

## WELLBEING AT CFC IN THE TIME OF COVID

### Introduction

I have taken over as DFJ at CFC at an unusual time. Wellbeing is central to my approach. I wish to make some changes to the CFC Wellbeing policy generally, but there are some changes which are specific to running the court during the current pandemic.

Central to our policy is that we should all aim to be more measured about blaming others working in the system when they have not deliberately got it wrong. All should remember the approach promoted by Resolution. It is rarely necessary to be aggressive to a witness or to an opponent. Everyone should remember that the pandemic has had a negative effect on the mental health of many, and has affected everyone in some way.

It has been inevitable that the pandemic has caused delays for the Family Court and it is recognised that everyone whose case has been or will be delayed will experience stress. The President said in The Road Ahead in June 2020:

*“If the Family Court is to have any chance of delivering on the needs of children or adults who need protection from abuse, or of their families for a timely determination of applications, there will need to be a very radical reduction in the amount of time that the court affords to each hearing. Parties appearing before the court should expect the issues to be limited only to those which it is necessary to*

*determine to dispose of the case, and for oral evidence or oral submissions to be cut down only to that which it is necessary for the court to hear.....Parties will not be allowed to litigate every issue and present extensive oral evidence or oral submissions; an oral hearing will encompass only that which is necessary to determine the application before the court.*

It will be by applying this guidance in all our cases that we will not only minimise delay but also reduce stress for all involved.

### Timing and Listing

1. Listed hearings should not take place before 10 am and the court day should end by 4.30 pm with a final cut off at 5 pm.
2. Everyone needs a lunch break so the court should rise for an hour at lunch time and practitioners should not be expected to work throughout the lunch break. Ideally the lunch break should be between 1 pm and 2 pm.
3. Only one short hearing should be listed before any long hearing at 10 am and should be conducted remotely in most circumstances. There will not usually be a short hearing before a long hearing in FRU.
4. We are piloting the provision of an urgent business judge each day to reduce the waiting time experienced by local people who wish to apply for an urgent remedy.

5. Remote short hearings are currently conducted by CVP or BTMeetme, or by Teams before the Magistrates. Such hearings are dependant on starting and finishing on time. It is very helpful for the advocates to speak before the hearing to try to narrow the issues/agree as much as possible. We have all made great progress in adjusting to such hearings but must bear in mind that some people need assistance and encouragement to use such technology.
6. Hybrid hearings are currently conducted by CVP or by Teams before the Magistrates. It is recognised that such hearings are more tiring than usual and breaks should take place throughout the day. Everyone will follow the guidance on remote/hybrid hearings and do their best to ensure no party feels excluded from the process. Judges will be sympathetic to requests by advocates, parties and witnesses who prefer to attend remotely.

#### Attended hearings

7. Only people who are essential for the hearing should attend court during the pandemic. Friends and family should not normally attend. Everyone should adhere to the current guidance about the wearing of masks, social distancing and handwashing. HMCTS will continue to ensure a strict cleaning regime is in place.

#### Documents

8. Emails: practitioners can send their emails when they wish but there is no need to reply after 6 pm or before 8 am. Do not copy

people in who do not need to read the email. Please do not copy judges into interparty correspondence or routine communications with the court.

9. Orders: We should focus on key preambles and directions in private and public cases and we do not need to include much more; contact can usefully be set out in a schedule to assist parties; a s7 direction should set out clearly what is needed.
10. Draft Orders should be agreed between practitioners immediately after the hearing, except for more complicated financial remedy orders
11. Consent orders for vacating hearings or making changes to the time estimate can be sent to a dedicated email address which is [cfc.listoffice@justice.gov.uk](mailto:cfc.listoffice@justice.gov.uk) and for FRU cases [cfc.fru@justice.gov.uk](mailto:cfc.fru@justice.gov.uk) . Please ensure you mark the email “Urgent” and provide the case number, parties’ names and the hearing date. These inboxes will be checked regularly throughout the day.
12. Position statements: All should aim at 1 piece of paper; bullet points are fine. These can be emailed directly to the judge/judge’s clerk.
13. It will be acceptable for the child’s solicitor to file and serve on behalf of the Children's Guardian a position statement, with a statement of truth and a signature in appropriate situations, except for a final hearing or for a hearing where interim removal of a child is in issue.

14. Children's Guardians' reports do not always need to be in the standard format if the usual headings are not helpful.
15. Statements: Statements of social workers do not need to be so long, particularly for emergency applications. Shorter, more focussed statements will save time for all.
16. In private law cases short, focussed statements are more effective and will save time for practitioners and the court.

#### Practical Matters

17. In private law matters please seek a direction when the judge appoints a 16.4 Guardian for the court to provide the bundle to the solicitor for the child within 7 days of the solicitor filing notice of acting.
18. If a judge has a reading day or morning in the timetable, seek a direction that the parties do not have to attend during that time.
19. In a case where all parties are represented/a care case where all parties wish to change the filing dates but not the hearings – an email with a consent order sent directly to the judge is acceptable. Lawyers should ensure that the judge is at work at that time and must ensure that all legal professionals are copied in.
20. Excusing attendance: the practice of excusing the attendance of Children's Guardians is working well; social workers should not attend with managers unnecessarily.
21. Listing of final hearings which will require social workers and Children's Guardians to be involved in more than one final hearing at a time is to be avoided wherever possible as it is very stressful.

It is rarely appropriate to seek the case to be reassigned to a new social worker to meet the needs of a proposed timetable.

22. Bundles: please make them relevant and abide by the PD.  
This needs addressing in all cases but in particular in financial remedy cases where disclosure which is not to be referred to does not need to be in the court bundle.
23. Solicitors should have in mind the unnecessary pressure they are putting on barrister colleagues by the late delivery of papers.
24. Advocates meetings: aim to arrange these a few days before the hearing to make them more effective, and so that the LA can respond to points raised in time for the hearing. It is desirable for the advocates who are to do the hearing to attend the meeting.
25. When devising directions in care cases, where parties have learning disabilities or do not read English, we should aim at more time between the LA final evidence and that of other parties.
26. Experts: before any P25 hearing people should check that the expert is available to do the case, and later that they can do the final hearing if required; all must remember to release the expert from that commitment asap.
27. Complex cases: it would help all and save time if in such cases the same advocates were retained throughout the process.

#### Urgent hearings

28. Urgent care cases and other urgent applications where the applicant is legally represented: requests for urgent hearings must

be carefully considered so that court time is used most effectively.

The following applies:

- A qualified person, if involved, should inform the court of the reason for urgency and when it is desirable for the case to be heard
- It should be borne in mind that the aim is for the urgent hearing to be effective and for there not to be two hearings on the same issue, whenever possible.
- Statements in support of urgent applications should be short and bullet points are acceptable.

29. Applications to the Urgent Business Judge should abide by the note from me dated 8.9.2020.

Lynn Roberts

Designated Family Judge for CFC

15th September 2020