

Independent Review of the Family Court System in relation to the response and management of domestic abuse cases

Terms of Reference

Agreed by:

- Bailiff and Deputy Bailiff
- The Family Judges and Family proceedings officers
- Jersey Family Court Advisory Service (JFCAS)
- Family Lawyers
- Jersey Family Lawyers Association
- Children’s social care Services
- Children’s commissioner
- Freedom from Domestic Abuse (FREEDA)
- Jersey Domestic and Sexual Abuse Support (JDAS)

1. Purpose

1.1 The purpose of this review is to work with stakeholders who have a role to play in family proceedings to explore the issues highlighted in the VAWG Taskforce report in more detail and identify how current arrangements to respond to allegations of domestic abuse may need to be improved to deliver better outcomes for victims, alleged perpetrators, and children.

1.2 The reviewer will work with stakeholders to co-develop procedure, practice and to recommend legislation and other solutions that will improve the experience of victim-survivors without compromising the rights of parties or children. These solutions will then be trialled throughout the review period so that their efficacy can be assessed. A final report will then detail any improvements to practice that have been implemented under the review and highlight pre-existing good practice.

2. Framework

2.1 The review will be conducted within a 3–6-month period, commencing in Q1 2026.

2.2 The review team will have full access to such relevant documentation and evidence as the reviewer deems necessary. The reviewer will also consider the voices of the children who were subject to the relevant court proceedings, working with the Children’s Commissioner and other service providers to collect these in a safe and protected manner. It is acknowledged that this will require separate disclosure and data sharing agreements to be developed between different entities and the independent reviewer. Government of Jersey officers will support this process where required so that is completed by the start of the review period.

2.3 Each of the stakeholders within the scope of the review will identify an individual who will act as a main point of contact for the reviewer.

2.4 The budget for the review is £100,000, to be funded from Government expenditure. The research team will be made aware of this budget and requested to tailor the review

methodology accordingly in consideration of the methods utilised in the Domestic Abuse Commissioner's Report.

3. Scope

- 3.1 The review will investigate family proceedings, in cases in which domestic abuse is alleged or where there have been findings or convictions for domestic abuse, with a particular focus on the "victim's journey" from the point of initial contact with stakeholders (whether schools, social services or other). Children that are involved in these cases will be considered as victims of domestic abuse in their own right.
- 3.2 The reviewer will take appropriate account of the views of individual victims, children and victim organisations, specialist support services, legal practitioners, the Judiciary, and any other organisations involved in the conduct of such cases. The reviewer should also have specific regard to the frequency, relevance and quality of the training received by the Judiciary, legal practitioners and support organisations involved in the conduct of these cases.
- 3.3 The following entities will be covered within the scope of the review:
 - The Family Division of the Royal Court to include Family Proceedings officer and the team behind Family Foundation
 - JFCAS
 - JDAS
 - Victims First
 - FREEDA
 - Children's social care services
 - Secondary Schools
 - Primary Schools
 - Specialist mental health services (adults and children)
 - James' Ark

4. Methodology

4.1 Pre-Fieldwork Activities:

- 4.1.1 The reviewer will hold a series of scoping interviews with senior colleagues working in or offering services in family proceedings and in services in support, to inform their design of the finalised review methodology.
- 4.1.2 The reviewer will ensure that formalities are addressed regarding access to private judgments and court information.
- 4.1.3 The reviewer will meet with the Office of the Children's Commissioner in Jersey to consider how the view and perspectives of children with experience of the Family Court system in Jersey can be appropriately captured within this review.
- 4.1.4 Development of Court user's survey. The draft survey will be reviewed by victim support services to provide feedback to ensure the survey appropriately addresses the key concerns identified in the VAWG Taskforce report.
- 4.1.5 Development of Practitioners' survey. The draft survey will be reviewed by advocates and ecrivains who are members of the Jersey Family Law Association and work regularly in family proceedings to provide feedback to ensure the survey is appropriately addressed to legal provisions.

