



JUDICIARY OF  
ENGLAND AND WALES

## Wellbeing protocol for the Stoke on Trent and Staffordshire Family Courts

The family court is working in a time of unprecedented pressures due to the ever-increasing number of both private and public law applications, the increasing complexity of the work and the diminishing resources available to us to resolve disputes fairly and justly within a reasonable time. Striving continuously to do more with less resources inevitably has an impact on everyone involved in the delivery of family justice. I am aware that everyone is working not just at capacity but well beyond. I also recognise the unwavering commitment of child welfare professionals to ensure safe and fair decision-making for children and families regardless of personal cost.

If, however, we are to continue to serve children and families effectively we need to recognise the potentially harmful impact of these pressures upon our own well-being and work together to find ways of managing workloads more effectively and reducing unnecessary stress.

This protocol is not intended to be prescriptive as to how individuals should manage their professional lives. It is recognised that decisions as to how to balance work and other responsibilities is personal to each individual and what works well for one may not work well for another. The intention behind this Protocol is to provide a framework of reasonable expectations within which we can all work together effectively, whilst recognising and respecting our differences. The advances in electronic communication and remote working offer many advantages, allowing us outside of listed court hours to work when and where works best for us. We should however resist the growing culture of expecting colleagues to be available 24 hours a day, 7 days a week.

This protocol is the start of what I hope will be an ongoing conversation about working practices within the family courts in Staffordshire and how we may promote well-being and a better work-life balance for all. It does not come at the expense of the children and families we serve, but should ensure we are able to continue to deliver the high levels of professional service I know we are all committed to providing.

It is proposed that the following measures are adopted with a view to promoting the well-being of all court users, judiciary and staff.

## **Respect**

- 1) Attending court can be a difficult and stressful experience, even for professionals. Everyone should be treated fairly and with respect and courtesy, recognising how stressful the experience is for participants.
- 2) A 'culture of blame' should be avoided. Across the system resources are limited. Cases may not be ready because of lack of resources in social work departments, Cafcass or over-stretched solicitors' offices. Courts are struggling with a lack of judges, justices, lack of legal advisers and sometimes lack of suitable court rooms. It is important that everyone understands what is happening but also knows as soon as obvious difficulties arise. The reasons for delay need to be clearly and transparently highlighted in court orders, not to attribute blame but to assist in understanding the difficulties the system is facing.
- 3) All communications, inside and outside of court, should be respectful in tone. Email communication requires particular care. Emails can often, unintentionally, sound particularly abrupt and dismissive. Always try to bear in mind the impact on the reader.
- 4) Court users are encouraged to take an open and constructive approach to addressing difficulties. It is more productive to acknowledge the pressures everyone is facing and to seek to address issues in a pragmatic and supportive way.

## **Listing**

- 5) Listing is and remains a judicial function. Throughout family hearing centres in Stoke-on-Trent and Staffordshire we will strive to keep all DJ and CJ lists to a maximum of 8 hours. Lists will only exceed 8 hours, with judicial sanction, in cases of genuine urgency. All temptation to over-list should be resisted.
- 6) The court will always endeavour to list in accordance with the availability of other professionals. The court will try and accommodate reasonable requests for professionals to be excused/provide instructions by telephone where they have competing professional commitments.
- 7) Professionals should not expect to be asked to provide a reason in court as to why they are unable to attend for a particular hearing date.

## **Case Management:**

There are steps all of us can take to assist in managing the current workload pressures:

- 8) Case summaries should be short and focus on the issues for determination at the hearing. Recommended reading should always be included. Similarly position statements should be short and focused.

- 9) Practice directions on the delivery of bundles and case summaries need to be complied with. Late delivery of hundreds of pages of evidence is a significant cause of stress for advocates and judges.
- 10) On a case by case basis consideration will be given to whether a position statement rather than initial analysis by the Guardian in care proceedings will suffice.
- 11) Save for the first CMO, short form orders should be used.
- 12) Orders should be drafted and approved at court to avoid time-consuming efforts to agree orders outside of court.
- 13) Timescales for obtaining evidence and conducting assessments should be realistic given current workloads of social workers, Cafcass officers and legal practitioners. Setting an unrealistic timetable just generates additional work for everybody.
- 14) Time estimates for final hearings should always include reading time, submissions and time for preparing and delivering judgment. Any temptation to provide shorter time estimates to squeeze hearings into crowded lists should be firmly resisted. Advocates and judges should not be expected to prepare written submissions/judgments outside listed time.

### **Court hearings**

- 15) Advocates meetings should take place in advance of court hearings to minimise delays in cases being ready at court. There needs to be a renewed focus on ensuring the effectiveness of advocates meetings. Delays in cases being ready to be called on inevitably results in longer court days and late finishing times.
- 16) Other than adoption celebrations which are listed at 9.30 am, only in exceptional circumstances should court hearings begin before 10 am and only in exceptional circumstances should court hearings finish after 5 pm. If any court hearing is to begin or end after these allotted times the people in court should be asked if this causes them any problems and should feel free to explain that it does. It is not appropriate to ask the reason for this. As soon as it appears that the court may exceed the core hours, it is appropriate to give parties an indication of this and provide an opportunity for personal arrangements to be made.
- 17) A lunch break, ideally of one hour, should always be taken. While there are inevitably circumstances when the pressure of work means a request to deal with the case over the lunch break is made there should never be circumstances in which advocates and court staff are asked to do this without their express agreement and where anybody does not have a proper break. Court users should have the opportunity to get something to eat.

### **Work Practices:**

- 18) It is important to reiterate that everyone works differently and we need to respect how others choose to balance their professional and caring responsibilities. Some of us prefer to work late at night or early morning and therefore send out emails to others outside of usual office hours. We should not however expect or require them to be dealt with after 6 o'clock at night or before 8 o'clock the following morning and we need to consider others working practices in affording them sufficient time to deal with the information.
- 19) There should be no expectation that during the weekend or a period of annual leave professionals will respond to emails, no matter how urgent. Professionals are entitled to take time away from work without feeling they need to keep one eye on their email.

This protocol is the starting point for what we hope will be an ongoing conversation about how we may improve the well-being of all who work within the family courts.

If you have any comments about it or further suggestions please do contact the Court manager.

HHJ Sonia Harris

Designated Family Judge for Stoke-on-Trent and Staffordshire