



# Well-Being Guidance for Family Courts in Hull, East Yorkshire and Northern Lincolnshire

## **Introduction**

This guidance aims to improve working lives in the Family Court - for court users, professionals and staff.

It has been prepared with the help of judges, practitioners and staff. It is reviewed at the Local Family Justice Board and the Family Court Forum.

It applies to the courts in Hull, Grimsby and Beverley. Any differences amongst the courts will be highlighted in the Guidance.

## **The Context**

The workload of the Family Court is greater than ever. The pressure of work and the scarcity of resources make our jobs more difficult.

We want to provide the best service we can for the welfare of the families involved, most importantly children and vulnerable adults.

Decisions should be reached for families without delay. We recognise the strain under which we are working to maintain a good and timely service.

In this guidance we have tried to identify some areas of our work which could be improved to make things run more smoothly and to alleviate some stress.

The health and well-being of those who work in the Family Court are vital to the success of this court.

Many of the problems which arise are not specific to our area; they are national issues and they are being addressed by ongoing Public and Private Law Reviews. However, there are some relatively small changes which can be made for the benefit of all of us.

The document is the result of suggestions for improvements made within a small working group set up after a Family Court Forum (a practitioners' group which meets quarterly). It was first issued in 2020. It builds on policies already in existence across the country.

The document starts with some Principles followed by a Schedule containing a more detailed protocol.

## **PRINCIPLES**

1 Where possible out of court resolution of Family Court problems should be promoted, so that usually proceedings and attendance at court should be a last resort.

2 Attendance at court is likely to be stressful for families and also for professionals at times. All court users and staff are entitled to expect to be treated with respect and courtesy. There is no place for aggression or bullying. All court users and staff should expect to be safe, and to feel safe, while at court.

3 Professionals who attend court should have sufficient time to prepare for attendance. Documents prepared for court should be submitted on time in accordance with court orders.

4 Court orders should be followed. Where parties anticipate that they may not be able to comply with an order (such as to submit a statement or report), they should ask the court for permission to change the dates for submission, rather than submit documents out of time.

5 Unnecessary attendance at court should be avoided. The attendance at court of social workers, CAFCASS and police officers should be required only where necessary.

6 Consideration should be given to permitting such professionals to be excused from physically attending court.

7 Consideration should also be given to releasing such professionals both on the day and also during the day, if their attendance is no longer necessary.

8 The same applies to the parties themselves, especially if they are vulnerable.

9 Court will not normally start sitting before 10.00 unless there is a good reason to do so or the parties have agreed to this.

10 The court will normally sit until no later than 4.30 pm unless there is an exceptional reason for this. Before sitting later than expected, parties and advocates should be consulted.

11 The court will usually allow 60 minutes for lunch, as close to 1.00pm as possible.

12 The court may have short mid-morning and afternoon breaks in addition.

13 No-one is required to work during lunch unless they wish to and, if extra work is necessary, additional time should usually be allowed. This includes the Clerk/Usher who should not be expected to respond to emails or copy documents over the lunch-time adjournment.

14 The court will endeavour to accommodate the personal and travel needs of those who have a long journey. The court may set a finishing time for the day when it embarks upon the hearing, taking particular account of train and other public transport timetables.

15 Everyone must respect everyone else's well-being and private lives. No-one is required to send or expect a reply to an email after 6.00 pm and before 9.00 am. People who do not need to see the email should not be copied in.

16 There should not be an expectation that professionals, practitioners and judges will work late into the night and for significant parts of a weekend or while on leave, in order to deal with their workload or to meet deadlines.

## **SCHEDULE – PROTOCOL FOR ATTENDANCE AT COURT**

### **While in Court**

#### Ushers and Clerks

1. Advocates and parties must sign in with the usher or clerk upon arrival. From 9.15 there will be an usher available at the DJ reception on the Ground Floor of the Hull Combined Court Centre to book in advocates and parties.
2. Advocates must report progress to the usher/clerk at regular intervals or as directed by the judge.
3. If an advocate is summoned to the desk or a case is called on, they should respond straightaway.
4. If an advocate or party leaves the building or the court waiting areas/rooms, they should inform the usher/clerk.

#### Attendance at Court

5. All advocates and parties must arrive in good time to spend the time permitted for discussion productively.
6. Attendance at court will typically be ordered an hour before the hearing is due to start. However, if advocates know that such an early attendance will be

unnecessary, a later attendance time may be agreed to go into the draft order at an earlier hearing.

