HIS HONOUR JUDGE HANDLEY

DESIGNATED FAMILY JUDGE

NORTHAMPTON

Dear Local Practitioners,

I hope that you are all well and that you have been able to enjoy some relaxing downtime over the Easter bank holiday weekend assisted by the excellent weather and despite the impact of the lockdown in these unprecedented and challenging times.

Together with my colleague Judges I wish to record our appreciation for the steps that you have taken to progress family cases wherever possible and your flexibility and cooperation when dealing with our new way of working as I recognise that we are all on a steep learning curve and are approaching remote working with differing levels of experience and expertise and with differing levels of IT equipment. This has enabled the important business of the Family Court to continue as fully as is possible in these challenging times whilst accepting that this is not business as normal and some cases will be subject to delayed decision making.

I also wish to record our appreciation for the continuing hard work and commitment of the HMCTS staff and recognise that without their continued dedication and support we would have been unable to deal with any work. I ask that you bear this in mind when dealing with HMCTS who continue to do their excellent work to support us all despite their own much-reduced numbers.

As I conclude my comments of appreciation, I also wish to record our appreciation for the continuing hard work of the Legal Advisors and last and by no means least, the magistrates for their own commitment, contributions and time.

You will be aware that the President of the Family Division has already provided guidance on the approach to the different categories of work in both private and public law cases. That helpful guidance is now supplemented by the further joint observations received from the Lord Chief Justice, the Master of the Rolls and the President of the Family Division about possible approaches to contested final hearings (and fact-finding hearings) and with the promise of further thoughts in some 2-3 weeks following further consideration. Our local family Judges will have these comments in mind as they reflect on the cases already listed before them for final hearing in the next few weeks and with the observation that the fact that the parties may confirm their agreement to a remote final hearing will not be an automatic “green light” for such a hearing. The approaches taken by the Judge will be decided on a case by case basis but with these helpful observations in mind. I have provided a copy of these documents with this letter to assist.

We are undertaking an urgent review of all contested final hearings listed in the next three weeks to see whether the case falls into the categories of case set out by the President namely the case is largely agreed or is to be conducted by written or oral submissions or where only very limited evidence is to be heard from a social worker or guardian or where the hearing consists of medical evidence only to decide, on a case by case basis, whether the case can and should proceed. It is accepted that the number of adjourned cases will increase and will add to the inevitable back-log of work.

Fact Finding Hearings, which are often single-issue cases, will be reviewed on a case by case basis by the trial Judge or Legal Adviser in consultation with the DFJ if/as required and with the same approach in mind.

Having noted this position I confirm that we have a regular Judicial attendance at Court and continue to deal with all urgent applications which relate to child protection and safeguarding, whether in private or public law cases and all cases involving personal protection (domestic abuse), ICOs and EPOs. We will continue to "do as much as possible" but this does not mean "do everything as before" because these are not normal times.

Finally, I confirm that our local family court IT roll out has been postponed to a date to be fixed and conclude by thanking you all for your continued support. I will keep you updated as required as we all await the promised further comment from the senior judiciary.

Best wishes and above all, keep safe and stay healthy,

HHJ Handley

Designated Family Judge

Northampton.

14 April 2020