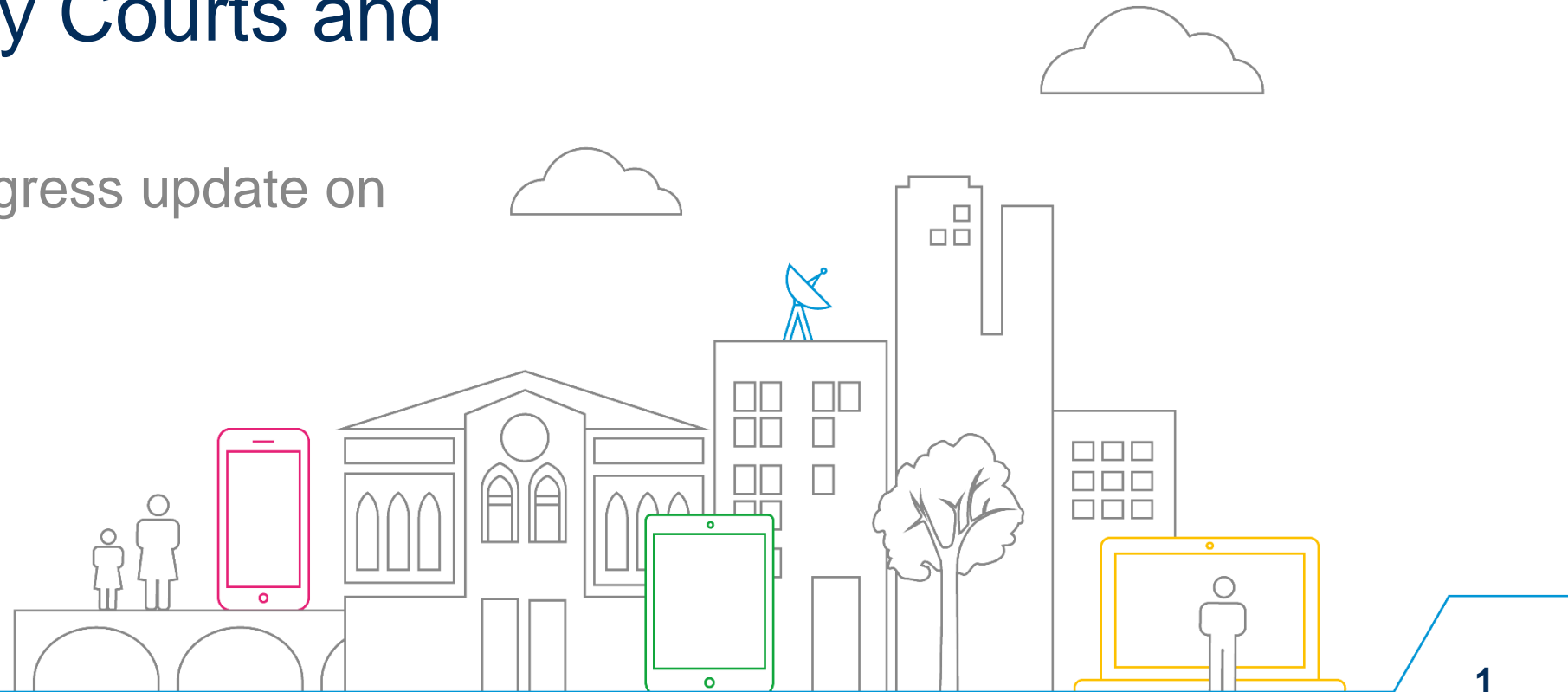




HM Courts & Tribunals Service

Civil and Family Courts and Tribunals

An overview and progress update on our recovery plan.





Introductions and welcome

Welcome to this webinar on the recovery plans for Civil and Family Courts and Tribunals ('CFT'). Today you will be hearing from

- Ben Burke-Davies, Senior Project Manager, CFT Recovery
- Simon Vowles, Deputy Director, Civil
- Adam Lennon, Deputy Director, Family
- Daniel Flury, Deputy Director, Tribunals
- Will Breame, HMCTS COVID-19 Response Team

We published our plan on 9 November 2020 and in this webinar we will be explaining some of the unique challenges each jurisdiction faces and how we are making progress to safely increase capacity.



The five pillars of recovery

As we build on our initial response to the pandemic, there are five key pillars of recovery on which our approach in the civil and family courts and tribunals are based:

1. **Maximising the capacity of the judiciary to sit as many sitting days as possible.** We have seen record levels of sittings in the family court over the summer period and now expect most of our jurisdictions to be able to sit to the levels we had planned before the pandemic, despite ongoing social distancing restrictions.
2. **Re-opening our courtroom capacity** where it is safe to do so as quickly as possible, reinforcing this capacity with COVID operating hours and Nightingale courts where required.
3. **Ensuring remote hearings continue to be effectively supported** with increased staff support and guidance for users.



