

East London Family Justice Board Respect charter

Where we work must be safe and respectful

General sections

- I. Aim / Purpose / Principles statement
- II. How we treat others / Approach
- III. How we use language-

Specific sections

- IV. Pre proceedings
- V. During proceedings
- VI. Final hearing

I. AIM / PURPOSE / PRINCIPLES

The purpose of the family court is to ensure that the welfare of children is prioritised. Whilst we strive for a collaborative approach to achieve that aim, we recognise that those involved in these cases, both family members and professionals, will not always agree with each other. What we aim to achieve with this charter is that, irrespective of differing views and opinions, everyone involved in the process is treated with respect, feels that their voice is being heard and feels safe to voice their opinion. This applies to all court users, lawyers, judges, court staff, interpreters, witnesses, and anyone else involved with the court process. The Court is powerful and influential and should always aim to model an approach that is respectful, sensitive, open and trustworthy.

II. HOW WE TREAT OTHERS / APPROACH

- (1) Always be polite, kind and courteous to others.
- (2) Treat everyone with respect, and without judgment or discrimination.
- (3) Act with honesty, integrity and professionalism.
- (4) Take responsibility for maintaining positive relationships with everyone you interact with.
- (5) Respect the rights, dignity and worth of every person, regardless of their abilities, sexuality, gender, religion, cultural background or disabilities.
- (6) Praise the good work and effort of everyone who deserves it.
- (7) Help others when they need support.
- (8) Respond and take sensitive and appropriate action when other's interact or behave in a way that is disrespectful or unacceptable to others.

- (9) Do not expect that emails will be responded to outside of court opening hours (9am – 4.30pm).
- (10) Deal with concerns respectfully and constructively.

III. HOW WE USE LANGUAGE

A. General:

- (1) Respectful language and tone should be used by everyone.
- (2) Language should be clear and direct.
- (3) As far as possible, court reports should use plain language and be accessible to parents and young people. Members of the Family Justice Young People Board have compiled a list of words and phrases they encourage professionals to stop using [click here](#).
- (4) Avoid confusing or complex phrases.
- (5) When professional or legal terms need to be used, provide explanations and examples.
- (6) Direct families to resources to support their understanding :
 - (i) ‘Language that Cares’ from Tact [click here](#).
 - (ii) Young people may find the Cafcass glossary and guide helpful [[click here](#) and [here](#)].
 - (iii) The Transparency Project guide [click here](#)
- (7) Make sure that families are supported to understand the proceedings. Consider using visual aids or having advocate, an intermediary, an interpreter or support worker who can help them to read documents, attend meetings and participate in hearings.

B. Professionals:

- (1) Language used in correspondence should be professional.
- (2) Take time to review your written communications.
- (3) Avoid inflammatory language.
- (4) Choose language carefully. Be mindful that families, including parents and young people, may read documents.

SPECIFIC SECTIONS

IV. PRE PROCEEDINGS

A. Overall main message: to promote collaborative not combative working at all levels and maintain focus on the best outcome for the child(ren) .

- (1) working within the child's timescales – this highlights the importance of working to prevent drift and delay and importance of timing
- (2) all parties must respond promptly to communication
- (3) setting fair deadlines and then meeting the agreed timescales
- (4) The LA should be mindful of tone and clarity of pre-proceedings letter
- (5) There should be effective and respectful communication in all directions
- (6) Parties should keep each other up to date if there are issues complying with timescales;
- (7) Parties should be working to resolve the concerns/ issues rather than criticising/placing blame
- (8) All parties must take responsibility and be transparent.
- (9) Parents solicitors should not be giving advice that will only result in proceedings (e.g. revoking s20, just because or without notice or prior discussion.)
- (10) All parties should be making a real effort to avoid proceedings.
- (11) Parents should treat social workers and other professionals in the same way they wish to be treated themselves.

B. Things to consider/action plan:

- (1) how to spread this message to solicitors representing parents -eg paragraph in letter before proceedings?

V. DURING PROCEEDINGS

- (1) Whilst it is accepted that every party is entitled to have their case put properly, thought should be given about the most effective way of doing this whilst bearing in mind that these are family proceedings where parties will have to work together outside of the court process and in line with the President's New Road guidance about streamlining hearings.
- (2) Expectations include:
 - (i) Not repeating points (particularly of criticism) in detail that have already been made i.e. it is acceptable to simply say that submissions

made previously by X party in relation to criticisms of Y party are adopted or the directions as set out by X are agreed

- (ii) Issues should be narrowed at both the AVM and then, if possible, further at the PHDs and therefore the court only needs to be addressed on those matters in which there is a dispute and about which the court needs to make a decision
 - (iii) Try and avoid using inflammatory language in court when discussing other parties to proceedings; sticking to the facts is sufficient
 - (iv) Be respectful when talking about other parties and in particular professionals (including social workers, CAFCASS family court advisors and children's guardians) who are undertaking a professional role in these proceedings. Credit should also be given for positive work done by any party and/or professionals
 - (v) Make sure discussions are had with clients before the hearing about the expectations of what will and will not be put before the court by way of submissions so that all parties (particularly lay clients) have a realistic expectation of what will be addressed in court. This should include that it may not be appropriate for criticism of professionals to be addressed at court and that there may be other forums to address these issues.
 - (vi) If there is an issue with non-compliance by any party, it would be preferable for the non-complainant party to be given an opportunity to explain any non-compliance before informing the Court of the non-compliance.
- (3) Not only will these expectations reduce the 'temperature' in proceedings and try and encourage respectful working relationships both in and out of court but will reduce the length of hearings by streamlining submissions and sticking to those matters which the court needs to hear about in order to determine the live issues that day.

