

Guidelines and Information for Professional Court Users: Covid-19 Hearings

The Family Court sitting at the Law Courts, Quayside, Newcastle upon Tyne

1. Introduction

- 1.1 This document is to be read together with the HMCTS guide for court users for family hearings in Newcastle upon Tyne during the Covid-19 pandemic.
- 1.2 Further information about the arrangements for court hearings during this period can be found at: <https://www.gov.uk/guidance/coronavirus-covid-19-courts-and-tribunals-planning-and-preparation>. The risk assessment for the court building will be available on request.
- 1.3 The Quayside Law Courts has been an 'open court' throughout the Covid-19 pandemic so that, where required, attended civil/family cases have been heard at the Quayside. Attended hearings have been taking place in the Crown Court at the Quayside since 11.05.20. Two courts are currently operating (one on the third and one on the fourth floor).
- 1.4 From 01.06.20, family hearings will take place in Court 11 on the first floor (with the judge sitting in court). These will be either 'attended' (where all parties and their legal representatives attend) or 'hybrid' (where some parties and their legal representatives are present in the courtroom, while others participate remotely).
- 1.5 Further courtrooms will be available for family hearings at other venues subject to public health guidelines and risk assessment of each venue.
- 1.6 This document is intended to support the start of hybrid hearings in the Family Court in Newcastle upon Tyne in providing a safe and effective working environment for all involved. It is not possible to anticipate every eventuality; it is recognised that changes are likely to be needed from the experience gained from these hearings. **This document will be revised/updated as may be required and as circumstances change.**

2. General issues

- 2.1 All court users must act in a manner consistent with the need to minimise the risk of transmission of Covid-19 and to observe the guidance of Public Health England. Strict social distancing rules are to be maintained by all those attending family court hearings.
- 2.2 Security and other court staff will provide directions to those attending court to ensure appropriate social distancing is maintained. It is vital these directions are followed. Failure to comply may be a contempt of court.
- 2.3 Two metre lines have been marked at relevant points in the building to assist with social distancing. Some areas of the building and seating have been cordoned off and must not be

used. A one way system is in place in the building to assist the flow of people and minimise contact. This involves court users using the stairs from the first to ground floor to leave the building. The court must be notified in advance if this presents a difficulty to any court user and alternative arrangements will be made.

- 2.4 The number of participants (parties/representatives) attending a hearing in Court 11 is expected to be at least six.
 - 2.5 Male and female toilets are available on the first floor.
 - 2.6 There is a regime in place for frequent/regular cleaning of the building. Hand sanitiser is also available. The courtroom, conference rooms, toilets and other public areas will be cleaned between each hearing and at regular intervals during the day.
 - 2.7 There is no catering available in the building and the water fountains are not in use. Those attending court are expected to bring water for use in the courtroom (cups/jugs of water will not be provided).
3. Advance arrangements for an attended/hybrid hearing
- 3.1 Any request by a party/representative for an attended/hybrid hearing is to be made to the allocated judge, who will discuss the appropriateness of this with the Designated Family Judge/her nominee.
 - 3.2 Where the court otherwise determines that an attended/hybrid hearing is appropriate, the parties and legal representatives will be given as much notice as possible (and no less than least three working days' notice, unless the Designated Family Judge/her nominee agrees it is necessary to list the case for an urgent hearing).
 - 3.3 Unless the attended/hybrid hearing is listed urgently, a remote hearing will take place at which the arrangements for the attended/hybrid hearing will be decided. This will include:
 - (a) Which parties/representatives are to attend in person/remotely;
 - (b) Which witnesses are to attend court in person/remotely;
 - (c) Whether the case requires the attendance in person of an interpreter/intermediary;
 - (d) Whether a party attending court in person is accompanied by another person;
 - (e) The timetable for the hearing, in particular the timing for any witnesses to attend court.The arrangements as approved by the court will be recorded on the case management order from the remote hearing.

Where the hearing is arranged urgently and with insufficient time for a remote hearing, these issues will be addressed by email communication between the parties/their representatives and the court.
 - 3.4 Unless otherwise directed, one advocate only (barrister or solicitor) is permitted to attend with each party.

