

HMCS London Region Proposals for a Network of Family Courts Centres

Response to Consultation

CP(R) 16/06

31/07/2006

**Response to consultation carried out by Her Majesty's
Courts Service, part of the Department for Constitutional
Affairs.**

Contents

Introduction	3
Background	4
Summary of responses	5
Responses to Specific Questions	11
Conclusion and Next Steps	31
Consultation Co-ordinator contact details	32
The Consultation Criteria	33
Annex A – List of Respondents	34

Introduction

This document is the post-consultation report for the consultation paper, HMCS London Region Proposals for a Network of Family Courts Centres

It will cover:

- the background to the report;
- a summary of the responses to the report;
- a detailed response to the specific questions raised in the report; and
- the next steps following this consultation.

Further copies of this report and the consultation paper can be obtained by contacting **Sheridan Greenland** at the address below:

**Family Justice Division
Department for Constitutional Affairs
4th Floor Selborne House
54-60 Victoria Street
London
SW1E 6QW**

Telephone: 0207 210 2655

Email: Sheridan.Greenland@HMCOURTS-SERVICE.GSI.GOV.UK

This report is also available on the Department's website at: www.dca.gov.uk

Background

The consultation paper 'HMCS London Region Proposals for a Network of Family Courts Centres' was published on 31/07/2006. The paper invited comments on where family cases at County Court and Magistrates' Court level should be heard within London. The consultation paper detailed proposals for developing a network of Family Courts Centres (FCC) in HMCS London Region, providing the best possible service to Family Court users within the current resources available.

The creation of Her Majesty's Courts Service (HMCS) in April 2005 provided an opportunity to unify the administration that supports family courts. The management of staff in Magistrates' and County Courts had previously been within 43 different organisations, but is now within one organisation.

The concept of a unified family service means that County Courts and Magistrates' Family Proceedings Courts (FPCs) will provide services to family court users, wherever possible within the same building supported by an administrative staff able to process work for either court.

The proposals focused on family cases involving children, but in the longer term, subject to the agreement of the Designated Family Judge, that all family cases could be heard within the network of FCCs. The paper also sought views about the proposed management and Justices' Clerk (JC) support for family work in London.

This consultation was aimed at all family court users and family judiciary in London, including CAFCASS, all local authorities and the family legal profession.

The paper identified proposals for FCC sites; potential indicative timeframes for these proposed sites were also given.

The Consultation period closed on 23/10/2006 and this report summarises the responses, and the steps HMCS London Region now intends to take following consultation.

A list of respondents is at Annex A.

Summary of responses

1. A total of 62 responses to the consultation paper were received. Of these, approximately two thirds of the responses were from members of the judiciary, the magistracy and associated bodies. 5 responses were received from Local Authorities, 1 from a Member of Parliament, 2 from Trade Unions and 8 from other interested parties.
2. The consultation paper identified proposals for each area. These were either Family Courts Centres accommodating all judicial tiers (FPC magistrates, Family ticketed District Judges and County Court Circuit Judges) or linked sites where one courthouse could not accommodate all the judicial tiers. Linked sites were normally proposed in circumstances where the FPC and County Courts are geographically close enough to operate as one site with hearings listed before the most appropriate tier of judiciary at either courthouse. The paper invited respondents to give views both generally on the overall proposals and specifically about the proposed structure for each area. They were also asked for any impacts for that area that should be taken into account.
3. This paper also outlined how the Area Director and Justices' Clerk role might be organised in order to avoid duplication of responsibility.
4. The consultation paper asked 13 questions. Some respondents replied to questions on their specific geographical area and others preferred to highlight relevant issues by way of general comments on the paper as a whole or in relation to a particular topic. All views have been analysed and taken into account.
5. The statistical data produced for this report only reflects the number of responses received. It is, however, important to note that most responses reflect the combined views of a number of individuals. The statistical data needs to be considered in that context and does not necessarily reflect the number of individuals holding a particular view. In Brent for example, many included in a collective response also repeated their views individually. In Bexley, a number of magistrates from Bexley FPC sent in identical responses, which were counted as one response. The responses were all analysed for any endorsement or criticism for the proposals and for any impact identified. If there were strong views on a particular proposal full consideration was given to

whether the proposal could be amended to address the concern expressed and still provide an accessible network of FCCs to serve family court users across London.

