

## PLAN FOR FAMILY WORK IN WEST LONDON FOR MAY AND JUNE 2020

### Introduction

1. The impact of the current crisis on cases concerning children and their families has been profound. The court can still not hope to operate anywhere close to a normal list for the time being and, in all probability, for weeks if not some months to come. I sent out a Plan for the work in March and April, when we were still reeling from the abrupt changes. This short document will set out the outline of our aims for May and June, for which we have a little more time to plan.
2. Conscious of not building up too overwhelming a backlog of cases, we are still forced to prioritise work to ensure that those categories of urgent and safeguarding cases that have to be heard are heard. In doing so we recognise that every case is of huge importance to the child concerned, and that delay is contrary to the child's best interests.
3. In line with the President's guidance and current government health advice, all hearings will be remote, unless they fall into the very limited category of urgent cases in exceptional circumstances where they cannot be heard virtually. As WLFC is designated an "open" court I am working with HMCTS colleagues on a protocol to manage those face to face hearings that are held, covering everything from the parties' approach to the court building to their departure after the hearing has concluded. In any case where the parties consider that a face to face hearing is required, then they must agree the plan for that hearing and secure the agreement of the judge to that plan.
4. The 2 remote platforms offered and supported by HMCTS are currently Skype For Business and BT Conferencing. A new and better platform is, we are told, being rolled out for the judiciary in the near future. Judges are discouraged from using other systems eg Zoom for various technical and security based reasons.
5. Staff at both WLFC and Barnet are working in the building and from home. Only now are the staff at home receiving laptops to enable them to resume working. Please bear with us as we have had a big gap in admin support, and there is an inevitable backlog. The laptops are allowing us to work back towards fuller capacity.
6. There will be a judicial presence both at WLFC and at Barnet, but a number of judges will be working from home.
7. Support Through Court have made their services available by phone. The court will have the number to call.
8. The court should also have the details of solicitors available by phone for the Duty Solicitors' Rota.
9. I set out below the position concerning the financial remedy work given the temporary suspension of Brentford, Edmonton, Kingston, Uxbridge and Willesden.

### Public law

10. We will continue to hear all listed procedural cases, ie EPOs, ICOs, CMHs, IRHs and other directions hearings.
11. I have liaised with our 11 LAs together and with each LA separately to discuss challenges to each LA, their IT capability for contested hearings, and to ensure that our lists of hearings are complete.
12. I have asked each LA to provide me with a list of the contested public law hearings for that LA in May and June. From this, I have asked each judge to contact the parties in the cases listed before them to discuss: whether the cases are/ will be trial ready; whether they remain contested, in whole or in part; the detailed proposed arrangements for a virtual hearing; and whether a directions hearing is needed. Where cases are listed for contested hearings but do not yet have an allocated judge I am making arrangements for myself or another full-time judge to ensure that the same questions are asked.
13. We do aim to start holding contested hearings virtually, as we all gain experience and expertise. As we have hearings we will learn lessons, eg about the best way to manage cases with intermediaries and interpreters, and how to ensure that unrepresented litigants are able to participate fully.
14. Parties updating time estimates and witness templates for virtual hearings will need to bear in mind that 4 hours a day is as much as can be managed in a virtual hearing.

### Private law children

15. We aim to continue to hear FHDRAs, but cannot hear more than 4 in one list, so inevitably cases will be adjourned. We encourage the parties to renew their efforts to reach agreement, to avoid delay for their children. We will continue to hear the listed DRAs and directions or interim hearings on urgent issues.
16. Contacting the parties in every contested case listed in May and June is more difficult than in public law because there are no LAs to contact and to be a point of liaison. Through this message may I ask every solicitor instructed in one or more of these cases to initiate the dialogue identified above, ie to discuss whether the case is trial ready, whether it remains contested, if so how can it be held virtually, and what is the time estimate? The court aims to send out short orders in the form of Annex A, attached to the President's Guidance of 19/3/20 which asks the parties to do this, but hopefully this Plan gives you notice that you can usefully start these discussions sooner rather than later.
17. The court will welcome any consent orders, hoping that the parties have made a greater effort to use a form of Alternative Dispute Resolution, mediation, or simply had further discussions among themselves.

### Family Law Act applications

18. These will continue to be heard at WLFC and Barnet, and will be heard virtually.
19. Until we are clearer about the capacity of the judges who have moved from the suspended courts to other bases to continue to hear this work, those applications that would have been issued by Brentford, Kingston and Uxbridge will be heard at WLFC. Those applications that would have been issued by Edmonton will be heard at Barnet.

### Financial Remedy work

20. In line with London-wide guidance issued by HHJ O'Dwyer, FRU, approved by Mostyn J, the quantity of listed financial remedy work in court will be reduced through (a) adjournments of non-urgent work, and (b) a system whereby more work, such as First Appointments, is routinely carried out on paper without a hearing.
21. The work that remains listed at Barnet and Willesden will continue to be heard by those judges as at present; both are staffed courts.
22. The work from Brentford, Edmonton, Kingston, and Uxbridge, the suspended courts, will continue to be heard by the judges of those courts, supported by the admin teams of both those courts. The situation is complicated by the fact that both the judges and the admin teams have had to move temporarily to different locations and it may take a little time for the new arrangements to bed in. If you have not had confirmation from the court where your FR case is to be heard, then let me know. Once the arrangements are in place the court will send out notices to inform the parties in the listed cases of where and how their cases are to be heard.

### Finally

23. This continues to be an exhausting time for the families waiting for their cases to be resolved, for the judges and for the court staff. I hope things will settle down to the best available, workable arrangement, and I wish everyone as peaceful and pleasant a holiday weekend as possible in these challenging circumstances.
24. If there is sufficient interest, I would be happy to offer a virtual Court User Group Meeting for all West London family court users in the week of 20/4 when I am back at work after Easter.

HHJ Rowe QC

Designated Family Judge for West London

9 4 2020