

From: "Croucher, Paul"
Subject: Remote Hearings
Date: 14 April 2020 at 10:43:57 BST
To:

Dear members,

Please see the message below for your information and for you to disseminate as you see fit.....

“Dear Sir/Madan

Please see the details below issued in respect of conducting remote hearings for upcoming hearings, also attached is a document setting out individual judges preferred way to conduct future hearings, please refer to it when setting up any upcoming hearings.

Please also ensure that any recordings of remote hearings should be sent to the Court at family.portsmouth.countycourt@justice.gov.uk within 48 hours of the hearing.

REMOTE HEARINGS

Given that remote hearings will now be the norm for public law for the foreseeable future the following now applies.

In the event that it is considered that a remote hearing is not appropriate, and that parties’ attendance at court is required then the party considering that to be the case is to set out in an email to the court and directly to the judge the reasons for this.

It is imperative that before any remote hearing that all parties are aware of the following

1. No unauthorised person may be present at any remote hearing. When asked at the beginning of each hearing, each party

and/ or legal representative must be able to confirm that no unauthorised person is in attendance or able to listen to the hearing.

2. No party shall record or publish any part of any court hearing which takes place remotely without the permission of the judge conducting the hearing. It should be noted that criminal offences will be committed if they do so.

In all cases where live evidence from parents or other non-professional witnesses is to be given then that evidence cannot be given over the telephone and at least the judge must be able to see that person giving evidence. In respect of professional witness whilst preferable it is not essential.

In all cases where no evidence is to be given the options for hearing the case are:

Telephone

Via BT meet me.

If this is to be used, then this needs to be set up by the court staff prior to the hearing and accordingly all telephone numbers must be provided by the local authority to the court no later than 10 am the day before the hearing. The applicant is responsible for collecting and providing the information using the attached form. The Judge should sit in the courtroom to facilitate the recording of the hearing through DARTS or DARS system. If the judge is hearing the matter in a different venue, then the facility to record through the BT Meet Me service should be utilised.

Skype for business

All parties/advocates using this will need to have downloaded/ signed up for it. The appropriate log in/email addresses for each person taking place in the skype call must be provided by the local authority to the court no later than 10 am the day before the hearing. The applicant is responsible for collecting and providing the information using the attached form. All participants will then receive an invitation to join the skype call that they will need to

accept and then link into at the appropriate time for the hearing. This hearing is again recorded by the court on DARTS or DARS if Judge is sat in a courtroom or can be recorded via the Skype application itself if sitting elsewhere.

Zoom

All parties/ advocates will need to have signed up for this. The responsibility for arranging the 'meeting' will be with the local authority/advocate. The expectation is that the judge will be invited to join the meeting. The parties will therefore need to provide each other with their email addresses so that the convener of the meeting can join everyone. An email is to be sent to the judges direct ejudiciary email with that invitation when the parties are ready for the hearing to commence. The hearing will need to be recorded by the convener of the meeting, and after the hearing the recording must be sent to the judge so that it can be placed on the court record. Please note that if you cannot operate Zoom you can join by telephone. The applicant must notify the court no later than 10 am on the day prior to the hearing of the arrangements that have been made

Please see the FLBA paper which sets out the advantages in using zoom, as against the other options. HMCTS do not recommend zoom and recommend that hearings should be by skype as the preferred video link option.

If necessary, a mix of those options would also be acceptable.

All hearings now have been given a fixed timeslot of 1 hour. It is imperative that those times are strictly complied with and it is expected that all pre-hearing discussions/negotiations have taken place prior to the time allocated so that the hearing can proceed at the allocated time. there will be little scope (dependant on lists) to extend hearings beyond the fixed hour allocated.

For the avoidance of doubt it is expected that all parties (including in particular the parents) are present at all hearings.

In the event that all directions are agreed between the parties prior to the date fixed for a hearing a consent order can be sent directly to the judge with a request (no C2 required) for the order to be made and the hearing vacated.

For the avoidance of doubt by 10 am on the day before the hearing the applicant is to notify the court on email address jst.portsmouth.countycourt@justice.gov.uk copied to the judge of the details of how it is proposed that the hearing should take place and have completed the attached form so that the court can where appropriate set up the necessary arrangements.

It is imperative that every advocate ensures that any document which is relevant to the hearing is included in the court bundle and if it is not to have sent it by email directly to the judge conducting the hearing.”

Thank you

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 HM Courts & Tribunals Service

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