

Minutes of the FLBA Committee Meeting Held in 4 Paper Buildings, Temple on 11th April 2018

Present: Cyrus Larizadeh QC (Vice-Chair)
James Roberts (Treasurer)
Tim Parker
Joy Brereton
Cleo Perry
Victoria Wilson
Maria Hancock

The following joined the meeting by video/telephone link:

Frances Judd QC (Chair), James Holmes, Ruth Henke QC, Victoria Flowers, Justin Gray, Sandra Eze, Nigel Page, Siân Gough, Jacqui Wall, Katherine Duncan, Tanya Zabihi, Jayne Pye, Neil Owen-Casey and Victoria Miller.

Item 1. Apologies for absence

Malek Wan Daud (Secretary), Charlotte Hartley, Daniel Sheridan (who was attending another meeting on behalf of the FLBA), Mark Twomey QC, Leanne Targett-Parker, John Wilson QC, Morgan Sirikanda, Mandy Tanner, Corinne Iten, Greg Williams, Katy Rensten and Olivia Magennis (on maternity leave).

Non-attendance:

Peter Newman, Jeremy Weston QC, Timothy Scott QC, Katharine Bundell, James Rees, Chris Bryden, Susan Grocott QC, Sam Momtaz QC, Kate Burnell, Mehvish Chaudhry, Samantha Singer, Caroline Topping and Sam King QC.

Item 2. Minutes of the meeting of 7th March:

i) For approval + posting on the website

The minutes were approved as drafted for posting.

ii) Matters arising from the minutes:

These will be dealt with in the agenda.

Item 3. Children sub-committee update (including Private Law Assessment Pathway, early intervention and s. 8 reform: Oliver Cyriax)

The Chair thanked Mark Twomey QC (MTQC) for preparing a report, hard copies of which were distributed at the meeting. The Chair advised the committee to read his response to the CFC consultation regarding their listing policy in public and private children law proceedings, and to send any observations/comments to him and the Chair direct and ASAP. The Vice-Chair noted in MTQC's report that he has contacted Oliver Cyriax. The Vice-Chair reported that he attended a meeting arranged by Cafcass regarding the pathway plan and the assessment process. We have until the end of April to respond to the consultation. Lucy Reed, on behalf of the Transparency Project, produced a list of concerns and observations, which he also shares. The Vice-Chair would like to involve Oliver Cyriax more in the discussions regarding early intervention, so that we can provide a considered response. The Vice-Chair will lead on the consultation and invited the committee to send their comments by the end of next week and will circulate his response to the children sub-committee before sending it to Cafcass.

Item 4. Finance sub-committee update

The Chair reported that the FLBA have been asked by the Family Justice Council to publicise the launch of the Financial Needs on Divorce publication and the launch party on 26th April. The Chair also reported that Resolution have been granted permission to intervene by written submissions in the appeal of Owens v Owens. Morgan Sirikanda (MS), as Chair of the Finance Sub-committee, has offered his assistance to Resolution should they need it.

Item 5. Wellbeing

The Vice-Chair reported that there is a seminar this evening, which has been advertised to the membership, with a range of judicial speakers talking about wellbeing. The Vice-Chair has also been invited to speak at a FLBA meeting in Leeds on wellbeing. The Vice-Chair is keen for us to email the membership and ask them to contact him about where they are in terms of the implementation of the Wellbeing Policy in their respective Chambers.

Item 6. Vulnerable Witness Working Group and feedback from the VWATWG meeting on 26th March

Siân Gough (SG) gave the committee an update on the progress made so far. They are currently sourcing materials, videos and podcasts and would appreciate any comments, help and advice regarding these materials from the committee. The committee discussed how we could manage this from a practical angle and it was agreed that a number of committee members should be delegated to assist. The Chair recognised that this is a very big project and that it was imperative to have a clear timetable and pathway. SG confirmed that this is in place and that they are on target. SG is seeking advice from appropriate groups, such as the Advocacy Gateway. The

Bar Council have offered us their recording facilities as soon as we are ready. The Chair asked SG to provide a timetable for the next meeting.