6. When creating FCCs, specific consideration will be given to providing an appropriate response to emergency applications in the area, such as non-molestation applications. It is likely that most magistrates' courts, even if not designated a FCC, would continue to deal with emergency family applications which require swift resolution.
7. Some responses received flagged important issues that will require further research and feasibility studies before conclusion. Some responses showed that the proposed changes to the London family structure in specific areas would benefit family court users. Other responses highlighted difficulties for court users travelling to some locations. Some suggested alternative geographical links using better transport links in London but crossing administrative boundaries. HMCS London Region holds the view that where such proposals offer a better solution, any existing administrative boundary can be overridden in the interests of obtaining the most appropriate network of FCCs.
8. On 12th December 2006 London Region published an internal management consultation paper titled "London Region for Clustering Magistrates' Courts". The potential impact of these proposals, which relate mainly to how the criminal work within clusters of magistrates courts should be organised, has been taken into account in this response. However, it is not felt necessary for family work to match the internal boundaries for crime.
9. In summary the proposed next steps are:

Central Next Steps

Proposal:

Linked sites: Wells Street and Principal Registry of the Family Division

11. The proposal to create a linked court FCC was supported by respondents and will be taken forward. Timing for this will depend upon responsibility for Principle Registry of the Family Division's (PRFD's) administration transferring to London Region.

North East Next Steps

Proposals

Linked sites: Newham FPC (Stratford) and Bow County Court

Linked sites: Havering FPC and Romford County Court

12. A long-term solution for the Stratford/Newham area needs to be found. Opportunities, which may emerge for building use in the area, in particular after the Olympics Games have been held there in 2012, will be considered as a long-term aspiration.
13. Feasibility studies will be conducted to consider whether the best use is being made of available county courtrooms across the area and to establish where a combined family administration might best be accommodated. Stratford is well served by public transport and has a high and growing population density making it the preferred area for creation of a FCC.
14. In the short term the FPC administration from Waltham Forest and Redbridge magistrates' courts will combine into one family proceedings court team at Stratford. This had already been planned and consulted upon by the Area as part of a wider restructuring of NE administration across all jurisdictions. Listing across the three FPC venues will be coordinated from Stratford, which would be the preferred venue for all FPC hearings from Waltham Forest, Redbridge and Stratford unless there is a reason for a particular case to be heard locally.
15. The feasibility study will also look at the detailed practicalities of creating a FCC at Romford County Court, linked to Havering Magistrates' Court. These two courts are almost co-located.
16. The issues to be investigated in conjunction with the judiciary will include the balance of different jurisdictions' work at each courthouse.

North West Next Steps

Proposals

FCCs at: Barnet County Court and Uxbridge County Court

17. Subject to addressing the current operational concerns and further evaluation following 12 months of operation of Barnet FCC, it is proposed that Barnet FCC continues.

18. A feasibility study will be undertaken at Brent Magistrates' Court to consider the potential for this court to become an FCC, incorporating work from Acton, Ealing and Harrow FPCs and potentially Willesden County Court. This would include Estate feasibility and building constraints, financial and resource constraints, a review of accessibility in terms of transport links for court users in the NW area and the reasonable needs and expectations of family users for appropriate facilities.
19. Subject to the outcome of the feasibility study, Uxbridge County Court will not be put forward as an FCC, but is likely to operate as a satellite court for family work i.e. as a hearing venue but not a location where a unified family administration is located. Both FPC and County Court Family work suitable for hearing by a District Judge could continue to be listed at the venue to meet local needs. Brent Magistrates' Court would provide a listing overview and administrative support if Brent becomes an FCC.

