 - 164)

REC NO.	RECOMMENDATION
133	The rights of the media to *attend* fact finding hearings and other family courts in Northern Ireland to be brought into line with the position in the rest of the UK and Ireland. We recommend the introduction of rules similar to r. 27.10(2), r. 27.11(2) of the FPR in England and Wales.
	The Society considers that the issue of "open justice" is one which should be subject to widespread consultation and have the benefit of any research or review carried out in respect of the changes which were introduced in England and Wales and Republic of Ireland in 2014. Pending the outcome of same we consider the current position should remain.
134	The law to remain that the media are unable to report what they saw, heard or read within the proceedings without permission of the court but the family court and the High Court should have the power to relax the prohibition on reporting in a case-by-case basis by means of a rule similar to FPR 2010, r. 12.73.
	Subject to our response to recommendation 133, the Society agrees with this recommendation. The Court must be the ultimate arbiter on what should be reported or indeed heard. There may be a need in cases for the media to be removed from Court during parts of proceedings. The Judge must always have a discretion to withdraw the right in appropriate cases and subject of course to the existing structures with regard to reporting under the Children Order.
135	Every court to have a proper procedure for ensuring that adequate steps are taken to draw any discretionary restriction order to the attention of media representatives who may not have been in court when the order was made. A judge should ensure the procedure has been followed.
	All parties should be made aware from the outset that media representatives may be present in Court for part if not all of the proceedings. Notice of this should be provided in sufficient time for parties and witnesses to make applications to the Court for the exclusion of media representatives and a detailed submission as to the justification for that request. This highlights the need for a credited media representative to be fully aware of Court procedures, including interlocutory hearings and the fact that if a discretionary restriction order is made this applies to every hearing in court and that great care must be taken therefore in relation to how the overall case is reported on.

136	However, the obligation to remain on the media to ensure that they take the appropriate steps to make themselves aware of any discretionary reporting restrictions and to comply fully with them.
	The Society agrees the obligation must remain on the media. Hence the need for regular liaison with the accredited body for media representatives in Northern Ireland. There must be also a clear message as to the penalties (including Contempt of Court) for any media representative who fails to comply fully with discretionary reporting restrictions.
137	The senior Family Judge to secure the drafting of a similar practice note or guidance on the publication of judgments as that drawn up in England in January 2014[1] and exhibited at Appendix 6 to this report.
	This is agreed. The Society would welcome the opportunity to be consulted with thereon.
138	In order to secure consistency of approach across all family courts in the making of reporting restriction orders, a practice note similar to that drawn up in England in August 2014, containing links to model forms for both draft orders and explanatory notes, to be created.
	This is agreed. The Society would welcome the opportunity to be consulted with thereon.
139	In the event that daily reporting is likely to be permitted, detailed arrangements to be put in place to maintain control on the material that can be reported by press representatives who are attending court.
	See our response to recommendation 133.
140	A joint protocol between the judiciary, the profession and the representative body for the press in Northern Ireland outlining guidelines for reporting cases in the family division.
	The Society agrees that this would be important. It should be widely consulted upon, requiring input from a number of representative organisations such as the Children's Law Centre and the Commissioner for Children.
141	Consideration be given to the means of securing the service of applications for reporting restriction orders on the national and local media through a press association copy direct service.
	Such a development would be welcomed but it is unclear as to how this might be accomplished outside of a responsibility on accredited media representatives to ensure that the reporting restriction order is complied with.

142	Northern Ireland Courts & Tribunals Services' ICOS System now to record all non-automatic reporting restrictions against the name of the case to which it applies.
	This is agreed.