Item 7. Meetings attended since 7th March

a) Working dinner with Resolution 8th March

The Chair reported that Resolution would very much like to work more closely with the FLBA. The Chair is keen to have a good working relationship and offer them support but also wants to continue pursuing our work independently of them too. They have a document that they wish us to post on our website and the Chair will distribute this to the committee, once drafted, for approval.

b) Care Crisis Review meeting in Sheffield 15th March

The Chair attended this. It was an interesting meeting and exchange of views as to what might be the driver behind the rise in applications for public law orders.

c) 14th March

Joy Brereton (JB) and the Secretary attended a legal round-table meeting with Lord Justice McFarlane. JB reported that it was very much like a brain-storming session with a discussion about what was going right and wrong in care proceedings. There was an emphasis on pre-proceedings and kinship assessments.

d) Brexit meeting with Baroness Butler-Sloss and others: 27th March

Timothy Scott QC (TSQC) attended this and there was nothing to report at this stage, although the Chair reported that the feeling amongst lawyers is that they are sceptical about the government's ability to deliver.

e) Family Court Users Association

The Chair reported that there was nothing to report at this stage. The Vice-Chair reported that Adam Lennon will attend this meeting and send us all the minutes so, at this stage, there is no value in attending but we will keep it under review.

Item 8. Volunteers needed

a) Consultation on Standard Family Orders – deadline 16th April

4PB are coordinating the response, together with James Holmes (JH). The Chair asked the committee to provide them with any feedback, which could assist. The Vice-Chair suggested that we email the membership this week requesting final responses, to which the Chair agreed.

b) To attend FJC launch event for their Guidance for Financial Needs on Divorce on 26th April

There was no-one available to attend this meeting.

c) Consultation on Domestic Abuse Bill – deadline 31 May

The Chair asked people to contact her to volunteer.

d) Working Group on Expert evidence, meeting late May

The Chair reiterated her appeal for people to come forward to volunteer. Should that not happen, she would select people to attend instead.

e) Legal Coalition against Harassment in the Profession – meeting May

Lyndsey Sambrooks-Wright sent a detailed email to the Vice-Chair this evening and will liaise with her directly regarding what is happening with this and will report back.

Item 9. Resolution report on family law and justice

The Chair reported that this is being drafted and will be published soon.

Item 10. Scottish Conference 13/14 April

Samantha Singer was unavailable to provide the committee with an update. The Treasurer reported that he has not received an update regarding costs so has gone ahead and paid the invoice to Middle Temple. The Chair reported that she was unable to attend the Friday and that an email has been sent to the committee urging people to attend the conference and to publicise the event within their respective Chambers.

Item 11. Cumberland Lodge 11th – 13th May

The Chair reported that this was progressing well, the programme was finalised and people were signing up to attend.

Item 12. Autumn Lecture Series

Victoria Wilson (VW) confirmed that provisional dates had been identified and that it was all in hand.

Item 13. Ethics Seminar in Birmingham 14th June

The Bar Council has offered to present a seminar for the FLBA on 14th June in Birmingham, which will be publicised to the membership in due course.

Item 14. Support for the CBA

The Chair thought it was very important for the FLBA to express their support to the CBA. The Chair had a meeting with Angela Rafferty QC, who is the Chair of the CBA, and offered our support. There are many sets of Chambers who are striking to protest about the new graduated fee scheme on the 'Day of Action' on 10th May. The Chair's view is that the same or similar thing may also affect the Family Bar and that we and the CBA have a common cause. They have agreed to write a joint article for The Times regarding the problems the Criminal and Family Bar are facing. The Vice-Chair has been made aware that a hardship fund has been created to assist struggling criminal legal aid junior barristers who have been affected by the strike. The FLBA will bring the 'Day of Action' to the membership's attention so they can show their support should they choose to do so. The Vice-Chair informed the committee about an article written by Kerim Fuad QC for the South Eastern Circuit, where he outlines in great detail the advantages and disadvantages of the scheme. He thinks that this should be shared with the membership as there are many people who do not know what the cuts are and the reasoning behind them.

Item 15. AOB

The Chair expressed her thanks to Neil Owen-Casey (NOC), who prepared a report on behalf of the FLBA regarding family law teaching on the BPTC. The Vice-Chair asked for a volunteer for the Settlement Conference Working Group meeting on 10th May in London. The Chair said that she would try and attend this. The Treasurer reported that he has received spare copies of last year's publication of 'At A Glance', at no cost to us. The Treasurer expressed strong reservations about distributing them now as it may adversely affect our, and the authors', revenue stream. He will email the authors to see whether he can be steered on this. The Chair referred to a report prepared by John Wilson QC about 'Family Affairs'. The Treasurer said that we would have a competitive tendering process for the printing and the Editor needs to be entirely responsible for the production of the publication, which should improve the speed.

Meeting concluded at 6.05 p.m.

Date of next meeting: The next meeting of the Committee will take place on 6th June 2018 at 5 pm in the conference room at 4PB

Khadija Khan
FLBA Administrator