



JUDICIARY OF
ENGLAND AND WALES

His Honour Judge Moradifar

Designated Family Judge for the Thames Valley

6 October 2020

Dear all

Local Practice Guide

I hope that you have enjoyed a relaxing summer break and are fully energised for the new term.

I am pleased to enclose a local practice guide that brings together some of the practices that we have devised and mastered during the current pandemic. Please note that this practice guide comes into effect immediately.

There are several pilots and initiatives that we continue to be involved in. Some of these will be rolled out over the coming months. Many concern the court and you may not observe any significant differences in your practice. Others will involve you. You will be kept informed about these as and when they are rolled out.

May I take this opportunity to thank you again for your unshakable dedication and making my DFJ area the best in the jurisdiction.

With my very best wishes

HHJ Moradifar

Local Practice Guide

HHJ Moradifar
Designated Family Judge
For the Thames Valley

6 October 2020

Covid-19

Introduction

During the last seven months we have experienced a great deal of change and significant challenges in maintaining an effective family justice system. Throughout this period, we have adopted many new practices and abandoned some of the more established ones. This document aims to bring together some of the updated key practices and process. Furthermore, this document be read and interpreted in compliance with all primary and secondary legislation together with all relevant rules and practice directions. This practice guide must be read consistently with my relevant previous practice guides.

This Practice guide shall have immediate effect.

Hearings

General

1. All judges are at liberty to give directions as to the conduct of hearings in accordance with the overriding objective and any relevant enactments or rules. Unless otherwise directed, all hearings shall take place using a remote platform. The following are the general rules for the listing of remote hearings. The foregoing principles shall be observed:
 - a. Save for CJJ who will individually monitor their lists, all lists shall be limited to four hours of listing each day and each hearing must be listed for no less than thirty minutes. All hearings before a CJ shall be listed for one hour or more.

- b. The listing of any case must allow sufficient time for parties to join the hearing, for the judge to read the relevant documents and where appropriate give judgment. Remote hearings may need extra time.
- c. Over listing must be avoided.
- d. All hearings that are listed for one hour or less shall be heard by BT Meetme save that all IRHs and FDRs shall be conducted via a video platform unless otherwise directed by the relevant judge. Please note That all financial remedy cases will be conducted via video platform unless otherwise directed.
- e. All hearings that are listed for more than one hour shall be heard by CVP or Microsoft Teams.
- f. The parties and representatives attending a remote hearing must provide their relevant contact detail to the applicant (or the party charged with collating the information) no less than five working days prior to the hearing taking place. If this information is not provided, it will be assumed that the solicitor instructed for the relevant party will be attending. Once collated, this information must be sent in a single email to the court at the following email addresses by no less than three working days in advance of the hearing taking place;

family.reading.countycourt@justice.gov.uk

listing_oxford.countycourt@justice.gov.uk

- g. Case summaries, Skeleton arguments and draft orders should be sent directly to the relevant judge and copied to the court office on one of the following email addresses:

family.reading.countycourt@justice.gov.uk

family.oxford.countycourt@justice.gov.uk

If there are any litigants in person, their agreement must be sought to any draft orders prior to it being sent to the judge. The judicial email must not be disclosed to any litigants in person or

parties unless that judge has given permission for such disclosure.

- h. Please consider if each party and their representatives can attend in teams (or bubbles) from the same building to reduce the number of feeds into the remote platform. This would also allow the parties to be better supported throughout the hearing and for instructions being taken confidentially whilst minimising the disruption to the hearing. This would also be of particular help where the parties are assisted by interpreters or intermediaries.
- i. Please avoid last minute changes, including changes to the arranged platform of a remote hearing. These can be very costly and disruptive. It may also jeopardise the hearing taking place and have costs implications for the parties or the public purse.
- j. Remote hearings are formal hearings and the subject of the same rules as attended hearings that include a formal dress code.
- k. The attendance of the guardian and social workers at case management hearings are generally excused provided that they can give ongoing updating instructions.
- l. The use of short form orders is much encouraged. Recitals must be kept short and limited to essential information.

