

## **Family Recovery Plan Staffordshire**

**October 2020 to December 2020**

Can I begin again by thanking everyone across the family justice system for their ongoing support. I know that many people are facing extreme difficulties, both personally and professionally, and I am very grateful for the patience and understanding that is being shown.

The following sets out the Recovery Plan for Stoke-on-Trent and Staffordshire for the next three months. However, as I write the COVID infection rates are rising again and we are seeing increasing numbers of local restrictions. We are committed to keeping the courts open and the family work continuing in a COVID secure way. This plan will however be kept under review and will obviously be revised and amended as required to respond to changing needs and priorities on the ground.

### **Update on backlogs:**

The situation remains challenging.

#### **Public law children:**

We currently have no backlog when it comes to listing CMHs, FCMHs, IRHs, or directions hearings. The remote telephone lists continue to work effectively to manage this work.

As regards fact-finds and final hearings requiring hybrid attended hearings, we have a small developing backlog. The developing pressures are not unexpected. A number of hearings needed to be vacated in August due to difficulties in securing part-time judiciary. They require re-listing. We are also now seeing matters previously adjourned during the lockdown due to delays in assessment and evidence gathering becoming trial ready. We are also experiencing what was an anticipated rise in new applications and contested interim removals.

Adoption continues to be well-managed through dedicated adoption days with delays remaining limited at the current time. We are however now seeing an increase in applications.

#### **Private Law children:**

The backlog in s 8 work remains significant. We are also experiencing an anticipated spike in new applications and an overall increase in the number of applications when compared with the same point last year. The backlog is currently not increasing but we are struggling to make any substantial inroads into reducing it.

#### **Family Law Applications:**

We continue to see a substantial increase in applications under Part IV of the FLA 1996.

#### **Financial Remedy work:**

Unfortunately, we were unable to list the majority of the financial remedies work during the period of court closures and lockdown. We have begun releasing days back to the Financial Remedies Court in Birmingham for listing new applications but currently have a sizeable backlog of FDAs, FDRs and final hearings.

## Key Elements of the Recovery Plan (October to December)

### Public Law (Children):

Case management will continue to be dealt with remotely using BT meet me or MS teams.

#### *Final hearings, fact-finds and adoption*

The vast majority of hearings remain hybrid in nature with at least one professional attending remotely via MS teams or CVP. Whilst the technology can still fail us, hybrid hearings are generally running reliably and effectively.

#### Adjusted hours model:

Thank you to everyone for their responses to the consultation on continuing the adjusted hours model in Staffordshire. The members of our COVID 19 response group disseminated the consultation paper through their organisations and professional networks and I am again grateful to everyone for their helpful responses on what is a very difficult issue. All agencies whilst recognising the concerns around a lengthy extension of the adjusted hours model, supported its extension in order to be able to manage the care work safely and effectively. The West Midlands Family Law Bar Association, supported by the Manchester Bar, provided a detailed written response and raised a number of important points, including the need to prioritise the ongoing search for alternative venues, the need to resume normal working patterns as soon as practicable, the impact on members of the Bar with caring responsibilities and the potential impact on everyone's well-being. I am grateful however that, on balance, they have given their continuing support to the scheme for a further limited period. I can therefore confirm that the adjusted hours model will continue for the immediate future with a further review at the end of December if it remains in operation. **I do however wish to reiterate that we remain committed to resuming normal sitting hours as soon as we can, and the adjusted hours model will be immediately reviewed upon securing an Alternative Venue and those additional courts becoming operational.**

I also received a number of constructive suggestions as to how the adjusted hours model whilst operational could be improved and can confirm:

- The reading day for any lengthy multi-day hearings will continue.
- *Requests for remote attendance*: It is recognised that with the winter months upon us and increasing levels of infection in the community practitioners may wish to attend remotely, particularly if a case is listed within the adjusted hours model. The default position will remain that all advocates attend at court unless we need to respond to the tightening of lockdown restrictions. However, if within the context of an individual case remote attendance is viable and it will not prejudice a fair trial, we would encourage advocates to raise a request for remote attendance at the PTR for determination by the trial Judge.
- We will prioritise listing into the morning slots to minimise where possible professionals and parties leaving late from court.
- There will be greater flexibility regarding breaks. The trial judge will consider extending the 15 minute break or having more than one break depending on the preferences of the parties and advocates, provided of course that the public areas remain COVID secure at all times.

## **Private Law (children)**

FHDRAs and DRAs will continue to be dealt with remotely using BT meet me. The Legal Advisers will continue to manage FHDRAs and DRAs allocated to the Bench using their emergency delegated powers.

### *Final hearings and fact-finds:*

In recent weeks we have been able to open further courtroom space which meets COVID secure social distancing requirements but is suitable for the fewer numbers typical of a private law hearing. This enables us to list an attended/hybrid private law final hearing every day utilising DDJs to support the full-time judiciary. The private law final hearings are listed on the conventional sitting hours of 10 am – 4 pm. We hope this will bring some stability to our efforts to reduce the private law backlog.

Subject to resolving certain logistical issues, we are also now able to increase the Lay Bench sittings in private law from three days a fortnight (in Cannock) to five days a fortnight utilising a courtroom in Stafford. This will provide further assistance in addressing the backlog in private law final hearings. Unfortunately, due to accommodation restrictions, we are still unable to resume Bench sittings in Stoke.

Most final hearings will be hybrid in nature with the FCA attending remotely. Cases deemed suitable at PTR for an entirely remote hearing will be listed that way to relieve pressure on courtroom accommodation. The number of cases deemed suitable for such a hearing do however remain small.

### **Financial Remedy work:**

Once we are able to increase the Lay Bench sittings in private law, we will begin releasing one or two days per fortnight for listing financial remedy work, including final hearings requiring a courtroom. A triaging exercise has begun to identify those cases which require listing as a priority. Any cases deemed suitable for an entirely remote hearing will be listed accordingly.

### **Further measures:**

#### **Alternative venues:**

We continue to work with HMCTS to identify a viable alternative venue in Staffordshire which would provide greater courtroom accommodation. A site has been identified and is being progressed through the necessary decision-making bodies. We are optimistic as to a successful outcome to this process.

### **How you can help:**

As we navigate our way through this new way of working, we have identified a couple of matters on which the help of local practitioners and the Bar would be particularly appreciated:

- *Time estimates for multi-day care matters:* It is important time estimates are realistic to ensure final hearings are completed within their allocated slot. Please however resist the temptation to view the adjusted court hours as 'half-days'. They are not. They provide the equivalent of a full one day listing uninterrupted by short case management matters. Time

estimates should therefore remain similar albeit with the addition of a reading day to deal effectively with pre-trial housekeeping matters.

- We would continue to encourage the submission of consent orders where at all possible to avoid court hearings.
- We would encourage parties in all private law matters (children and money) to keep under continuous review whether a form of ADR may enable resolution of the dispute in a more timely manner. We are aware, for example, that a number of barristers' chambers in Birmingham are offering private arbitration which may provide a viable alternative to a court hearing.

HHJ Sonia Harris

Designated Family Judge for Stoke on Trent and Staffordshire

30<sup>th</sup> September 2020