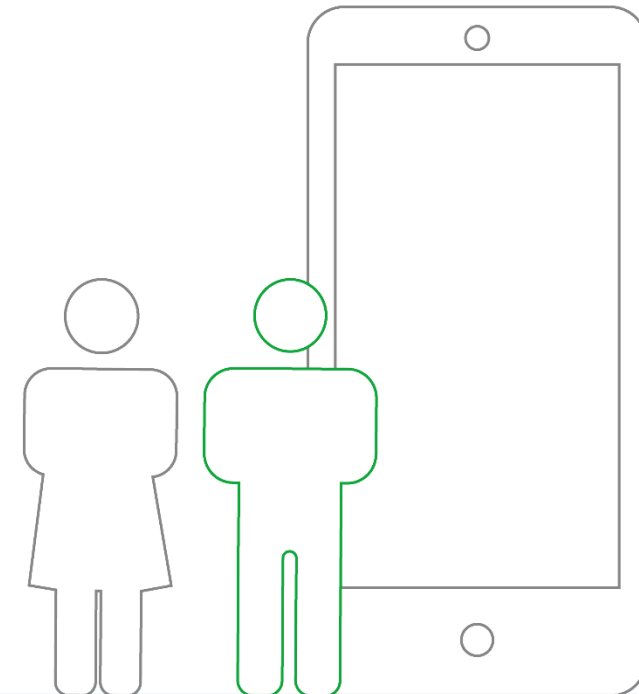
The five pillars of recovery (continued)

- 4. Increasing our staff capacity to support delivery** as we adapt to new ways of working. We are recruiting hundreds of staff to provide additional administrative support as we recover our operations.
- 5. Continuing to reduce the time it takes to process cases.** We continue to build on our online services in areas such as probate and divorce and are working with the judiciary across jurisdictions to pilot new approaches, saving administrative time and freeing up judges to hear more cases.



Civil courts recovery

Simon Vowles, Deputy Director, Civil





Possession

- Following the expiration of the stay on possession proceedings, we have been working to progress new and reactivated possession claims as laid out in the Overall Arrangements produced by the Working Group set up by the Master of the Rolls.
- Following an initial surge in reactivated claims, volumes are beginning to settle with new claims also being received in steady volumes.
- Most courts have now had their initial review dates and are beginning to list those that are to proceed for substantive possession hearings.



Possession (continued)

- We continue to work closely both with senior judiciary and the Working Group to monitor and manage the arrangements and processes that are in place.
- We have produced a further advice leaflet to be sent with the N54 Notice of Eviction that provide information for the defendant on where they can seek advice. They will be also be sent with any hearing notice or application for permission to enforce.
- We are keen to seek feedback from as wide a range of users as we can to understand their experiences with possession following the lifting of the stay and are happy to take any comments, questions or concerns.



Enforcement

All HMCTS bailiff activity has now restarted. To support the safety of staff and members of the public when progressing warrants of control and possession we have:

- Developed journey maps to identify and mitigate risks to all parties covering all areas of bailiff process
- Introduced additional personal protective equipment and enforced social distancing
- Provided further guidance about local lockdowns and will react to on-going lockdown updates as these are released.

Warrants of control

- We have been engaging with some of our largest bulk issuers to understand how COVID-19 is likely to impact on their enforcement activity going forward.
- We have been working with colleagues from our Customer Research Team to support them in undertaking a comprehensive evaluation of the work undertaken by our warrant of control support centres.



