WELL BEING AND COMMUNICATION

39. In the past two years those working in the Family Justice system have done much to raise awareness of, and address, pressing issues relating to individual and collective well-being. I have heard it said more than once that 'with COVID all thoughts of well-being have gone out of the window'. To my mind, whilst such a statement may well have been apt during the early period, it could not be more wrong now that we are engaged on the long haul back to normality. In the present circumstances there is an **enhanced** need to consider well-being. The FJO report demonstrated some of the additional pressures and points of stress that remote working has placed on the professions and the judiciary. In terms of well-being, these must not be ignored. Steps must be taken, either in planning a hearing, or more generally locally in working practices, to identify strategies for reducing stress and maintaining personal and professional well-being.

40. Many DFJ's have established regular virtual meetings with representatives of the local professional court users (for example a weekly 'breakfast club' or 'tea') where common problems can be aired and there can, more generally, be a useful channel of communication as to how things are going. I am keen to encourage these or similar initiatives. In this regard, each LFJB has a role to play and should be active in developing and promoting good practice in their area.

THE KEY MESSAGE:

Time Management – a significant change needed

41. **The key message when describing The Road Ahead concerns 'time management'.**

42. Drawing the matters referred to above together, the following is clear:

i. The current restraints (or variants of them) are likely to obtain for many months to come;
ii. The volume of work in the system is very high;
iii. The Family Court was not coping with the pre-COVID workload and radical steps aimed at changing professional culture and working practices were about to be launched when the pandemic struck;
iv. The ability of the system to process cases is now compromised by the need to conduct most hearings remotely;
v. Whilst there will be some capacity for the courts to conduct face-to-face hearings, the available facilities will be limited;

vi. Remote hearings are likely to continue to be the predominant method of hearing for all cases, and not just case management or short hearings;
vii. Delay in determining a case is likely to prejudice the welfare of the child and all public law children cases are still expected to be completed within 26 weeks;
viii. Adjourning cases indefinitely or for a period of many months will not, therefore, be an option.

43. 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.

CASE MANAGEMENT

44. **Clear, focussed and very robust** management of cases will be vital in the coming months. The case management judge will have the difficult role of balancing the welfare of the child, the need for a fair and just process and the limited resources of space, time and format with the need to conclude the proceedings.

45. Adjourning the case to await a full face-to-face hearing is unlikely to be an option. The court must identify those issues and applications that need to be heard and then move on to determine them.

46. 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.

47. It is important at this time to keep the 'overriding objective' as set out in Family Procedure Rules 2010, r 1.1 in mind:

> **"The overriding objective**
>
> **1.1**
>
> (1) These rules are a new procedural code with the overriding objective of enabling the court to deal with cases justly, having regard to any welfare issues involved.