

# Eleventh Progress Report of the Litigants in Person Reference Group

## (Meeting 4<sup>th</sup> April 2022)

### Introduction

At its inaugural meeting on 12<sup>th</sup> February 2019, it was agreed that a Progress Report summarising key decisions and activities of the Reference Group (RG) should be published following each meeting. This is the eleventh of those reports and relates to the meeting held on 4<sup>th</sup> April 2022.

### 1. Tenth Progress Report

This was considered and approved. It is to be added to the RG's website (<https://www.litigant-voice.co.uk>)

### 2. External Engagement

#### Practice Direction Summary

It was noted that the RG's feedback on the Practice Direction Summary consultation had been passed to the LCJO. A response has been received, welcoming the feedback and confirming that consideration will be given to incorporating the RG's comments in the final version.

#### Webinar proposal for early 2022

It was agreed that planning should now move forward on organising a webinar focusing on vulnerable witnesses, with a view to it taking place in autumn 2022. It will be considered in more detail at the next RG meeting in June 2022. In advance of that, it was agreed to circulate to all RG members the Civil Justice Council's Report (published February 2022) on 'Vulnerable Witnesses and Parties within Civil Proceedings'. The Chair will endeavour to find out what, if any, related work is ongoing in this jurisdiction and feedback to the June meeting of the RG.

### 3. Courts' Modernisation Programme

#### Engagement with the NICTS Modernisation Team

It was agreed that the presentation and engagement with NICTS on 11th January 2022 had been very worthwhile and accordingly, the Chair was asked to invite the Chief Modernisation Officer and the Head of Digital Modernisation to meet annually with the RG to review developments and issues of common interest. This would help to maintain an ongoing working relationship between the RG and the NICTS which both had agreed at the January meeting, is very important as the Modernisation Programme rolls out.

#### **DOJ digital guide**

It was noted that DOJ had welcomed the feedback from the RG on the digital guide (currently in development) on attending a Family Court for the first time. It was also noted that DOJ hopes the guide will be available by the end of May 2022 and should be available on both the DoJ and UU websites.

#### **Engagement with the Judicial Studies Board**

Both the findings of the UU research report (2018) and the work of the RG over the past three years have highlighted ongoing concern about the attitudinal barriers faced by litigants in person navigating the court system. Amongst the barriers identified on a number of occasions in the course of the RG's work, have been comments made by judges which may have an alienating or undermining impact on litigants in person. The RG is concerned that this can cause anxiety/distress and potentially impedes a litigant's effective participation in proceedings.

All agreed that in order to raise awareness of this again and in the interests of wider engagement with other stakeholders in the justice system, an invitation should be extended to the Secretary of the Judicial Studies Board to meet with the RG to update the Board on the work of the RG and highlight some of the key themes (including the impact of persisting attitudinal barriers) that have emerged from the RG's work over the past three years.

### 4. UU Website

#### Family Law Information and Pathfinder Tool (UU)

The RG has been monitoring with interest, over a number of months, progress in the development of the Family Law Information and Pathfinder Tool, which was formally launched by UU on 13<sup>th</sup> April 2022 and available on the UU website

<https://www.ulster.ac.uk/familycourtinfo>). A number of RG members had been involved in its development or provided feedback to the UU research group.

The Information and Pathfinder was variously described by RG members as “transformative”, “a serious contribution for those who don’t have representation” and “an impressive and valuable piece of work”. The RG was also encouraged to note that the Information and Pathfinder have taken forward many issues/areas of difficulty highlighted by the RG over the past three years.

The RG congratulated UU on this very significant “first” for this jurisdiction. It will undoubtedly provide real, practical and much needed assistance for litigants (most particularly those without legal representation) navigating the Family Law courts system.

It was also highlighted that it has the potential to provide a template for other areas of court business in the future, as the modernisation of the courts moves forward.

In response to an enquiry about the maintenance of the Information and Pathfinder into the future, the RG was pleased to note that DoJ is currently in active discussion, with UU about how this will be achieved.

### *5. Annual Review of Terms of Reference*

Following review, it was agreed that no substantive change is required at this stage.

In particular, it was confirmed that:

- The balance in membership between litigant in person members and others should be maintained
- If possible the chair should continue to be someone who is familiar with the key issues but who comes from an independent perspective
- Whilst the WFH guidance remains unchanged, RG meetings will continue to take place remotely. Going forward, the RG is open to holding meetings on a hybrid basis as this may better facilitate attendance at meetings.
- Efforts will continue to recruit new members to the vacant litigant in person position.

## 6. Miscellaneous

It was noted that the Coronavirus Act had been extended to September 2022 and with that the use of live links in proceedings.

It was further noted that a consultation had issued by the DOJ on registered intermediaries in Civil Proceedings- something members of the RG may find of interest (Link- [Consultation for Registered Intermediaries in Civil and Family Proceedings | Department of Justice \(justice-ni.gov.uk\)](#))