

Staffordshire Recovery Plan

Well-being and workload: Clarification

10th July 2020

Dear Colleagues,

Further to my updating document dated 6th July 2020, I understand that some local practitioners, particularly members of the bar, were very troubled by the suggestions made in the interests of promoting the wellbeing of practitioners and reducing everyone's workload. I hope the following clarification will assist.

Advocates' Meetings

It is absolutely essential that all parties strive to ensure that advocates' meetings are an effective means of discussing and narrowing the issues before a hearing. If there is a real consensus which can be presented to the Court in a draft consent order, then that will be a way of reducing the workload of practitioners. This is entirely consistent with the approach endorsed by the President.

However, where issues cannot be resolved and/or there is a need for further instructions to be taken, then clearly further time will be required before the hearing for this work to be undertaken and for advocates to be remunerated. This is the purpose of the "pre-hearing discussions" hour before the listed hearing.

Pre-hearing Discussions

Orders listing hearings will continue to include the provision for the parties and their representatives to attend (whether remotely or at court) one hour beforehand, but I would ask that this time is used sensibly and flexibly.

Clearly, if a consent order has been lodged, then the hearing and its pre-hearing discussions will be vacated in any event. However, where the hearing is still required, advocates should use the pre-hearing discussions time efficiently and effectively. For example:

- (a) some of the advocates may need to use the time to take further instructions from their client;
- (b) it may be that just 15 minutes of actual discussions are required at the start of the hour; and/or
- (c) the advocates may simply need to reconvene about 15 minutes before the hearing time to convey instructions, etc.

The point is that if there has been an effective advocates' meeting, practitioners should not need to spend another full hour in discussions – unless there are matters to discuss. Advocates should agree in advance how the pre-hearing discussions time will be used so that those who do not need to take instructions can make efficient use of their professional time.

For the avoidance of doubt, advocates **will** be remunerated for one hour of pre-hearing discussions unless the hearing has been vacated in good time following the approval of a consent order.

Drafting Orders

If the Court has approved a draft order at the end of the hearing in a straightforward matter, there will be no need for post-hearing communications about the order. However, where the advocates have to undertake further work together to perfect a draft order, this will be remunerated as appropriate. I understand that the FLBA has recommended that up to an hour is added on after the end of the hearing for this purpose and I am happy to endorse that approach.

HHJ Sonia Harris

Designated Family Judge for Stoke-on-Trent and Staffordshire

10th July 2020