CHAPTER 19 - PERSONAL LITIGANTS (PAGES 165 - 176)

REC NO.	RECOMMENDATION
143	The first hearing in family proceedings involving personal litigants should be regarded as a ground rules setting or case management opportunity. The judge should take time to advise on such matters as: • the benefits of legal advice and the availability of pro bono and voluntary services; • what is expected from all parties; • time limits on applications and, indeed, submissions if necessary; • skeleton arguments, including the suggested length of these; • interlocutory concepts; • what the case is essentially about; • defining the issues as early as possible; • options to resolve the case outside the court as well as inside the court; • the outline of the process, including the nature of reviews, examination in chief, cross examination, disclosure, the role of experts, timetabling, the role of the Guardian Ad Litem, etc. so that there are no unrealistic expectations; and • the consequences of failure to comply with court orders.
	The Society welcomes a clear and concise formatted review at the earliest possible stage in cases involving Personal Litigants (PLs). Consideration might also be given to a "Memorandum of Understanding" style form to signed by PLs (as well as potential MacKenzie friends) at this review outlining how inter-action with the court and legal representatives will take place. This might cover a range of issues where difficulties currently arise e.g. contacting the court, the nature and tone of the engagement, preparation of documents etc.
144	All Judges to be familiar with and guided by the current Equal Treatment Bench Book. They should be alert to personal litigants who may have a disability such as an autistic spectrum condition and be ready to make appropriate adjustments to procedures to accommodate this from the outset.
	The Society welcomes this approach. We are also mindful that not all PLs have English as their first language. Judges should be alert to language barriers. The Equal Treatment Bench Book recognises that proceedings may have to adjourn in order to ensure that a mutually acceptable interpreter is able to assist the PL. The Bench Book alludes to the

	use of free online translation services. However the Society would have some concerns regarding the reliability of these services to adequately assist PLs. Consideration needs to be given as to who will fund a standardised translation service. Currently it is the responsibility of each party to have their own translator with little to no judicial scrutiny as to the suitability of a translator. Quality can be maintained through the use of professional interpreters who are vetted, qualified and trained.
145	The use of an inquisitorial approach to be considered in appropriate cases where personal litigants are involved. A change in the rules should be implemented to facilitate this.
	Children proceedings are quasi-inquisitional in nature and the court has a discretion as to how it conducts its enquiries. This is an approach to which all parties should be subject, legally represented or not and not exclusive to PL cases. The Society takes the view that there is a fine balance to be exercised between ensuring PLs are given practical and emotional support by the court system and not legal advice during their proceedings. The scale should not tip whereby it appears to the legally represented client that they are being unfairly treated and penalised for having lawyers.
146	A renewed emphasis by judiciary, the professions and other family law participants on use of appropriate, plain and readily understandable language in the family division. Courts should be proactively interventionist to ensure this occurs.
	This is agreed.
147	Where appropriate, courts to consider fixing specific time periods for hearings, provided there is some inbuilt measure of flexibility.
	The Society welcomes set times for hearings where appropriate. PL cases will generally demand more court time given the lack of legal advice at the outset to the PL and more time spent dealing with routine issues which PLs do not have experience of. In particular if recommendation 143 is adopted, listing arrangements will have to provide for a suitable allocation of court time for all these matters to be dealt with.
148	A booklet, similar to the existing booklet which is given to all personal litigants in the High Court to be drawn up for all personal litigants in the family division highlighting, for example, opportunities for assistance. The current High Court booklet has been criticised by some personal litigants as employing insufficiently plain language and this error must not be repeated. Paperwork and processes should be designed with the layperson in mind. The Northern Ireland Courts & Tribunals Service (NICTS) should conduct a review of current forms to ensure they are appropriately plain and comprehensive for all court users.

	This is agreed.
149	A much needed guide similar to the English version of "Sorting Out Finances on Divorce", intended to demystify this complex area, to be a task for the new Family Justice Board.
	This is agreed.
150	NICTS to revisit its current website to establish a single authoritative website providing an online, objective information hub in family cases with an added emphasis given to support for vulnerable people. It should be more easily accessed. Vulnerable groups, such as people with mental health problems, should be signposted to appropriate services.
	The Society welcomes this approach but has concerns that improving website access might lead to a reduction of "over the counter" support. As noted above, vulnerable PLs often do not have access to computers or ability to process information via the web. Accordingly this recommendation needs to be in tandem with, not instead of, public counter services.
151	The online advice line and staffed centre to provide accessible and easy to understand guidance for personal litigants in the magistrates court, county court and the High Court.
	The Society is mindful that there is already a number of free legal advice centres such as the Law Centre and the Children's Law Centre which already provide advice helplines. There is a real need to ensure that these services are maintained within the voluntary sector and that any advice line/centre set up by NICTS works in cooperation/collaboration with such already existing services.
152	A move away from the conventional printed fact sheets and a more interactive approach adopted.
	Please see responses to recommendations 150 and 151.
153	Consideration to be given to a central information hub located in specified court buildings (e.g. Laganside in Belfast), which would be staffed by at least one person trained by NICTS specifically to assist personal litigants.
	Please see responses to recommendations 150 and 151.
154	Both the Bar and the Law Society to draw up a joint protocol governing the approach to be adopted to personal litigants, ensuring best practice for working with lay people is consistently provided.