South West Next Steps

Proposals

Linked sites: Richmond FPC, Brentford County Court and Kingston County Court

18. It is accepted that the courthouse configuration in the South West will not provide a suitable venue to create a full FCC, nor linked courts able to operate as a virtual FCC, as the distances between courthouses is too great. Coordinating family listing across the family courts in the area may be the best that can be achieved within current resources. A judicial steer and overview of listing for the area could be provided by senior judiciary at Kingston County Court, together with the Justices' Clerk or legal adviser responsible for listing at the existing Richmond and Hounslow FPC.
19. Kingston FPC work would normally be listed at 'Richmond and Hounslow FPC', unless there are particular reasons for an individual case to be listed locally.
20. It is proposed that Richmond Magistrates Court continues to deal with Richmond and Hounslow FPC work with the addition of Kingston FPC work, but potentially losing Wimbledon FPC work to Croydon. If the case requires a Circuit Judge Kingston will coordinate where listing will take place, using courts available across Brentford Kingston and potentially Uxbridge County Courts.

21. Further consideration will be given to transport links from Wimbledon to Croydon and Kingston particularly the tram routes now available with a view to Wimbledon FPC work moving to Croydon FCC. A further feasibility investigation will specifically consider the domestic violence work at Wimbledon and consider whether this type of application should remain at Wimbledon.

SE Next Steps

Proposal

Linked sites: Croydon County Court and Croydon FPC

Linked sites: Bromley County Court and Bromley FPC

22. The suitability of Croydon as a FCC was not questioned. Objections related to the geographical locations, apart from Croydon, that the FCC might cover. London Region therefore intends to create a FCC at Croydon as soon as practicable and in preparation for this will undertake a feasibility study to look at the workload capacity, resources, estate and building constraints and finance required. This feasibility study will consider the practical implications of accommodating family work from Sutton and Wimbledon within the FCC the Asylum and Immigration Tribunal (AIT) in the magistrates' building will be served with notice to vacate the space they occupy which will give the scope to expand family work. The location of both courts and a combined administration within the buildings will be considered.
23. The feasibility study will also consider proposals for Bromley. It is accepted that at the present time the transport links and travel times between Croydon and Bromley are lengthy. No firm conclusion can yet be made about how Bromley and Croydon family work will be administered and where it should be listed until the outcome of the feasibility study is known.
24. Whilst Bexley FPC will not be a FCC in its own right, due to the travel times to Croydon, family cases will continue to be listed at Bexley as a satellite court.
25. In the longer term it is intended that family work will not be listed at other courts unless there is a pressing need to do so on an individual case basis. The advantages of the range of facilities and support which will be available at a large FCC such as Croydon, including its status as a specialist Domestic Violence Court, and the pilot Integrated Domestic Violence Court, is felt to outweigh the additional travelling time impact for family court users.

Overall Next Steps

The responses to consultation mainly supported the proposal to develop FCCs in London Region rather than continue with existing arrangements. Therefore, the unified family service concept will now be taken forward in London. During business planning discussions for 07/08 the results of the various feasibility studies and the links with crime clustering will be considered. The overall position will then be set out in the 07/08 Business Plan.

The responses relating to legal management structure will be considered when developing the legal structure across all jurisdictions in London along with the national steer on career development for legal advisers.

Responses to Specific Questions

Question 1: What comments do you have (if any) on these proposals for the Central area?

Of the 63 responses thirteen answered this question. Of those thirteen responses:

Six supported the proposal for a Central area, linking PRFD and the Inner London Family Proceedings Court at Wells Street.

Respondents commented that as the two courts already liaise on the transfer of cases, have an excellent transport link and already work together this proposal seemed a fair and natural step towards creating a large dedicated FCC.

The London Regional Director of CAFCASS felt that the plans seemed well considered and rational, adding that the clearer geographical arrangement suggested would assist CAFCASS.

In the North West Area part of the paper, it was suggested that some work from Brent FPC might relocate to Wells Street. 7 opposed this proposal, commenting that by extending the use of Inner London FPC to incorporate work from other courts would mean that additional travel time and costs would affect court users and Magistrates.

