



JUDICIARY OF
ENGLAND AND WALES

HIS HONOUR JUDGE HANDLEY
DESIGNATED FAMILY JUDGE FOR NORTHAMPTON

20 March 2020

Dear Local Practitioners,

I write to you at a time of great upheaval and concern. Our priority is to provide a service but without endangering our staff and court users.

We have all received the guidance from the President of the Family Division (19 March 2020). I confirm that Northampton will be following that guidance alongside all the other family courts up and down the country.

The guidance applies to all hearings from Monday 23 March both before Judges and Magistrates.

For the foreseeable future all public law hearings will be conducted remotely.

Personal attendance at Court is not necessary or advisable. We have the benefit of three systems to facilitate this approach, namely (i) telephone hearings, (ii) video link facilities and (iii) skype hearings.

Whilst the Family Court has not operated on this basis before and with recognition that we are all on a steep learning curve this will ensure that that we can maintain a level of service which is safe for all involved.

In the first instance we the judges, magistrates, listing officers and legal advisers will be looking at lists with a view to reallocating time slots for our “short hearings” and will send out revised Notice of Hearings as required. Although the hearings are remote Judges and Magistrates will be in the court building and will be supported by the DSOs and administration staff.

It is recognised that some contested hearings may have to be adjourned though this will be kept under constant review. In the first instance all lists will be reviewed and to help inform our planning and decision-making the cases with longer hearings listed in the next few weeks will be listed for a short telephone hearing to ascertain

the state of preparation with assessments/reports and generally and to clarify their suitability/special needs for remote hearings. Those cases with more distant listings will be subject to requests for written clarification of the same issues.

Time will be allowed for reading by the judge/ magistrates before the telephone hearing, but it goes without saying that telephone hearings will require proper preparation and all representatives to be fully instructed coming into the hearing. Please note that the timings of these hearings and their time estimates cannot be regarded as flexible. If more time is needed for discussions it may be necessary to adjourn to ensure that other listed hearings can proceed at their allocated time.

LIPs will be able to join telephone hearings provided they have a telephone number and make themselves available to participate.

Paragraph 16 (a) of the President's guidance has caused some anxiety as it appears to suggest that it is the LA who are responsible for making and paying for the technical arrangements. This is confusing but the system used by the court BT Meet Me is supplied to the court under license and it is the court (HMCTS) who provide the service and it is free to the participants who dial in. It is the responsibility of the Applicant LA to collect the contact names, telephone numbers and to ensure all participants are available and know about the dial in but it is the court that provide the telephone link.

The calls will be recorded by the court recording system, although BT Meet Me does have an internal recording system. The court will retain the recordings as it does at present.

Until this system is fully functioning the parties will need to be patient and expect some technical glitches. The DSOs and court clerks will all be trained to use the systems and the notice setting up the remote hearing will contain the contact details.

This system will be operational from next week (23 March) and although not all courtrooms have the starfish telephones all have a BT phone which can be used.

The next stage of the plan is to use skype or video link to enable longer hearings. The judicial lap tops are equipped with Skype for Business which does permit remote access by external users. Once training has completed this should be another remote hearing opportunity. The quality of the skype link is very good and there is not the delay sometimes experienced on video links.

One stumbling block is the inability of any judge or magistrate in Northampton to receive an electronic bundle which is essential for remote hearings. I understand that urgent steps are being taken by HMCTS to address this fundamental issue.

The President's Guidance also makes clear that Private law cases which have LIPs will also be suitable for remote hearings and the parties will be invited to provide contact telephone numbers to join without any personal attendance.

It will be necessary to identify the participants in remote hearings and to ensure that only those who would be allowed into the courtroom for an oral hearing can

participate in the remote hearing. If a skype or video link is used it will be possible to check who is present, but a telephone hearing will be a matter of trust. LIPs may be asked to affirm over the telephone and confirm that the hearing is entirely confidential to the intended parties. The court will record the proceedings and no other recording is to be made by any of the parties.

As set out in the President's guidance the applicant must electronically file a PDF bundle which complies with FPR PD 27A and which contains as a minimum,

- a. A case summary and chronology
- b. The parties position statements
- c. The previous orders relevant to the remote hearing
- d. All essential documents that the court requires to determine the issues that all for determination at the remote hearing
- e. A draft order

It is no longer necessary to provide the FASS forms because the LAA has agreed that attendance at the remote hearing confirmed by the order and counsel's attendance note will suffice. An agreed wording can be inserted in the draft order.

It is very likely that there will be further developments and changes. New legislation is to be put before parliament.

I would ask you to be patient and to work with us as we adjust to a new way of working. Please remember that we are also suffering the same difficulties as every other business and service with enforced absenteeism, reduced staff numbers and lack of resources.

Finally look after your own health and those working with you. Remember you are a vital part of the Family Justice System and without your support we cannot operate effectively.

It cannot be business as usual, but we can get on with the job in hand.

Yours sincerely

Michael Handley

DFJ Northampton