	The Society considers that such a joint protocol would be beneficial and will engage with the Bar as to its development.
155	Implementation in Northern Ireland of the equivalent to s.194 of *The Legal Services Act 2007,* which allows pro bono cost orders to be made where a client represented pro bono wins his or her case.
	The Society notes guidance from the Access to Justice Foundation that the scheme helps to ensure a level playing field for costs and so encourages settlement. The amount recoverable is based on what a paying client would recover. Costs recovered may go to supporting further pro bono assistance to litigants who would otherwise act in person.
156	Rigorous data recording practices to be established across each tier of the family court system and in each geographical division. This should enable proper and periodic analysis of self-represented litigants, identifying whether there are any variations between courts or divisions. The data obtained would then inform whether a regional approach is appropriate or whether there are certain divisions or areas of practice that encounter most problems.
	The Society considers that the recording and collating of rigorous data is essential to inform future research on this issue. This is in line with best principles of evidence-based policy making and an approach which looks at the system holistically.
157	Provision of feedback from personal litigants in a formal questionnaire issued to each one at all tiers to measure their experience together with any suggested improvements
	This would be welcomed by the Society.
158	Court staff, lawyers and judges to receive training for dealing with problems with personal litigants. NICTS should consider training and delegating one staff member in each family court office to deal with such issues.
	The Society supports this recommendation. The Society has already included events in relation to dealing with PLs in its annual CPD Programme. In relation to the NICTS, consideration should be given to the provision of a designated email address for PLs in the court offices.
159	The results of the current research being undertaken in Northern Ireland on personal litigants to be specifically considered by the newly created Family Justice Board and further recommendations made.

	The Society agrees with this recommendation.

CHAPTER 20 - FAMILY JUSTICE BOARD (PAGES 177 - 184)

REC NO.	RECOMMENDATION
160	A Family Justice Board to be set up with an independent chair recruited after a properly advertised recruitment exercise. The chair would be expected to be a person of outstanding and proven distinction and would be paid an appropriate daily rate with an expectation that they would work for 20-30 days per year. The chair should be genuinely independent of all stakeholders.
	The Society is supportive of the creation of an independently chaired Family Justice Board.
161	The terms of reference of the new FJB *possibly to be* along these lines: "(a) The Board's overall aim is to drive significant improvements in the performance of the family justice system, where performance is defined in terms of how effective (and efficient) the system is in supporting the delivery of the best possible outcomes for children who come into contact with it. (b) The Board will collectively work together to achieve its objectives. This principle of cross-agency working will be crucial in ensuring that the Board achieves its overall aim of driving significant improvements in performance. (c) In delivering against this aim, the Board will have a particular focus on: • reducing delay in public law cases; • resolving private law cases out of court where appropriate; • building greater cross-agency coherence; • tackling variations in local performance; • carrying out research where appropriate; • supervising the provision of training; • suggesting reform - for example, the implementation of suggestions for reform from bodies such as this Review Group. (d) The detailed objectives for the Board which will underpin its work might be: to develop and monitor the implementation of a system-wide plan which sets out clear actions to be taken within, and particularly across, delivery agencies in order to achieve significant improvements in system performance;