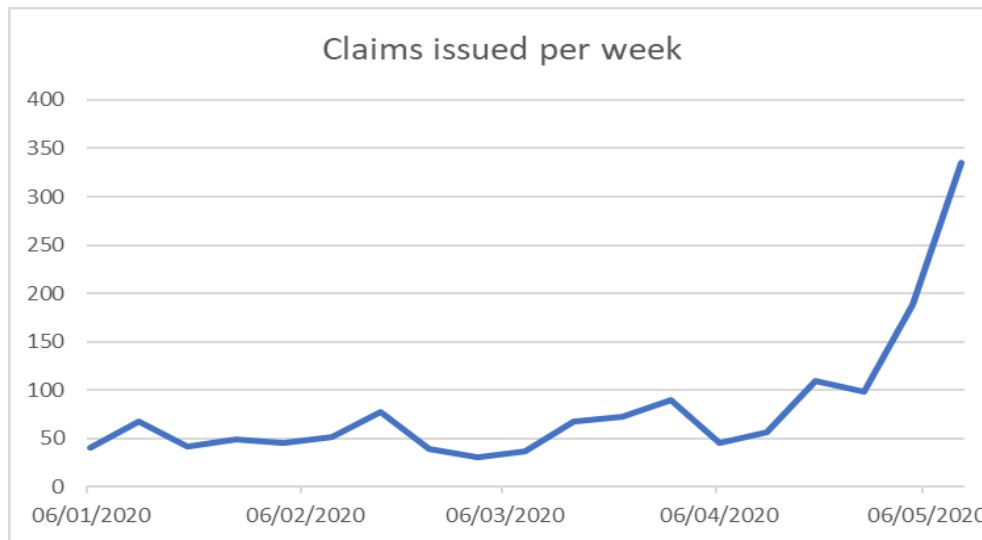
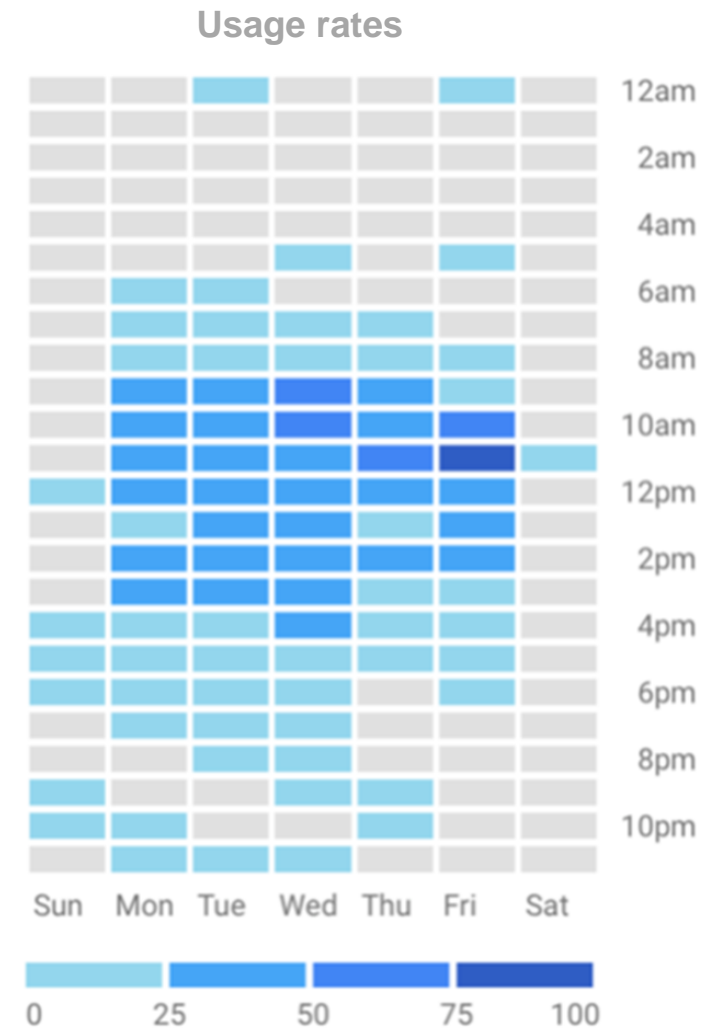
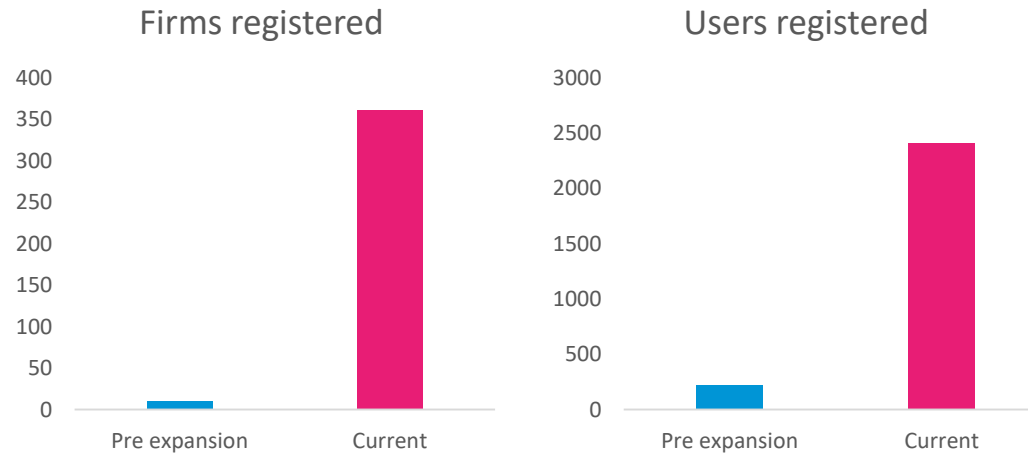
Enforcement (continued)

