



PRESIDENT OF THE  
FAMILY DIVISION

**The Transparency Implementation Group (TIG):  
Minutes of the meeting held on 10 March 2022  
(remote meeting via Microsoft Teams)**

Attendees: The President of the Family Division (Chair)  
Mrs Justice Lieven (Co-Chair)  
HHJ Madeleine Reardon (Co-Chair)  
Jack Harrison (Co-Secretary)  
Olivia Kirkbride (Co-Secretary)  
District Judge Adem Muzaffer  
MoJ Policy and Legal  
HMCTS Operational  
The Judicial Private Office  
DfE Policy  
Representatives from the Family Justice Young Peoples Board (FJYPB)  
Nicola Shaw  
Clare Walsh (Family Rights Group)  
Dr Natalie Byrom (Director of Research, The Legal Education Foundation)  
Dr Julie Doughty (Senior Lecturer in Law, Cardiff University)  
Lucy Reed (Barrister and Chair of the Transparency Project)  
Charles Hale QC  
Guy Vassall-Adams QC  
Femi Ogunlende (Barrister)  
Olive Craig (Senior Legal Officer - Rights of Women)

Jack Cordery (National Director of Operations, Cafcass)

Rachel Anderton (Assistant Director, Cafcass)

Helen Lincoln (DCS, Essex County Council)

## 1. Welcome

Apologies were received from: HHJ Stuart Farquhar, Lisa Harker (Director, Nuffield Family Justice Observatory), Sian Harrison (Law Service Editor, PA Media), Merryn Hockaday (Head of Communications, Cafcass) and Angela Frazer-Wicks (Chair of Trustees, Family Rights Group).

## 2. Updates from each sub-group, including public facing blog

### ***The Media Reporting Sub-group (chaired by Mrs Justice Lieven)***

Cardiff had been identified as the pilot site for Wales, and formal approval was being sought from the Designated Family Judge (DFJ) for Bristol. Regarding the rural pilot site, the aim was to select an area which would pose challenging issues around identification and anonymisation, however it was important that the local press engaged with the pilot and attended hearings. Truro had been considered as a potential site, however it was felt that the local press might not fully engage with the pilot. Hereford and Worcester was another possibility; the Media Engagement Sub-group would consider the issue further.

A paper had been prepared which set out the parameters of the pilot, this would be sent to the MoJ ahead of the drafting of the Practice Direction. It had been decided that Magistrates' Courts would enter the pilot at a later stage due to training and logistics requirements. Journalists would be able to access position statements, case summaries and outlines; access to other documents would be at the discretion of the judge who was hearing the case. Thought was being given to the degree to which parties, lawyers and litigants-in-person could speak to journalists, as well as how to draft a Transparency Order that would be readily understood. The MoJ had produced a timeline which estimated that the Practice Direction would be finalised by July 2022, subject to other priorities.

Prior to launching the pilot, training would be required for judges, lawyers, court staff and journalists; information would need to be produced for the parties - Clare Walsh, representatives from the FJYPB and the Plain English Campaign could be approached to assist with this. The Judicial Office were exploring the provision of resources for training and the pilot's evaluation.

### ***The Anonymisation and Publication of Judgments Sub-group (chaired by HHJ Madeleine Reardon)***

The group had divided their work into three strands, i.e.

- Publication of judgments: i.e. whether there would be a publication target of 10% and, if so, what was meant by this. It was apparent that there was a wide variation between judges regarding how they gave judgments and the formats which they used. Judicial focus groups would be run to get an idea of their working practices

with the aim of producing guidance relevant to the different levels of Family law Judiciary.

- Anonymisation of judgments: i.e. to develop draft streamlined, simplified guidance on the principles and process of anonymisation.
- Establishing an anonymisation unit: i.e. to devise a scheme and produce costings for the establishment of an anonymisation unit.

The aim was for the first two groups to produce draft versions of their documents by July 2022; the timescale for the third group's work had not yet been determined.

#### ***The Data Collection Sub-group (chaired by Nicola Shaw)***

The group had spent some time researching the current landscape, including a presentation from HMCTS on their new case-management system, and a discussion with the Domestic Abuse Commissioner's (DAC's) Office in regard to its data collection pilot (which was aimed at increasing accountability and transparency in child arrangements cases involving allegations of domestic abuse).

The aim was to collect data which would assist in learning within the family justice system and increase its transparency while facilitating the publication of reports. The next phase would be to discuss the underlying themes that were necessary to progress this, and to unite the work with the DAC (which - among other things - could help reduce costs). A questionnaire would be distributed to the TIG to canvass their views on the relevant themes; the judicial members could feed in their views on how the case-management system was working and what data might be collected.

#### ***The Media Engagement Sub-group (chaired by the President of the Family Division)***

The group had met with media representatives in order to identify who they would need to engage with to take the work forward. The aim was to have a roundtable in order to design a scheme which met the requirements of the media and the TIG, and helped identify the constituents of both the national and local liaison committees. Once the national group was established guidance could be produced for DFJs to enable them to set up liaison committees in their localities.

#### ***The Financial Remedies Court Sub-group (chaired by HHJ Stuart Farquhar)***

The Financial Remedies Court Working Group had recently been reconstituted under the TIG, as a fifth sub-group, to look at the issue of transparency within the jurisdiction.

#### ***The public facing blog***

Lucy Reed and Jack Harrison were working on a blog which would provide updates following meetings.

### **3. Discussion by members regarding progress/performance, issues etc**

**Action: group members to send Mrs Justice Lieven their views on potential pilot locations**

**Action: Guy Vassall-Adams QC to send Mrs Justice Lieven and Jack Harrison the contact details of media organisations in order to explore the potential levels of media interest for pilots in various locations.**

4. Draft Terms of Reference and draft Comms Strategy: sign-off

These were both agreed.

A question was raised about the 'online presence' referred to in the Transparency Review, i.e. whether this would be a Family Court website, and if so, who would be responsible for it?

**Action: The President of the Family Division would consider the issue of the 'online presence.'**

5. AOB

It was noted that there was evidence that the Transparency Review had generally raised judicial awareness about the benefits of greater transparency e.g. by a recent increase in the number of published judgments.

6. The date of the next meeting

The next meeting would be held in July.