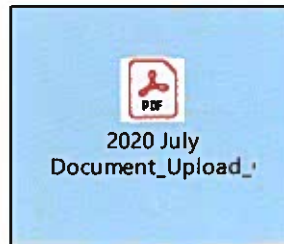
Attendance at court

2. Attendance at court is an option of last resort and reserved for those cases where there are no other options that would allow a fair and effective hearing. Such hearings require a great deal of planning to ensure the safety of all of those who are in attendance. Such hearings may only be arranged if the following steps are completed:
 - a. Save in an emergency or other unforeseen circumstances, any request for an attended hearing must be made in writing no less than four weeks prior to the proposed attended hearing taking place.
 - b. The request may be made within a position statement and must set out;
 - i. The reasons why such hearing is necessary, and

- ii. Confirm the availability of the parties and relevant witnesses, and
 - iii. Confirm if this request is agreed by the parties or if disputed, and
 - iv. Provide a draft attended hearing order (template attached)
- c. When attending court, there must be no less than two representatives of two parties present in the court room.
- d. Please ensure that you are well versed with the latest government advice on tackling Covid-19 ([Coronavirus \(COVID-19\): guidance and support - GOV.UK](#)). If you have any Covid-19 related symptoms or relevant medical conditions, you must immediately inform the court and the other parties. If you wish to keep this information confidential you must at the very least notify the court and the parties that you are unable to attend the court building.

Bundles

3. This section supplements the relevant rules and practice directions. It does not alter the same. The provision of court bundles shall be as follows:
- a. All bundles must be submitted and lodged electronically no less than three days prior to the relevant hearing taking place.
 - b. Electronic bundles may be submitted using Case Line or Project Fusion. This will be undertaken in line with the current practice and may be administered by the court team.
 - c. All other electronic bundles must be lodged using the Document Upload Centre. You will find the practitioners' guide on the Gov.uk website ([HMCTS Document Upload Centre Professional Users Guide](#))



This is a service that is currently only available in Berkshire and Oxfordshire. Once the bundles have been lodged, the judge may access it through the relevant judicial links. Please note that the court office will not be administering the bundles that are lodged using this system. It is essential that you inform the court using the following email addresses;

family.reading.countycourt@justice.gov.uk

family.oxford.countycourt@justice.gov.uk

Please also notify the trial judge that the bundles have been lodged and ready to be accessed.

- d. Paper bundles may only be lodged pursuant to an order from the relevant judge. The need for paper bundles must be identified and addressed at the earliest opportunity. It must give no less than fourteen days notice to the applicant (or the party preparing the bundles).

Assessments and reports

4. Please be aware that in the current circumstances, all assessments and reports are likely to take longer than usual. When giving timescales at court please be sure that these are reasonable and realistic. Unmanageable or unrealistic timescales often lead to greater delay in the proceedings. The timescale for each assessment will be set in accordance with the demands of each individual case and may vary from case to case. If the case is to be twin tacked, please ensure that the referral to the ADM and any medical appointments are booked as early as possible. Furthermore, please ensure that all applications for expert assessments are made pursuant to a properly constituted Part 25 application that contains all the relevant information and adequately addresses the associated costs of such the proposed assessment.

Wellbeing

5. Before the Covid-19 pandemic, the Berkshire and Oxfordshire LFJBs set about drafting (ratified in Berkshire) wellbeing charters. These remain highly relevant documents. In the current circumstances, your wellbeing must come into sharper focus. Your wellbeing impact on you, on your family and on your colleagues. You are responsible for your wellbeing and must take this responsibility seriously. Be mindful of the wellbeing of others including other professionals such as social workers and Cafcass officers. At all times please actively consider the following;