Warrants of Possession

- Following amendments to the Civil Procedure Rules, we have held engagement sessions with bailiff managers and teams outlining the changes to their role when preparing to evict and undertaking an eviction, these are;
 - Ensuring a minimum of 14 days' notice is given for an eviction (extended from 7 days' notice pre-COVID)
 - The eviction notice is served in a transparent envelope, which is hoped to increase awareness of the proceedings
- Following the announcement of enhanced national restrictions in England on 05 November, County Court bailiffs and High Court Enforcement Officers have refrained from entering residential dwelling properties. This pause was subsequently confirmed in the Public Health (Coronavirus) (Protection from Eviction and Taking Control of Goods) (England) Regulations 2020.
- The regulations relating to the pause run between the 17 November 2020 and 11 January 2021. The recommencement of evictions will therefore resume from 25 January 2021.
- We have been working with policy colleagues from the Ministry of Justice and other government departments to ensure that guidance relating to both writs of control and writs of possession is in place for private bailiffs (High Court Enforcement Officers), landlords and tenants so that there are consistent processes and safety measures in place across the board.



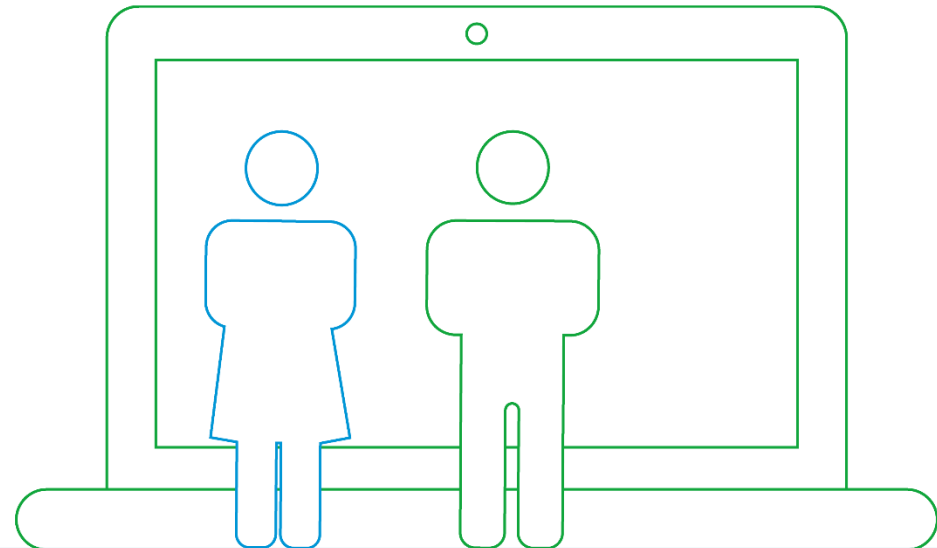
Unspecified claims





Family courts recovery

Adam Lennon, Deputy Director, Family





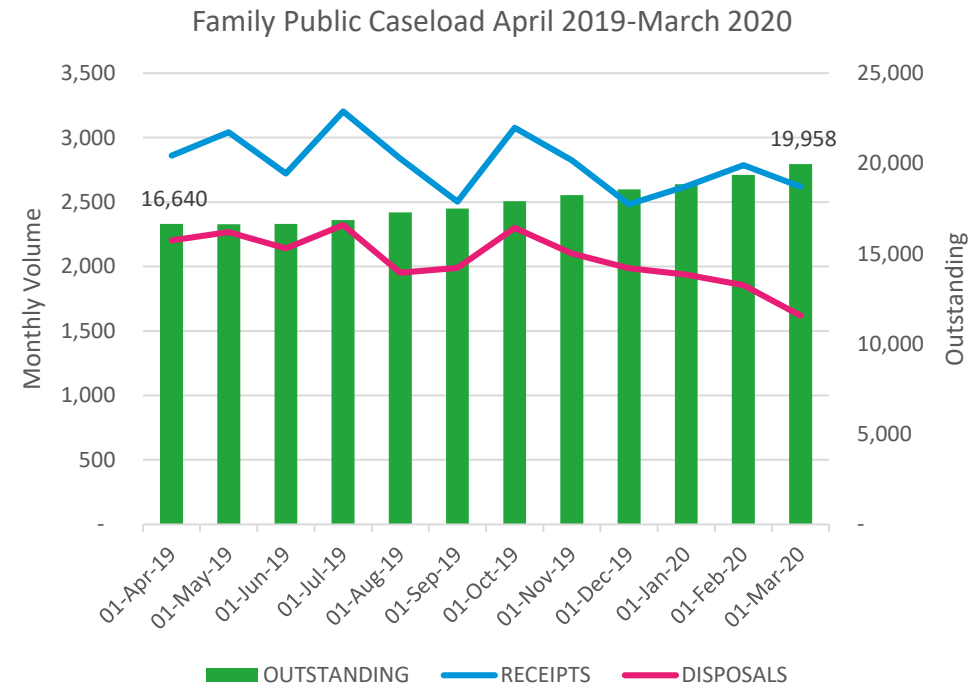
Recovery plan objectives

- To support administration of a fair, efficient and accessible courts and tribunals system while protecting safety of all court and tribunal users:
 - **Phase 1:** Maximise our capacity, in order to reduce the growth of our work-in-hand/backlog