- 3.5 Any person raising an issue about their ability to attend in person at the court building must make representations to the court in advance of the remote hearing (or, where the case is listed urgently, at the earliest available opportunity). The judge will then decide whether that person's attendance at the court building is fundamental to the fairness and justice of the hearing.
- 3.6 Professionals may raise any such issue (about attending in person) confidentially by email to the Designated Family Judge/her nominee. The court will take all reasonable steps to allow the hearing to proceed taking account of those difficulties but, where it is not possible to accommodate the absence of the professional from the building, alternative arrangements/representation will have to be made.
- 3.7 Arrangements will be made for parties/witnesses in custody to participate in the hearing by PCVL video link. Production orders will not be made.
- 3.8 The applicant is required to submit the relevant details of those attending/participating remotely in any hybrid/attended hearing (including any witnesses) to the Court using the Special Measures Inbox (Newcastlespecialmeasures@justice.gov.uk), subject header: ATTENDED/HYBRID HEARING - case number - hearing date) no later than 14.00 on the working day before the hearing. This time period will be subject to review.
- 3.9 In the event a party fails to attend a hearing where a judge has directed their attendance as necessary, the hearing may continue in their absence (with findings made and/or final orders). Alternatively, in appropriate circumstances, the judge may issue a witness summons for their attendance.

4. Arrival at court

- 4.1 **The parties/representatives will be notified of the start time of their hearing and must arrive at court no more than 45 minutes and not less than 15 minutes before the start time.**
- 4.2 A witness who is required to attend court in person to give evidence will be notified of the time the evidence is due to start and must arrive at the court building no more than 30 minutes and not less than 15 minutes before this time.
- 4.3 Any person attending the court building whose attendance at the hearing has not been authorised by the judge may be required to remain outside the court building.
- 4.4 All those arriving at court must be prepared to be searched. Please bring the minimum required for the hearing. It would assist if smaller items are carried in a clear plastic bag.
- 4.5 After passing through security, court users will be directed by court staff to the first floor (using the lift). Only one person may use the lift at a time (save for those living in the same household).

4.6 On arrival at the first floor, court users will be directed by court staff to the waiting area outside the courtroom. A member of court staff will be stationed outside the courtroom and will advise each court user where to wait.

4.7 A conference room will be allocated for use by each party and their advocate. Where known, the name of the advocate will be marked on a conference room door. The party/advocate must use the same conference room throughout the court day. Unless otherwise notified, no more than two people are permitted to be present in the conference room to ensure appropriate social distancing.

5. The court hearing

5.1 The court will use an electronic witness bundle. This must be sent to the court (newcastle.bundles@Justice.gov.uk), clearly marked as the witness bundle and with the case number/name, no later than 14.00 on the working day before the hearing. All case management documents must be sent electronically. No paper documents are to be handed to court staff or otherwise distributed at court.

5.2 No person is permitted to enter the courtroom until instructed to do so by a member of court staff. Each participant in the hearing (advocate/party/witness/other) must only enter the court when called and once in court must remain in the place assigned to them by court staff.

5.3 Any person giving evidence may affirm or take an oath. In accordance with HMCTS guidance for remote hearings, a person wishing to take a religious oath may for the time being do so without a sacred object if he/she considers it will still be binding.

6. Breaks in the court hearing

6.1 All witnesses will be informed when they are permitted to leave the courtroom at the end of their evidence and will then be required to leave the court building.

6.2 The parties and advocates will be informed by a member of court staff when they can leave the courtroom (when the court breaks during the day or at the end of the hearing).

6.3 During the lunchbreak and any other breaks in the hearing, advocates may remain in the court building but will be restricted to use of their allocated conference room (and the toilet).

6.4 A party may only remain in the court building during any break in the court hearing if the advocate needs to take instructions. At other times the parties will be asked to vacate the building and return 15 minutes before the time the hearing is to resume.

6.5 At the end of the hearing or of the court day, the advocates and parties will be permitted – if required - to have a short conference in their allocated conference room before leaving the building promptly.

HHJ Rachel Hudson
Designated Family Judge
Northumbria and North Durham
28.05.20