A Child Protection Officer from the Teaching Brent Primary Care Trust felt that increasing the use of Wells Street to include family work from Brent would put the families from Brent at a disadvantage. They would incur substantial travel time and expenses when attending court hearings in Central London. Families already in a distressed state would be less willing to participate in proceedings.

HH Judge Mitchell enquired why Clerkenwell and Shoreditch County Court at Gee Street, which since July 2006 has Divorce jurisdiction, was not considered as a Family Centre. He felt that there was a risk that not including Gee Street within the proposals would weaken its family jurisdiction and that PRFD would become the first choice for local practitioners.

Question 2: What particular impacts (if any) would you like taken into account?

Of the 63 responses, ten answered this question.

The majority of respondents felt that the main impacts would be additional travel time and costs for vulnerable families. Respondents felt that the underlying basis of the proposals should be that family justice is accessible and provided locally and not according to administrative convenience. Satellite courts were therefore regarded as a necessary part of the FCCs structure.

There was concern whether sufficient administrative and managerial support would be provided in support of this new structure.

There were concerns about the movement of large volumes of paperwork having an adverse impact on the service provided, and about the incompatibility of the current IT systems at the two sites.

Listing was also mentioned. The Greater London Family Panel felt that the listing at Inner London FPC should remain independent. They explained that the administration at Inner London was already an optimum size and managing the workload at maximum efficiency. Avril Calder from Inner London FPC felt that the listing at Inner London was effective: Inner London has a dedicated listing officer and is able to 'triple-list' cases in the seven Family Proceedings Courts listed daily, enabling them to operate at a high level of efficiency even when cases collapse at the last minute. Legal Advisors are also able to case manage longer running cases. It was felt that any change to this current system would see a decrease in efficiency and effectiveness.

CAFCASS felt that this proposal would help tackle and prevent future delay in the central courts area.

Central Next Steps

Proposal:

Linked sites: Wells Street and Principal Registry of the Family Division

The proposal to create a linked court FCC was supported by respondents and will be taken forward. Timing for this will depend upon responsibility for

PRFD's administration transferring to London Region. There is agreement in principle to this happening but the timeframe is yet to be agreed.

The proposal to relocate some of Brent's work to Wells Street will be reconsidered once the outcome of a feasibility study into creating a Family Courts Centre at Brent is known.

Gee Street's current family work consists of the divorce jurisdiction from Shoreditch and Clerkenwell County Court and it acts as a family trial centre for long and complex family cases referred to it from PRFD. When the new Gee Street court opened in 2006 it was on the understanding that the nature of the work listed there would be reconsidered in 2009.

Question 3. What comments do you have (if any) on these proposals for the North East area?

Of the 63 responses, six answered this question. Of those six:

Two respondents agreed outright with the proposals.

A further two respondents welcomed the proposal to link Romford County Court and Havering FPC. Christine Dooley LLB, Solicitor on behalf of the London Borough of Havering, commented further by adding that the location and accessibility of both courts was good. She also commented that if the District and Circuit Judges at the County Court were enabled to deal with public law cases their expertise would be utilised to good effect with such cases being dealt with locally more efficiently and economically.

The remaining respondents opposed the proposals for the North East area. HH Judge Pearlman felt that Bow County Court would not be able to deal with the additional workload or staff as the accommodation was overflowing.

The Greater London Family Panel also felt that Bow County Court was already working to capacity, but did comment that they would support proposals to develop Stratford Magistrates Court as a family centre for the North East of London.

DJ Kemp and DJ Sheratte from Ilford County Court both felt that taking work away from Ilford would have a detrimental effect on the public within east London due to the size and indigenous make up of the population within the

London Borough of Redbridge. They also commented that at a recent court users' meeting many solicitors had been unaware of the proposed FCCs and had voiced concern. They had cited future house construction in the Ilford Development Plan, good transport links and the potential to improve the court accommodation available as reasons for not relocating.

