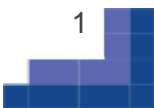


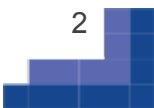
Agenda

- Experts
- Mediation
- Domestic violence evidence requirements
- Recent developments
- Questions



Experts

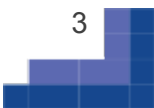
- The LAA publish guidance on the remuneration of experts. The latest version of this guidance was published in September 2014 and can be found here:
- https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/351193/expert-witnesses-fees-guidance.pdf
- The guidance is reviewed regularly and an updated version should be published in April.
- The guidance suggests circumstances when providers might want to consider making applications for prior authority.



Experts cont.

- The guidance sets out the average number of hours that the LAA would expect an expert to spend on a report for the most common types of experts - psychologists, psychiatrists and independent social workers (ISWs).
- The guidance sets out the rules for payment to ISW as these are set out in the Civil contracts and not the Civil Legal Aid (Remuneration) Regulations.
- The guidance sets out the funding arrangements for certain types of experts such as translators.
- There is additional guidance on the apportionment of the costs of experts which can be found here:

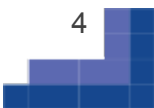
<https://www.gov.uk/funding-and-costs-assessment-for-civil-and-crime-matters>



Experts cont.

Issues in relation to experts:

- Transcripts;
- Translators and interpreters;
- Experts on foreign law; and
- Experts in non-accidental injury cases.



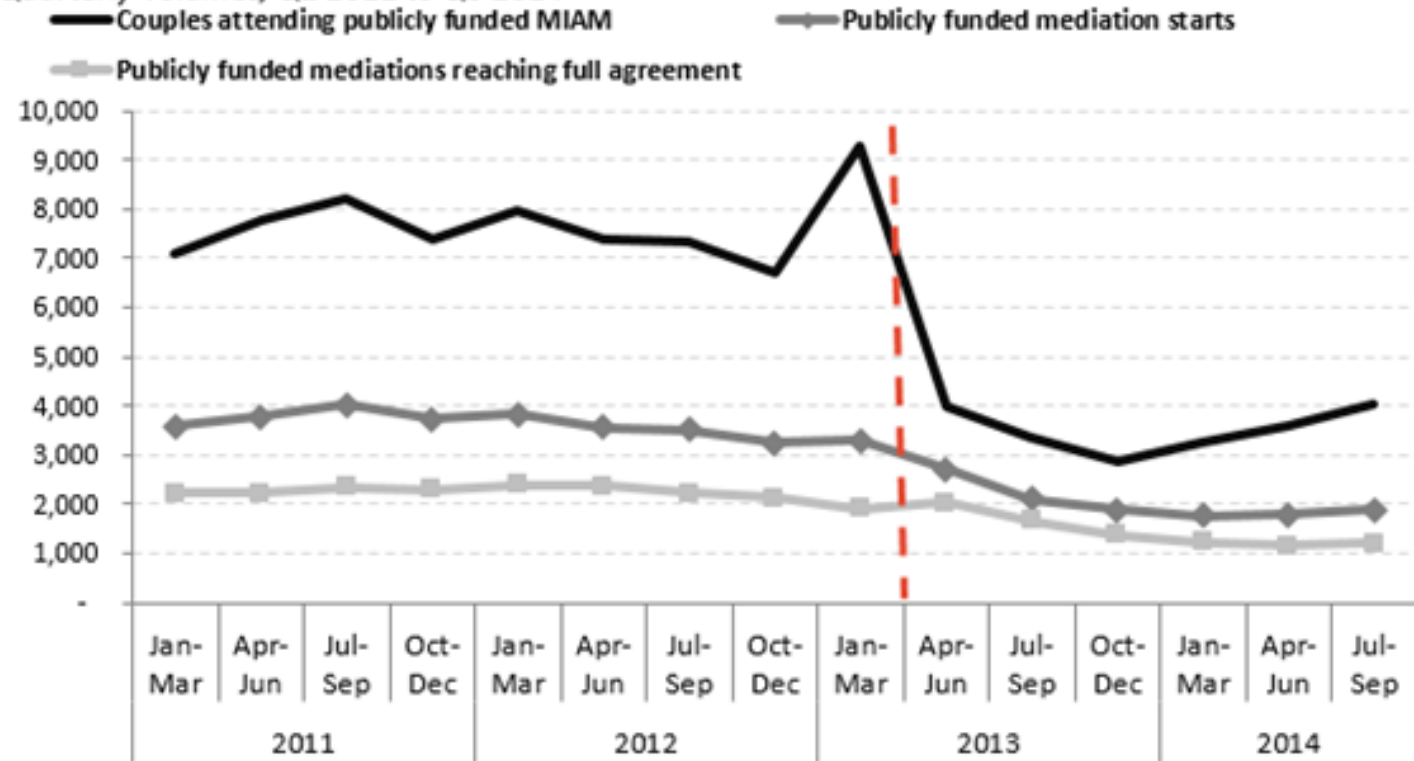
Experts – new standards

In October 2014 amendments were made to Practice Direction 25B to include standards for expert witnesses in family matters relating to children. Subject to any order made by the court, the LAA will only pay for expert witnesses where those experts comply with the amended Practice Direction.

Mediation - volumes

Volume of Publicly Funded MIAM's, Mediation Starts and Full Agreements

Quarterly Volumes, Q1 2011 to Q3 2014



Mediation - Task Force

The independent Mediation Task Force chaired by David Norgrove made a number of recommendations. As a result:

- From 3 November 2014, provided that one party is eligible for legal aid then both parties will be funded for their first mediation session in addition to the MIAM; and
- A Dispute Resolution Advisory Group has been set up to look at how the Voice of the Child can be heard more effectively in dispute resolution. They will be submitting a report in March with recommendations so that children and young people aged 10 and over have access to mediators in cases which affect them.



Mediation guidance

Two guidance documents updated in November:

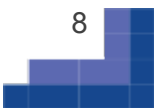
- Mediation guidance manual which can be found here:
- https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/369168/mediation-guidance-manual-nov-14.pdf

- Guidance on topics such as:

claiming disbursements

in-court mediation

Help with Family Mediation



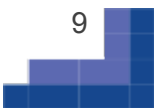
Mediation reporting guidance

Guidance on reporting mediation work which can be found here:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/369195/guidance-for-reporting-work-under-family-mediation-contract-november-2014.pdf

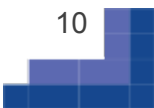
This sets out which codes should be used to report work.

We are introducing a new mediation IT system in the spring and the guidance will be revised to reflect that



Domestic violence evidence requirements

- The requirements are set out in Regulation 33 and 34 of the Civil Legal Aid (Procedure) Regulations .
- They were widened in April 2014. The revised guidance on the regulations can be found here:
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/345515/legal-aid-evidence-for-private-family-law-matters.pdf
- Recent concerns have been raised about the operation of the 24 month rule in relation to the evidence. The Ministry of Justice (MoJ) has indicated that they will review this.
- Recent judicial review on the evidence requirements was unsuccessful but claimants seeking permission to appeal.
- Common issues with the evidence.



Recent developments

- Last week the MoJ announced that DNA tests will be funded through Cafcass across England. This follows a successful pilot in Taunton and Bristol and should be in place by September.
- There will be further work done to look at the funding of drug and alcohol tests.
- Last week the MoJ also announced funding to roll out the Family Drug and Alcohol courts to 8 new areas including Milton Keynes, Buckinghamshire, East Sussex, Kent, Plymouth, Coventry, Leeds and West Yorkshire.