 - **Phase 2:** Reduce our work-in-hand/backlog down to a sustainable level and reset our operating model
- **Key Outcome:** Return to baseline (pre-COVID) work-in-hand/backlog levels



Our performance before COVID-19: Family Public Law

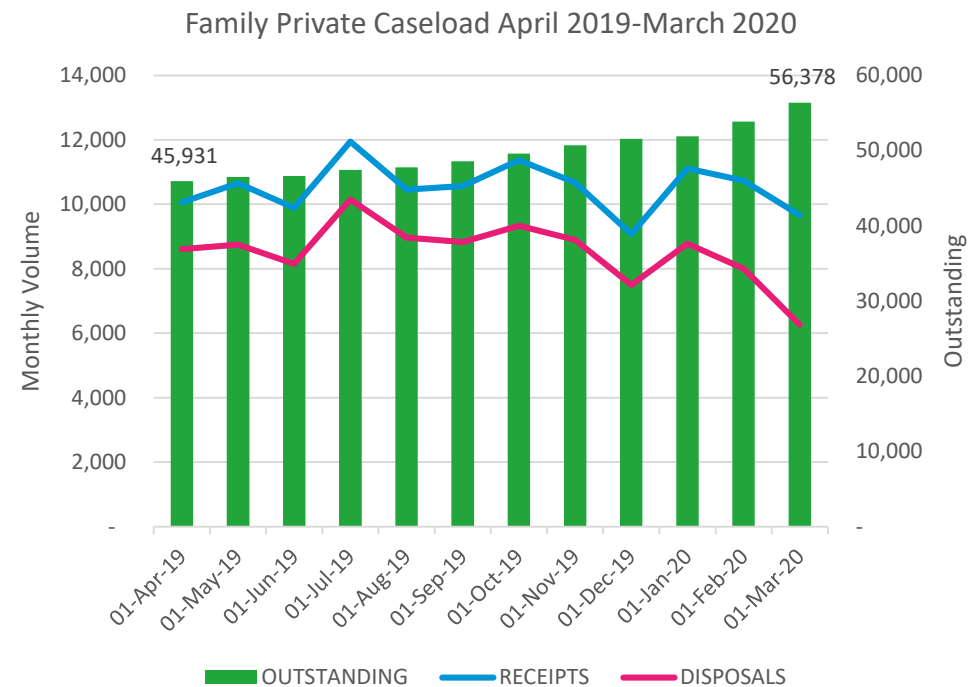
- Performance in Family Public Law was already under pressure heading into the COVID-19 crisis.
- Disposals remained significantly below receipts throughout the 12 month period before the crisis and were on a downward trajectory
- The backlog of outstanding cases measured by children affected had increased from under 17,000 in April 2019 to nearly 20,000 by March 2020 (an increase of 20%)
- Average time for Disposal for S31: Care & Supervision cases (which comprise over 90% of cases in Family Public Law) had increased from 32 weeks in April 2019 to 36 weeks in March 2020





Our performance before COVID-19: Family Private Law

- Performance in Family Private Law was already under pressure heading into the Covid-19 crisis.
- Disposals remained significantly below receipts throughout the period with the trajectory worsening
- The backlog of outstanding cases measured in children affected had increased from just under 46,000 in April 2019 to over 56,000 by March 2020 (an increase of 22%)
- Average time from Receipt to Final Order for S8: Orders (which comprise around 80% of cases in Family Public Law) had increased from just under 27 weeks in April 2019 to just under 30 weeks in March 2020





Remote hearings:

- Audio and video technology and supporting guidance were quickly made available and we have been able to support the judiciary to sit 11% more sitting days from March to July than the previous year, predominantly through remote hearings.