VI. FINAL HEARINGS

A. Prior to the final hearing - Advocates' meetings

- (1) Witnesses - At least 2 weeks before the final hearing (preferably should have been addressed at the IRH/PTR stage) all witnesses, their availability and the nature of the evidence that they would give, needs to have been discussed and agreed amongst the parties. If a particular witness is not available for any reason (left employment or travelled abroad or is on long term sick

leave) then early consideration needs to be given to how crucial this witness is, whether a witness summons is practicable or appropriate. It is essential that communication on this takes place early and recorded on the face of the IRH/PTR orders so that any subsequent issues can be linked back to what had been agreed at earlier hearings. It is important that there is a collaborative approach to witness related issues. Refusal to comment on the subject or discuss issues around witness summons can be counterproductive and unhelpful, as the goal here should always be to achieve an effective final hearing.

- (2) Pre-Final Hearing Advocates Meetings - Effective advocates meetings assist everybody. As a general rule, with a view to maximizing the efficacy of the hearing, advocates meetings need to be attended by the advocate who is attending the next hearing.
- (3) They need to be at least 2 clear days before that hearing.
- (4) It would be helpful if draft orders and/or agendas could be circulated ahead of the meeting and core issues addressed, including witness templates with realistic timings, if this has not been addressed at the IRH/PTR stage, and threshold with parties actively looking at narrowing the issues into what the court has to determine in respect of threshold.
- (5) Parties must attend advocates' meetings with instructions from their clients; they can always obtain updating instructions following the advocates meeting on the issues arising therein and update the parties via email or position statements.
- (6) Friday evening to be avoided if they create work over the weekend.
- (7) Attendance of Parties at Final Hearing - Childcare issues for lay parties need to be considered in advance of the start of the final hearing. Where the final hearing is an in-person (attended) hearing, travel arrangements for lay parties should also be considered in advance of the final hearing. Contact arrangements should also be considered in advance of final hearings, as this is often an issue during the final hearing itself and can be difficult to address last minute.
- (8) If the final hearing outcome is likely to have a significant impact on a lay party, consideration as to what support could be provided post the hearing by whom and how. Some local authority's offer the PAUSE programme for mothers who have had their children permanently separated from them. The aim of the programme is to help end the cycle of social care and poor parental care. Therefore, early discussions by parent representatives to help

educate their clients of the existence of programmes such as this, can sometimes go a long way in encouraging them to access this critical service.

- (9) Consideration of who will inform the child(ren) of the outcome of the final hearing, and when.
- (10) Remote Final Hearings - If a witness or party is to be remote, testing by the party instructing the witness to ensure that their technology works. It is not appropriate for parties/witnesses to be remote if they do not have more than one device, as they may be directed to pages in an electronic bundle which they will need to be able to access as well as retain the video link to the hearing. Arrangements could be made in such circumstances for parties/witnesses to attend from a solicitors office.

B. Position statements and case summaries

- (1) Shorter, more focused statements which avoid repetition will save time for all; the court will know the names of the parties and the ages of the children.
- (2) need only be one side of A4 and can be by bullet points. They do not need to rehearse the history, but succinctly set out each party's position in respect of the immediate issues.
- (3) Case Summaries should be much shorter and focused on the issues relevant to that hearing.
- (4) language used should be clear and direct and should avoid words and phrases that are obscure.
- (5) So far as possible, Court Reports should be written with both the parent (and older children/young people) in mind using plain language and avoiding jargon.
- (6) Inflammatory or loaded language should be avoided (e.g. use of "Disclosure" instead of "account") and we should strive to diminish rather than escalate conflict
- (7) When professional / legal terms are required, these should be explained

C. Witness bundles and Judges' bundles

- (1) Some local authorities use court bundling systems such as Caselines and Project Fusion. Therefore, the witnesses and the judge should be given access to the electronic bundle. This method of provision of the bundle should be determined at the IRH hearing and noted in the court order. If a hard copy bundle is required then this should be identified and directed at the IRH or PTR or well in advance of the final hearing itself, as making a paper bundle often involves third party services including couriers where the necessity

only becomes apparent at short notice, resulting in more costs to the local authority and/or delay.

- (2) The documents to be included within the bundle for a final hearing should be determined at the IRH.
- (3) It should be standard practice that the previous position statements, medical records, contact notes, and foster carer logs are not to be included within the court bundle. If such documents are relied upon for final hearing then this shall be raised and the documents identified at the IRH.

D. The final hearing itself

- (1) Listing of final hearings which will require social workers and Children's Guardians to be involved in more than one final hearing at a time is to be avoided wherever possible as it is very stressful
- (2) Court hearings should not start before 10am and should end by 4:30 with a cut off by 5pm (save for in exceptional circumstances).
- (3) Emails may be sent at any time, but there should be no expectation of a response outside of business hours.
- (4) There should no longer be an assumption that lawyers, judges or social workers will work late into the night and significant parts of a weekend, or while on leave. All participants should adapt to this position.

E. After the hearing

- (1) Orders should be drafted in a way that seeks to simply set out what orders are made, and why.
- (2) If time at Court allows and unless there is agreement to the contrary, the expectation is that orders will be drafted and agreed before the parties and advocates leave court. This is designed to avoid lengthy and unnecessary email discussion post hearings, when matters are fresh in everyone's mind. In the case of remote hearings, the advocates can convene post hearing discussions using a link like that used for pre hearing discussions.
- (3) For the purpose of FAS forms, the hearing will be finalised once the order is agreed and submitted.
- (4) For straightforward matters, applicants will need to have prepared draft orders prior to the hearing and circulated the same amongst the parties and court. The order should include any agreed threshold, or threshold findings following the hearing.

East London Family Justice Board, May 2022