The Waltham Forest Family Proceedings Panel's main concern was with the impact the network of FCCs would have on members of the public due to poor transport links with Stratford, and the difficulty for some Justices in travelling to Havering or Stratford. They voiced concerns that the proposals did not take into account the legal advisers' oversight role in case- managing family cases. They felt that relocation of some administrators away from Waltham Forest Magistrates' Court might leave sufficient accommodation for additional family courts administrators.

Question 4: What particular impacts (if any) would you like taken into account?

Of the 63 responses, two answered this question.

DJ Kemp and DJ Sheratte from Ilford County Court both felt that by moving family work away from Ilford and/or closing the courts would create a large void in the East of London through to Romford. They felt this would be detrimental to the public. They also felt that there would be a negative impact on family law expertise at Ilford as both the Circuit and District Judges there hold Section 8 tickets but would be restricted to civil work only.

The Greater London Family Panel felt that maximum efficiency would be best achieved with a large family courts centre at Stratford, which would incorporate both the hearings and the administration from Waltham Forest and Redbridge FPCs.

Waltham Forest Family Proceedings Panel did not agree with the proposals and felt that the removal of work from Waltham Forest courthouse would affect the public who currently use their facilities. They were concerned about the travel time and distance between Waltham Forest and Stratford as travel times from one court to the other on public transport can be in excess of one hour.

North East Next Steps

Proposals

Linked sites: Newham FPC (Stratford) and Bow County Court

Linked sites: Havering FPC and Romford County Court

A long-term solution for the Stratford/Newham area needs to be found. Opportunities, which may emerge for building use in the area, in particular after the Olympics Games are held there in 2012, will be considered as a long-term aspiration.

Feasibility studies will be conducted to consider whether the best use is being made of available county courtrooms across the area and to establish where a combined family administration might best be accommodated. Stratford is well served by public transport and has a high and growing population density, so making it the preferred area for creation of a FCC.

In the short term the FPC administration from Waltham Forest and Redbridge magistrates' courts will combine into one family proceedings court team at Stratford. This had already been planned and consulted upon by the Area as part of a wider restructuring of NE administration across all jurisdictions. Stratford has the second highest FPC workload in London and a District Judge (Magistrates') works with the FPC Benches to deal with FPC cases, assisted by family legal advisers. Listing across the three FPC venues will be coordinated from Stratford, which would be the preferred venue for all FPC hearings from Waltham Forest, Redbridge and Stratford. This will enable several FPC courts to sit together to take advantage of more effective listing arrangements where courts are listed "back to back". A team of legal advisers with family expertise will support the centre and assist with case management. The legal team would be drawn from both the proposed clusters within this clerkship area.

It is recognised that Waltham Forest court users may have further to travel, however it is believed that pooling resources in the Stratford area which already has a substantial family workload will enable a FCC to be created which offers

the best service and makes best use of limited resources. Family courts can be listed every day and family legal advisers are therefore always available. At present, apart from emergency applications where courts are set up at short notice, Waltham Forest regularly lists family cases only on Wednesdays. Delay will be reduced by team working, building expertise through daily familiarity with family cases and listing efficiently. However, consideration will be given to accommodating local court hearings if required in particular cases, and to using all available courts when required to reduce delay in listing hearings if there are surges in workload.

The feasibility study will also look at the detailed practicalities of creating a FCC at Romford County Court, linked to Havering Magistrates' Court. These two courts are almost co-located. Very little disruption would be caused by co-locating the FPC administration with the County Court family team to create a unified administration that would coordinate family cases listed at both courthouses. There would be considerable advantages for aligning the business processes, use of a common IT system and coverage of sickness and leave. However, a feasibility study would need to be conducted to check estates and building constraints before this proposal is implemented.

The issues to be investigated in conjunction with the judiciary will include the balance of different jurisdictions' work at each courthouse.

Question 5: What comments do you have (if any) on these proposals for the North West area?