Online services have enabled:

- Over 45% of private law cases processed online and a bulk scanning service implemented for the remaining paper applications to be dealt with remotely.
- Over 75% of divorce applications processed online and performance levels maintained as staff have been able to work remotely.
- The Probate service continued to process high numbers of grants, supported by the online service and digital case management system which have enabled our staff to work effectively from remote locations



Measures implemented to sit above planned District and Circuit Judge sittings:

Vast majority achieved through video and audio hearings despite staff and the judiciary only having limited prior experience supporting their use.

Prioritisation, triaging & restructuring:

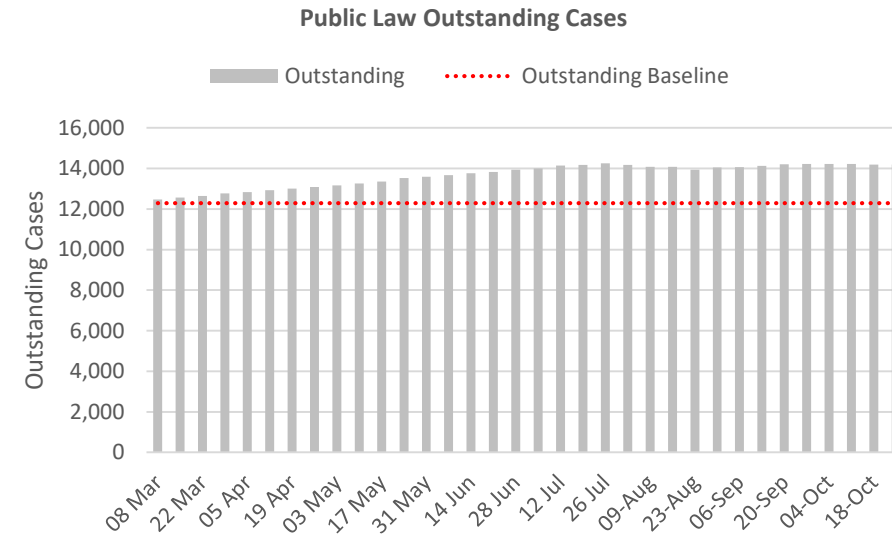
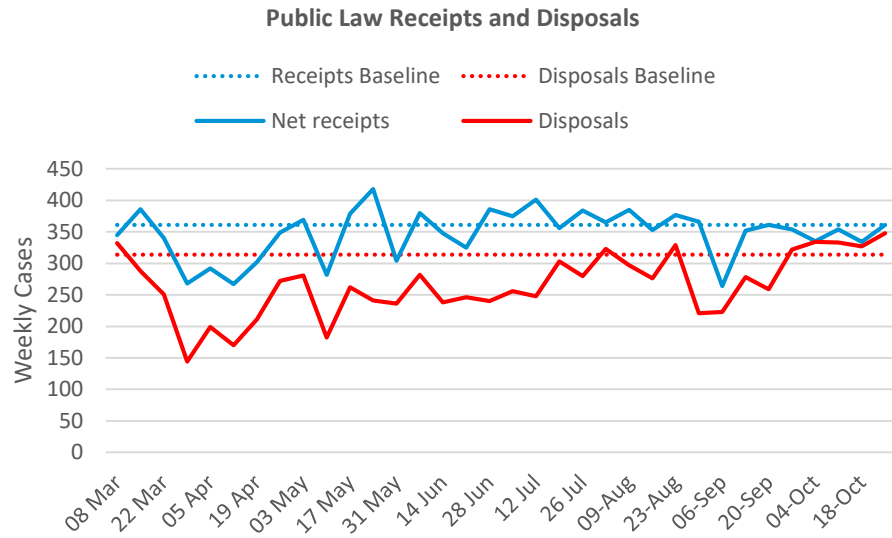
- Judicial guidance issued on urgent cases and remote hearings from the President of the Family Division.
- Prioritisation of work types published by HMCTS focusing efforts on the most urgent types of application.
- Temporary rule changes to increase the amount of work that legal advisors can complete on their own without a bench of magistrates.
- Temporary rule changes made to the Child Arrangements Programme to enable greater use of triaging to encourage both out of court resolution but more proportionate use of in court resources dependent on the circumstances of the individual case.