	to review and analyse whole system performance, based on evidence, and to report on this including through an annual report; to concentrate on outcome-based approaches, challenge poor performance and make recommendations on performance improvements to Ministers, agency heads, local authorities and others; to develop, support and monitor local manifestations of the Board (Local Family Justice Boards) which will oversee the operation of family justice in their areas; to identify, disseminate and monitor the implementation of local best practice and to help Government disseminate the latest research throughout the system; to identify processes by which research can be transmitted around the family justice system, enabling it to be reviewed and improved; to oversee the delivery of particular Family Justice Review recommendations, for example, on workforce, (excluding the judiciary), standards and the "voice of the child"; and in the longer term, to consider the case for more fundamental structural change to the family justice system and provide advice accordingly to the Government. (e) The Board will at all times respect and act in a manner which protects judicial independence, both in relation to the judiciary generally and to individual judicial decisions."
	The Society has no objection to the draft Terms of Reference.
162	The core membership of the Family Justice Board to be approximately 8-10 persons with the right to set up sub-groups and second relevant persons for defined purposes. Since the objective is to identify strategic goals and ensure accountability, the following membership might be *chosen from*: at least 2 family court judges Chief Executive, Northern Ireland Guardian Ad Litem Agency a senior representative of the health and social care trusts Chair of the Family Bar Association Law Society member Director of NICTS Chief Executive of the Legal Services Commission an academic member to advise the Board about current research on issues affecting children and to have particular responsibility for multi-disciplinary training.

	One from: • Director, Children's Services, Department of Health • Director, Family Policy, Department of Justice • Director of Family Policy, Department of Finance On a rotational basis, the Board should co-opt a member from the voluntary sector to ensure that a range of perspectives informs decision-making.
	The Society has no objection to the proposed core membership of the Family Justice Board, save to say that some representation from the voluntary sector might also be considered.
163	The Family Justice Board to have the power to set up sub-committees, co-opting persons from outside the Board.
	The Society considers that this would be essential.
164	The Family Justice Board to provide annual reports on its work.
	This is agreed.
165	The minutes of the Family Justice Board meetings to be distributed widely and publicly online.
	The Society is supportive of this recommendation in that it leads to greater transparency and accountability. The early provision of draft minutes after a meeting would be helpful to allow attendees to report back on actions which have been agreed and where further work is required.
166	The Family Justice Board to have a secretariat and be given a modest budget to finance, for example, the drafting of practice guidelines, measured research, training manuals, expenses for attendance at seminars or conferences to which the chair or a nominated person might usefully attend or address, etc.
	This is agreed.
167	Pending the setting up of this Family Justice Board, a number of steps to be taken to improve the Children Order Advisory Committee (COAC). These should include: (a) The agenda items for the following meetings should be finalised at each meeting. These, along with any associated option/background papers, should be circulated to

	the representative groups (including the Regional Court Users Groups, the trusts and Guardian Ad Litems) in advance of their own meetings to allow them to debate and report back. (b) The current practice of inviting speakers to COAC should cease. Interested parties should be asked to contribute a short paper which again should be circulated to the representative groups for comments and queries. (c) There should be a one page briefing paper issued within a week of each meeting for publication on the COAC section of the Northern Ireland Courts & Tribunals Service website. This would allow for transparency and provide an easily accessible record of previous business for new members. (d) The format of the annual review should be changed. A shorter review based around the briefing papers, published in a timely way, is more useful than a longer document that is out of date before it is written. (e) A Regional Court Business Group should be specifically tasked to identify changes to the Best Practice Guide and to forward draft changes to COAC. (f) The agenda should remain focused on the remit. Irrelevant additional items should not be added merely to "beef up" a short agenda.
	The Society welcomes any steps which would improve the operation of COAC.
168	Our current Family Court Business Committees (or potentially a single Committee for the region akin to the Family Justice Council in England) to undertake the role of adviser to COAC (or its replacement body, the Family Justice Board) through its periodic reports to assist in the making of strategic decisions about the family justice system in Northern Ireland.
	The Society considers that the work of the current Family Court Business Committees should be reviewed prior to any decision being taken as to a future advisory role. The Society hopes that the inter-disciplinary meetings at Family Court Business Committee level will not be lost to the system. They provide opportunities for court practitioners to feed in from the "coalface" practical issues which arise in the family justice system. Incremental changes and resolutions of specific problem can be achieved e.g. change to the rules for the transfer of cases between Court areas with the Judge's permission resulted in considerable savings in time and cost for the transport of vulnerable children from venues to where families have relocated. The facility to view issues on a regional basis with five Trusts operating in different ways and with Court areas not aligned to the Trusts makes this important in such a small jurisdiction.