Of the 63 responses, 13 answered this question. Of those 13:

Two respondents supported the proposals in the North West. Judges from Edmonton County Court welcomed the progress towards a unified family service with greater co-operation between the County Court and the FPCs. They felt Family Courts Centres would make listing easier, particularly longer cases, would better utilise judicial resources and ensure better facilities for families. They were unclear what the proposals would mean in practice for them.

The existing pilot FCC is located at Barnet Civil and Family Courts Centre. Whilst operational issues remain to be addressed, in particular an increase in

legal adviser cover to enable the pilot to test back-to-back listing of FPC work, there was no opposition to the continuation of Barnet as a FCC.

Willesden County Court's proximity to Brent and age was referred to and the possibility of it being relocated to Brent to make best use of the under-utilised capacity and potential of the modern building.

The Greater London Family Panel supported Uxbridge FPC re-locating to the County Court and for further development of Barnet FCC, the existing pilot FCC in London. They also support consideration of Brent as a FCC.

The majority of opposed responses were from Brent Magistrates Court. Many individual magistrates responding that Brent would be better suited as a FCC than Uxbridge County Court, as it is equipped with separate entrances and has the ability to separate crime and family users. It has appropriate facilities and has the capacity to increase workload at all levels. In addition to this it is easily accessible for its diverse family users as well as those users from Ealing and Harrow. They point out that since the Area's administrative office staff is relocating, there is also sufficient space for County Court staff and work and scope for further expansion if necessary. A District Judge (Magistrates') is available at the court already and there is a substantial domestic violence jurisdiction, which would benefit from the availability of judiciary to deal with both family and criminal aspects.

Harrow magistrates queried why Uxbridge, with a similarly low workload, was being put forward as a FCC and they were not. They queried whether proposals for clustering crime courts might provide opportunities to develop Harrow as a FCC.

Several respondents were concerned about the links between Uxbridge; not following this sentence located in Hayes and Brent, which they felt was virtually inaccessible for Brent and Acton residents and between Barnet and Brent, which has poor transport links. Others responded that Uxbridge court users could just as easily come to Brent as Brent court users could travel to Uxbridge.

Question 6: What particular impacts (if any) would you like taken into account?

Of the 63 responses, twelve answered this question.

All the responses commented on the importance of accessibility for local residents, many of whom are from the ethnic minorities and have limited travel resources and an ability to travel often hampered by financial and language difficulties.

Several comments were made about the impact this proposal would have on the Local Authority who they felt would have difficulty providing the present standard of service to the Family Courts if their resources - already limited - were spread across two or three centres.

One respondent asked for further information on the transport survey, particularly from the Harrow area, to the proposed sites.

The District Judges at Uxbridge felt that there would be inadequate judicial power, and although they would be happy to take on extra work, the allocation of Judges would need to be considered at both District and Circuit Judge level.

The Brent Bench Chair disagreed with the proposals for Acton and Ealing's family work to be heard at Uxbridge FCC. She felt that many parts of Ealing - especially those in NW10 - were closer to Brent and therefore should be heard at Brent. She also commented that the lack of IT infrastructure was irrelevant to the main issue of location.

Other responses indicated that work from the Borough of Hillingdon could easily go to courts outside London, such as Slough, Maidenhead or High Wycombe.

North West Next Steps

Proposals FCCs at:

Barnet County Court

Uxbridge County Court

Subject to addressing the current operational concerns and further evaluation following 12 months of operation of Barnet FCC, it is proposed that Barnet FCC continues.

A feasibility study will be undertaken at Brent Magistrates' Court to look at the potential for this court to become an FCC incorporating work from Acton, Ealing and Harrow FPCs and potentially Willesden County Court. This would include

Estate feasibility and building constraints, financial and resource constraints, a review of accessibility in terms of transport links for court users in the NW area and the reasonable needs and expectations of family users for appropriate facilities.