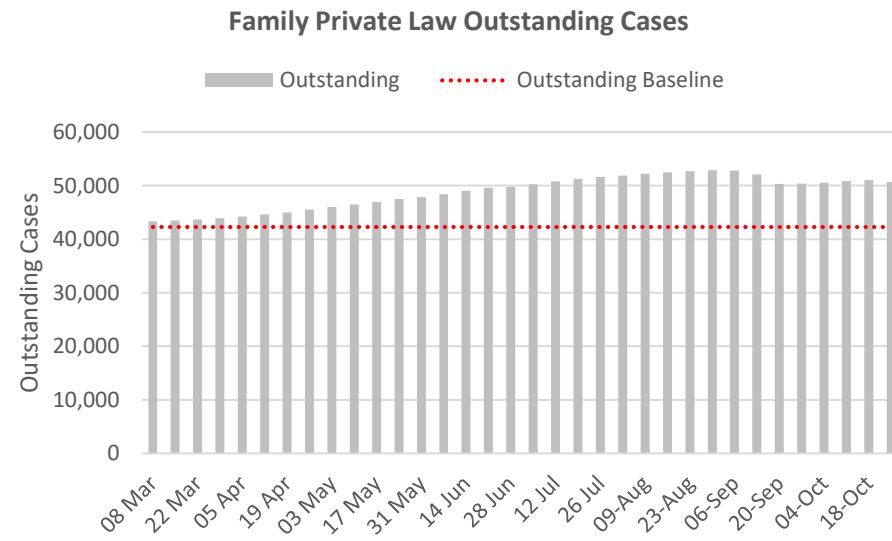
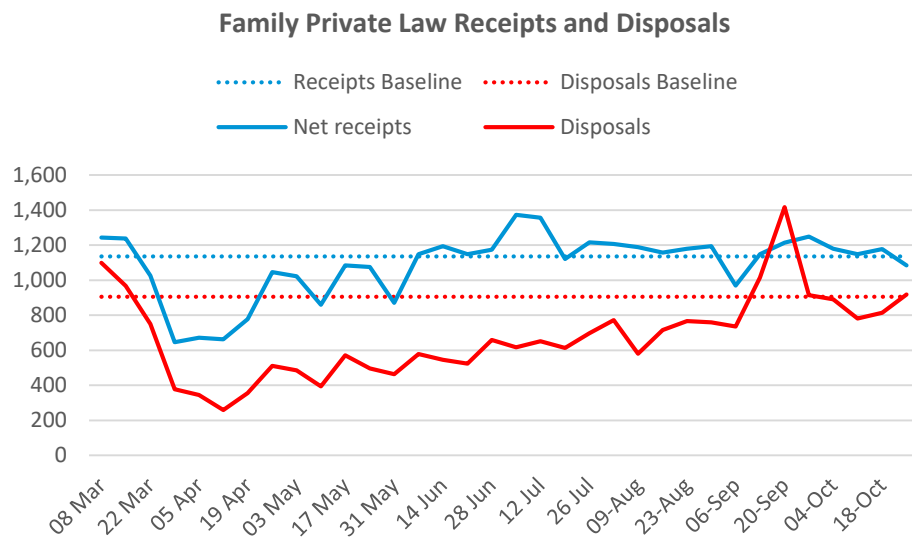
5 Pillars of recovery - family

Pillars of recovery	Target outcomes	Metrics used	Monitoring
Pillar 1: Judicial Capacity	To achieve our planned sitting levels for both fee-paid and salaried judges for the remaining months of the financial year.	<ul style="list-style-type: none"> Sitting days vs allocation Number of salaried & fee-paid bookings Number of full hearings 	<p>Scope: All Family Cases</p> <p>Data update frequency: Daily/weekly/monthly (depending on metric availability)</p> <p>Reporting frequency: Weekly/Monthly (depending on metric availability)</p> <p>Audience: Internal & External</p>
Pillar 2: Courts & hearing rooms	To have enough court and hearing room capacity to support face-to-face hearings.	<ul style="list-style-type: none"> Baseline capacity – what was available pre-covid. Current usage – what is actually being used. Current availability – what is actually available for use. Target capacity – how many we are targeting to make available 	
Pillar 3: Remote hearings	To ensure remote hearings can be delivered in all cases where the judiciary deem it appropriate.	<ul style="list-style-type: none"> Number of Remote hearings using the different technologies (CVP, BT MeetMe, Skype, Video Hearing Service, Other platforms) 	
Pillar 4: Staff capacity	To provide effective support for remote hearings to maintain the confidence of the judiciary, professional and public users.	<ul style="list-style-type: none"> Number of VHA in post vs requirements 	
Pillar 5: Productivity	To target increased efficiency in support of both remote and face to face hearings	<ul style="list-style-type: none"> Timeliness KPIs for progressing orders Outstanding work 	

