

The Family Court at Birmingham,

33 Bull Street,

Birmingham B4 6DS

January 8th, 2021

Dear All,

You will be aware that the current position taken by the Lord Chief Justice and the Senior Judiciary, including the President of the Family Division, and HMCTS is that work should continue as it has in previous lockdowns and that Courts remain a Covid secure workplace.

That said, the guidance from the Lord Chief Justice and the President of the Family Division in 'The Road Ahead 2021' (particularly paragraphs 2, 3, 17 and 18) makes clear that we should seek to reduce footfall in the Courts wherever possible so that it is kept to a minimum and that remote hearings should take place unless the interests of justice require otherwise.

In the light of this advice, please may I ask each of you to consider your forthcoming hearings and the completed Birmingham Covid-19 Case Plan and Witness Template and in cases where a face-to-face hearing of any type (including a hybrid hearing) has been listed, to consider whether it is still the case that you and/or your client feel that justice requires personal attendance. I would ask that you then liaise with the other parties in the case and consider whether attendance at Court in person is still required. If there is a proposed change to the case plan then please inform the Court immediately. Every case has an allocated Judge but if the matter is listed before a Deputy High Court Judge, Recorder or Deputy District Judge and you are unable to contact them then please email me. For the avoidance of doubt, my email address is at the end of this letter.

In public law cases, subject to any change in the guidance, my aim is to put a system in place so that the Court contacts you to ask for this information but this will take some time to implement with the pressures that there are on the staff here.

If your client does wish to appear remotely then please discuss with them the arrangements for them to be able to do so. The rubric in the Birmingham Covid-19 Case Plan will, hopefully, assist you in respect of this. The success of the Birmingham Covid-19 Case Plan and Witness Template is that thus far cases have not had to be adjourned because of a lack of planning and my aim is to ensure that this continues to be the case.

Ultimately, of course, the format of a hearing is a matter for the trial Judge and their approval will be required before there is any change to the arrangements.

If you do attend Court then please would you ensure that you and your clients wear masks (unless there is a medical reason not to do so) and that you rigorously adhere to the rules regarding social distancing and the arrangements which have been put in place within the building to try to keep everyone safe. These matters are stressed in paragraph 18 of 'The

Road Ahead 2021’.

I know from the way in which cases have been conducted since March 2020 that everyone will continue to make a concerted effort to ensure that we deal with cases in the best possible way in these very difficult circumstances.

Like everyone, I hope that things start to improve before too long but until they do we all will have to continue to deploy the skills which you have all demonstrated over the last nine months and follow the guidance in ‘The Road Ahead 2021’.

The Birmingham Covid-19 Group will continue to update you on at least a fortnightly basis. Please continue to raise issues with the members of the Group as you have so helpfully been doing.

Please ensure that you continue to apply the Wellbeing Protocol (January 2020) and Wellbeing in the time of Covid-19 (October 2020).

Best wishes,

Sybil Thomas

Her Honour Judge Sybil Thomas
Designated Family Judge for Birmingham

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