OUT OF COURT

- a. Correspondence must be concise and limited to the relevant issues. Copy only the relevant parties and avoid copying everybody into correspondence unnecessarily.
- b. conduct yourselves in accordance with the Resolutions Code of Conduct.
- c. Responses to correspondence such as emails are only expected within the working hours of 8 am and 6 pm each day.
- d. Telephone calls or meeting by telephone shall only take place between 8 am and 6 pm.
- e. Meetings including advocates' meeting shall not continue beyond 6 pm.
- f. The parties to a case shall use their best endeavours to agree a draft order at an advocates' meeting in advance of the forthcoming hearing. Further amendments may be made at court.
- g. Colleagues or other professionals should not be contacted whilst on holiday. Please use your out of office settings.
- h. If you can't comply with a deadline, inform your colleagues at the first opportunity. Remember "firefighting" is neither sustainable nor profitable in the long run.
- i. Support each other and help each other to ease the burdens and pressures of everyday work.
- j. Look out for signs of stress in each other and be accepting of the observations of your colleagues.

IN COURT

- k. The court will sit between 10 am to 1 pm and 2 pm to 4.00 pm. These hours will be observed in so far as it is practicable. All hearings must end by 5.00 pm. There must always be sufficient time allowed for a lunch break and not less than 45 minutes.
- l. When giving time estimates for listing please allow sufficient time for;
 - Judicial reading time and judgment,
 - witnesses giving evidence,
 - setting up remote hearings and dealing with the technology.
- m. Give realistic time estimates to undertake your work and use reminders so that you don't have sufficient time to deal with matters.
- n. Avoid being 'double courted' and ensure that you have sufficient time between hearings.

Working from home

- o. Ensure that you have a designated work area or room.
- p. Ensure that your technology is adequate. Failing technology can be very stressful.
- q. Ensure that your work station is properly set up and is not compromising your health.
- r. Plan ahead as much as possible. Plan each day in advance. Have a clear and realistic understanding of what you can achieve each day. This may be different for each day.
- s. Ensure that others at home have a clear understanding of when you are and are not available.
- t. Have a lunch break (as above)
- u. Monitor your screen time and be sure to have breaks in natural light. Be sure to go out into fresh air.
- v. Working from home isn't the same as 'bring work home'. Make sure that you actively set clear designated time away from work.

FIRST DIRECTIONS ON ATTENDED HEARINGS

In the Family Court
Sitting in [place]

Case Number:

In the matter of;

:

The Children Act (1989).
Matrimonial Causes Act (1973)

...

[THE CHILDREN

[Please add a separate sheet if more than 4 children]

Name	Girl/boy	Date of Birth

...]

BEFORE HHJ/DJ ... [and ... insert name of legal adviser] ('the judicial review team') on

Upon considering a written request by [name of the party/jointly by the parties] dated [date]

[upon the court hearing from the parties]

It is ordered that

1. This matter is listed for a [part] attended hearing on [dates and times] before [HHJ/DJ/Justices] sitting at [insert address].
2. Each day the following shall attend court at

Name	Status within proceedings	Date and Time to attend

3. [The following shall attend by video link or remotely

Name	Status within proceedings	Time and method of attendance

...]

4. Upon attendance at court at the allocated time the parties, their representatives and any other persons attending must remain outside of the building and observe the current social distancing rules until you are ushered into the building by the court staff.
5. Once in the court building you must;
 - a. Remain within your designated area within the court and in the communal parts of the building,
 - b. Observe all relevant social distancing rules, and
 - c. Comply with the request of the court staff.
6. At the conclusion of your attendance you must wait within your designated waiting area until you have been ushered out of the building.
7. If you wish to produce any documents before the court, these must be emailed to the other parties and the court in advance of the hearing by sending the documents to family.reading.countycourt@justice.gov.uk by reference to the case number and the date of the hearing.
8. No hard copies of documents may be handed in without first obtaining the trial judge's permission.
9. Each party is responsible for ensuring that all those attending on behalf of and in support of that party are aware of the requirements and the need to comply with the all relevant terms of this order.