Public Law - Net Receipts, Disposals and Outstanding (cases)



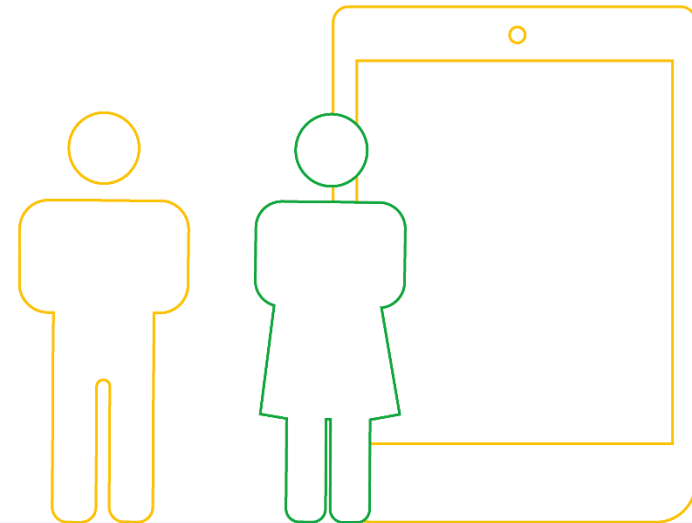
Private Law - Net Receipts, Disposals and Outstanding (cases)





Tribunals recovery

Daniel Flury, Deputy Director, Tribunals





Tribunals recovery: objectives and actions

Our Objectives

1. **Maximising the capacity of the judiciary** to sit as many sitting days as possible.
2. **Re-opening our courtroom capacity** where it is safe to do so as quickly as possible, and augmenting this capacity with **COVID operating hours** and **Nightingale courts** where required.
3. Where hearings are to be held remotely, **improving our ability to support them effectively**.
4. **Increasing staff capacity to support delivery** as we adapt to new ways of working.
5. Taking measures to **reduce the time it will take to process cases**.



Tribunals recovery: maximising capacity

Our Actions

1. Introduced a **Practice Direction increasing the flexibility of the tribunal judiciary** to conduct hearings with a revised composition of panels.
2. **Introduced tribunal caseworkers** into the Employment Tribunals and Property Chamber.
3. Amended Employment Tribunal rules to **permit judges from other jurisdictions to sit – where appropriate – in the tribunal.**
4. Worked closely with **existing fee paid judges** so they can sit more days.
5. **Introduced arrangements and supporting Practice Direction to allow more appeals to be heard ‘on the papers’.**



Tribunals recovery: courtroom capacity

Our actions

1. **Undertook a formal, public assessment as to whether extended current operating hours was both feasible and desirable across the tribunals.**
2. **Worked with tribunal users to safely recommence a much reduced number of face-to-face hearings from July 2020 onwards.**



Tribunals recovery: remote hearings

Our actions

1. Quickly **introduced the cloud video platform across all tribunals** and are now undertaking thousands of hours of CVP hearings each week.
2. Rolled out **pilots of the video hearing service** in the tax and property chambers and the South west employment tribunal region.
3. Worked with the SSCS Judiciary to **delist and then relist thousands of SSCS hearings to be undertaken via the BT MeetMe telephone conferencing software.**
4. Recruited **additional HMCTS staff to support CVP hearings.**
5. Issued **guidance and support across a number of tribunals** to support users in remote hearings.



Tribunals recovery: staff capacity

Our actions

1. **Accelerated the HMCTS reform programme in the Upper Tribunals, Social Entitlement and Immigration and Asylum Chambers** allowing for more paperless hearings and digital processes.
2. **Provided laptops to many staff across the tribunals** in support of the digital processes above.
3. Taken steps to move the War Pensions and Armed Force Compensation Chamber out of London.
4. Recruited **additional HMCTS staff to support CVP hearings** and commenced recruitment of additional Tribunal Caseworkers.
5. **Modernised payment methods** in the Property Chamber.



Tribunals recovery: processing cases

Our Actions

1. Introduced a **document upload centre** permitting parties to submit digital material direct to the Tribunal across a number Tribunals.
2. Introduced functions to allow **SSCS and IAC users to submit, track and manage their appeal online.**
3. Recruited **additional staff and tribunal caseworkers** and provided **more opportunities for them to work remotely.**



Q&A





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