Well-being in the Worcester and Hereford Family Courts

Basic Principles

1. The President of the Family Division has reminded us that the Family Justice System is dealing with an unprecedented workload. That increased workload affects litigants, professionals,
   practitioners, court staff and members of the judiciary, that is everyone who works, practises or attends court here.
2. If we are to manage our workload effectively and continue to serve the children and families who come before the Family Court at Worcester and Hereford, all those working in the system must ensure that they are mindful of their own wellbeing and that we all endeavour to ensure we comply with the suggestions made in this Protocol. It is intended to benefit all professionals, practitioners, court staff and members of the judiciary involved in administration of Family Justice with a view to increasing wellbeing, reducing unnecessary stress and better work life balance.
3. The Family Court in Worcestershire and Herefordshire endeavours to ensure that all those involved in the Family Justice System work together to ensure that decisions are made in the welfare best interests of the children who are at the heart of proceedings, whether public law or private law, or in respect of financial issues following family breakdown. We value the well-being of everyone: judges, advocates, parties and witnesses. We should be running as simple a system as possible consistent with the rules. Complexity is the enemy of well-being.
4. Everyone is trying to do their best most of the time. Criticism may sometimes be necessary but rarely improves performance. Experienced professionals do not need to be placed under more stress by judicial hostility or unfair pressure from other advocates.
5. Contested litigation, and especially a courtroom, is a stressful environment, particularly for those who are not used to it. Everyone is entitled to respect, all the time. There is no place for unpleasantness or aggression.

Time

6. Any temptation to over-list to 'get through the work' is to be resisted. Where there is pressure on the list, it is the list that should give way, not wellbeing of professionals, practitioners, court staff and judges.
7. Court hearings should not commence before 10am and should end at 4.30pm, with an absolute cut off at 5pm, save in **exceptional circumstances** (such as an **urgent** removal hearing) or with the **agreement of all those involved**. It is not unreasonable for professionals, practitioners, court staff and judges to expect to be able to return home in time to fulfil childcare or other caring commitments. No one should be expected to have to reveal details of their personal or professional commitments.
8. Local Authorities in particular need to bear this in mind with Public Law applications. If they arise with genuine urgency on the day, so be it, but if an application is envisaged for the following day, then it should be ready for hearing for 2pm at latest.
9. If the court intends to sit late, then an enquiry as to whether and to what extent this is consistent with everyone's commitments is expected of the judge or magistrates.
10. Everyone needs a lunch break and the court will normally rise for an hour for lunch, normally between 1pm and 2pm. On rare occasions when the Judge or Magistrates wishes to sit between 1pm and 2pm, for example to interpose shorter cases, there should be cover for Court staff, and any case running all day must have a lunch break for as close to an hour as possible.
11. The court should do what it can in trials lasting more than a day to give a sensible "not before…." start for the case on the second and subsequent days.
12. When listing or adjourning a case every effort will be made to accommodate prior commitments, although it is never possible to list solely for someone's convenience.

Emails

13. There should no longer be an expectation that professionals, practitioners and judges will work late into the night and for significant parts of a weekend or while on leave, in order to deal with their workload or to meet deadlines.
14. Practitioners may send their emails when they like but there is no need, as far as the court is concerned, to reply to an email after 6 pm or before 8 am. Equally practitioners can have no expectation that the Court will read any email sent after 4.30 until the next morning.
15. A 'last minute' work culture increases stress. Electronic communications do not justify late delivery of instructions, evidence, information etc. Such an approach creates a high level of

pressure on professionals, practitioners, court staff and judges and increases the need to work outside what are reasonably regarded as work hours. 'Reply All' messages should be avoided unless appropriate.

Orders

16. The applicant should provide a draft order to all parties prior to the hearing and preferably sufficiently in advance of the hearing to enable the representative for each party to have considered it in advance of their arrival at court.

17. Orders (except perhaps the first order) should be as short as possible. Long orders take up the time of practitioners, judges, magistrates and staff unnecessarily. They add to stress, confuse and deflect. However, it may assist everyone's memory if recitals record significant developments or agreements.

18. Everyone's time is saved if orders are drafted on the day of the hearing. Long rival drafts are bad for everyone. FAS forms should include all time for drafting of orders.

Applications and Document

19. Urgent means urgent. Maintaining that a hearing is urgent when it is not is queue-jumping and adds to stress.

20. Every document can be short, concentrated on the issues, and avoid repetition. Any position statement, whenever filed, is better than none. Bullet points are fine. Judges will be grateful for position statements and understand that professionals get a case up shortly before the hearing in order to be efficient.

Attendance

21. We don't need teams. Solicitors do not ordinarily have to attend with barristers. Team managers do not have to attend with social workers, although should be in a position to step up to give evidence on statements they counter-signed if the social worker is unavailable.

22. If Guardians are represented, it is at their discretion whether they need attend Court for procedural hearings. Whilst they are not expected to sit through evidential hearings other than for the purpose of giving their own evidence. Attendance at IRH is compulsory unless previously having been released by the case managing judge.

23. Lawyers and professional witnesses must be committed to cases but must juggle their commitments and judges and magistrates must understand this and be understanding. This

applies when listing cases and on a day by day basis. The Court should make its best endeavours not to cross-court in different buildings without notice.

Bundles

24. The digital courtroom is coming and we must all seek to use it to ease stress and not add to it. Judges and lawyers must understand that everyone's adaptation to technology goes at a different pace. It may be of some reassurance that after initial teething troubles, Crown Court DCS is now working well and widely welcomed.

25. We are not slaves to the Practice Direction and there is no such thing as the perfect bundle. Judges should be pragmatic and focus on the substance of compliance not the form. However, providing bundles in a timely fashion to the parties, for agreement, and to the Court will assist in reducing stress and unnecessary correspondence.

HHJ Plunkett

HHJ Tindal

DJ Gibson

Worcester and Hereford Family Courts

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