4.1.6 The reviewer will ensure that all stakeholders are regularly updated on the progress of the review.

4.2 Fieldwork Activities:

4.2.1 Analysis of case files and other internal documents

The reviewer will undertake case file assessments to examine those cases involving domestic abuse, either alleged, suspected, or in which there were contemporary or previous criminal justice proceedings. Domestic abuse, in cases involved in the criminal justice system, is defined by the Domestic Abuse (Jersey) Law 2022. Cases of grave and criminal assault and common assault are within scope where there is a domestic relationship. The case files reviewed should have been finalised between January 2022 and December 2025. The files should include:

- Fact-finding hearings,
- Cases involving allegations of domestic abuse and controlling and coercive behaviour,
- Cases involving applications for residence, contact orders, specific issue applications and leave to remove
- Cases involving claims for financial provision/ ancillary relief/ schedule 1 proceedings (in particular for children)
- Cases involving divorce and civil partnership dissolution, and
- Cases involving financial remedies following divorce or civil partnership dissolution.

4.2.2 Interviews and focus groups:

The reviewer will hold undertake interviews and focus groups with the following stakeholders:

- The Family Division of the Royal Court; including family proceedings officers, and members of the Judiciary
- Jersey Family Court Advisory Service
- Children's Services
- Family Court Advocates and legal assistants
- Jersey Family Law Association
- Support services; including frontline IDVAs, ISVAs and service managers from JDAS and Dewberry House
- Secondary Schools
- Primary Schools
- Specialist mental health services (adults and children)
- James' Ark

These interviews and focus groups will seek to gather intel of emerging themes, providing feedback and suggestions regarding the key priorities of the review and to inform the survey questions.

4.2.3 Court users survey:

- 4.2.3.1 The reviewer will produce a survey for publication on the Government of Jersey's public consultation webpage aimed at family court users.
- 4.2.3.2 The purpose of this survey will be to collect feedback and perspectives on court user's experiences of how the family court system responds to, and manages, cases that involve domestic abuse.
- 4.2.3.3 JDAS and FREEDA will signpost their service users to respond to the consultation, and the consultation will also be advertised in government and community spaces.
- 4.2.3.4 Survey respondents will be asked to specify the period in which they experienced the family court system in Jersey so that the reviewer is able to pinpoint where experiences relate to recent practice, and where they relate to out of date practice. This will be done in a way that ensures the anonymity of survey respondents is preserved.
- 4.2.3.5 Survey respondents will be invited to participate in an anonymous interview with the reviewer, should they wish to engage more directly with the review process.

4.2.4 Practitioners Survey:

- 4.2.4.1 The reviewer will share a survey with advocates, ecrivains and legal assistants who work in the field of family law as well as non-Jersey qualified family law practitioners, to enable a better understanding of private and public law children family law proceedings from the view of those who are practising family law, acknowledging that not all legal professionals are comprehensively trained in the complexities of domestic abuse.
- 4.2.4.2 The survey will include a mixed approach of open and closed questions to ascertain the views of legal professionals regarding how effective the Family Court System is at handling domestic abuse cases, determining areas for improvement and existing good practice.
- 4.2.4.3 Practitioners who respond to the survey will be invited to an interview with the reviewer, should they wish to engage more directly with the review process.

4.2.5 Observation:

- 4.2.5.1 The reviewer will undertake observation of the following Family Court System proceedings in cases involving domestic abuse:
 - Fact-finding hearings,
 - Cases involving allegations of domestic abuse and controlling and coercive behaviour,
 - Cases involving applications for residence, contact, specific issue, leave to remove,
 - Cases involving ancillary relief proceedings, and or financial support for children (including but not limited to schedule 1 proceedings)
 - Cases involving divorce and civil partnership dissolution, and

- Cases involving financial remedies following divorce and civil partnership dissolution.

5. Timeline and proposed timings

The review will take place from Q1 of 2026.

Phase 1 31 January – 27 th February	Introductory meetings and scoping meetings Proposed terms of reference agreed and finalised with all entities within the scope of the review.
Phase 2 20 th February – 28 th March	All disclosure and data sharing agreements finalised between entities and the independent reviewer.
Phase 3 20 th February – 28 th March	All pre-fieldwork activities undertaken and fieldwork activities have been initiated.
Phase 4 28 th March – 30 th April	All fieldwork activities undertaken and completed
Phase 5 30 th April – 29 th May	Final report developed, shared with entities within the scope of the review for fact checking.
15 th June	Report finalised
22 nd June	Publication of final report