7. Where the ordered attendance time is no longer going to be necessary, at an Advocates' Meeting advocates may agree to attend court later than the previously directed time.
8. At court, if anyone is late, others should begin the meeting, resolve non-controversial matters and agree other matters in principle. Any advocate who is likely to be more than 20 minutes late for a pre-hearing meeting should inform the other parties and the Court.
9. Cross-courting (when a professional has a clash of court dates) may be necessary sometimes. This should not affect more than two courts at the same time. Additionally, the other parties should be aware of this and permission should have been given in advance in writing/email by the court. Details of both cases should be provided when permission is sought from the court. The advocate who is seeking agreement must ensure that all the relevant parties' representatives and the court listing officer are informed.

### Court Sitting Day

10. Sitting hours are in the discretion of the individual court.
11. If parties are attending for a morning appointment (case management or other short hearing) they should not be required to stay into the afternoon session unless all agree. They may be unavailable in the afternoon because of other personal or professional commitments and, ordinarily, they should not be required to explain these commitments.
12. Where the court is listing a large number of short appointments on a block-listed basis, consideration should be given as to whether some of these appointments are better listed at 2pm, rather than all at 10.00am.
13. On day 2 and subsequent days of a multi-day hearing, the court will agree the start and finishing times in consultation with the court users involved.
14. If the court is sitting late on a particular date, the parties should be informed wherever possible.
15. Where a hearing is listed to take place after a number of shorter hearings, consideration should be given to listing the former case later in the morning or 'not before 11.00', for example.

## Orders

16. It is the responsibility of the applicant's advocate (or other lawyer if the applicant is acting in person) to draft and send in the order reflecting the Court's decision or agreement reached.
17. Unless expressly allowed by the court, the terms of the order should be agreed amongst the advocates/parties while at court and, once drafted, FAS forms can be signed (where necessary) to reflect this drafting time.
18. The order must be submitted to the designated email address on the same day as the hearing. However, exceptionally and if expressly allowed by the Court, the order should be submitted by 12 noon the following day (unless a later time is specifically agreed with the judge).
19. Under the care portal system (FPL), unless the judge indicates otherwise, the draft order should be submitted to judge by email for agreement before it is uploaded (in the judicially agreed version) for approval on the portal itself.

## Section 7 Reports

20. Any section 7 report should be directed for a specific reason which is stated in the order.
21. Additional or addendum reports should not be ordered unless there is a specific purpose which should be stated in the order. If a court review is needed, it may well be that no further section 7 report is necessary to inform that review.

## **Out of Court**

### Emails

22. Where documents are filed at court by email, they must contain the following in the subject line:
  - The case number
  - The family surname
  - The date and time of any hearing to which the email relates and whether the email is urgent (needs attention today or within 24 hours)

### Compliance with Orders and Use of form C2

23. Reasonable times for compliance with a task will be given but, once given, should be complied with. Indicative time periods for reports and assessments have been agreed within the Local Family Justice Board.
24. If it is anticipated it may be impossible to comply with an order, this should be considered in good time and an application made in advance of the deadline for permission to amend the compliance time.
25. Wherever possible this should be accompanied by a draft consent order with a view to the matter being decided without a hearing.
26. Where there is consent, the application may be made by email to the court and payment of the court fee.
27. If there is no consent, there should be an application in form C2 with a draft order and payment of the court fee.
28. In public law proceedings, where there is a danger of a report or statement not being filed on time and the parties are unable to agree a consent order which preserves existing court hearing dates, the allocated judge should be emailed by the party who is likely to be in default (or failing them by another party) to seek the court's directions without delay.

### Documents filed at Court

29. Preliminary Documents should be filed in accordance with the Family Procedure Rules 2010 and, in any event, case summaries should be filed no later than 11.00am on the business day before the hearing.
30. Case Summaries should be brief and directed to the purpose of the day's hearing only.
31. Skeleton Arguments should also be brief – they are to be skeletal, not whole arguments.
32. Bullet points are encouraged for the Preliminary Documents.
33. Realistic and focused judicial reading lists are essential and should be agreed where possible.
34. Witness statements, including social work statements, are almost always more effective if short and focused. At case management hearings the Court will encourage page limitation orders for statements and reports.

35. For public law hearings on the portal (FPL), if CaseLines is not being used, court bundles should be uploaded no later than 48 hours (working hours) before the hearing or earlier if directed by the court. The local authority should upload updated bundles whenever possible as more evidence is filed but should always leave a bundle on the portal until it is replaced with a more up to date version.

#### Advocates' Meetings

36. These meetings should be arranged allowing enough time for the parties to carry out agreed tasks before the hearing.

37. Where possible this should be no later than 3 business days prior to CMH/FCMH and 5 business days prior to IRH/PHR/FH.

38. Advocates' Meetings should be timetabled within case management orders.

39. Directions must provide for all relevant evidence to have been filed to enable the Advocates' Meeting to be effective.

40. The advocate conducting the hearing should attend the meeting. If this is not possible, any substitute must be well informed and have authority. The person attending the meeting must send the note of the meeting to the advocate.

HHJ WHYBROW

Designated Family Judge

6 October 2023