Subject to the outcome of the feasibility study, Uxbridge County Court will not be put forward as an FCC, but is likely to operate as a satellite court for family work i.e. a hearing venue but not a location where a unified family administration is located. Both FPC and County Court Family work suitable for hearing by a District Judge, could continue to be listed at the venue to meet local needs with a listing overview and administrative support coming from Brent if this becomes a FCC. This would have the advantage of the family legal advisers coming from the same cluster if the clustering proposals are accepted.

Question 7: What comments do you have (if any) on these proposals for the South West area?

Of the 63 responses, thirteen answered this question. Of those thirteen:

Two respondents supported the linked sites of Richmond Magistrates' Court and Brentford and Kingston County Court.

CAFCASS Regional Director, Vivien Salisbury commented that the proposal provided both the opportunity for continuity of practice and rationalisation of current administrative arrangements.

One respondent opposed the proposed linked sites. The judiciary at Brentford County Court felt that the courthouses were not close enough together to operate as a linked site. They felt that in the interim the FPC DJ (Magistrates) hearings could be listed at Richmond FPC with the DJ and Circuit Judge level family cases being heard at Brentford and Kingston County Courts. Whilst they supported the general concept of the paper they also made constructive alternative suggestions whereby judiciary at Brentford and Uxbridge could work together to provide judges of the appropriate level to deal with different types of case.

The Chairman of Wimbledon FPC endorsed the existing centralised FPC administration and linked Kingston, Richmond/Hounslow and Wimbledon FPCs but was concerned about adequate resources being available to support it. He

also felt that the type and number of family cases Wimbledon FPC dealt with compared to other courts within the SW was misunderstood.

Combined responses from the Judiciary at Kingston-upon-Thames County Court were received. They applauded the provision of a unified family court service through FCCs in London but were concerned about sitting only one FCC in the SW, which had more County Courts and FPCs than some other areas. They felt that a FCC could not be established in a magistrates' court building, which would not have the necessary IT infrastructure.

HH Judge Pearlman, designated Family Judge, felt that the distance between Richmond FPC and Brentford County Court was too great to link the sites; she also felt that the county court would not be able to accommodate additional family work.

Question 8: What particular impacts (if any) would you like taken into account?

Of the 63 responses, seven answered this question.

The majority of these seven raised concerns about transport links.

The London Borough of Merton did not believe that the proposed move to Richmond would be practical or meet the aims of the re-organisation. They felt that families in the Mitcham area would suffer because of the travel time between Mitcham and Richmond. Transport links would involve the use of Bus or Tram and the length and cost of the journey would not allow parents or social workers to leave children at school before attending court. It was commented that a move to Richmond might increase the level of unmerited transfer to the PRFD, as it would be easier to access Central London, Kingston or Croydon than it would be to travel to the FPC at Richmond. They suggested that transport routes to both Croydon and Kingston are easier than to Richmond. Attention was also drawn to the significant number of domestic violence related family applications and the desirability of being able to deal with both criminal and family domestic violence applications at one venue.

Terry Medcalf from Carter Bells Solicitors commented that one of the disadvantages to using Brentford County Court is the heavy rush hour traffic across Kew Bridge. This significantly affected journey time to court for both car drivers and bus users.

Jill D'Aprano (Chair, Kingston-Upon-Thames Family Proceedings) observed that no one in the Kingston-upon-Thames area looked to Brentford as easily accessible, especially in the rush hour. She felt that the obvious choice for an FCC would be Brentford County Court paired with its own local FPCs.

The Judiciary at Wandsworth County Court were concerned that no consideration had been given to the relationship that could be developed between Wandsworth County Court and Wimbledon FPC. Wandsworth had erroneously been referred to in the paper as part of Central Area when it was actually within South West Area. In response the judiciary at Wandsworth drew attention to the assistance their court is able to give to other County Courts in West London in dealing with divorce-related private law applications in a timely manner and the good transport links to the court.

They were also concerned that the Pilot at Barnet FCC had not yet finished or been evaluated and would hope that this would be fully evaluated before any proposals were taken further.

H.H. Judge Sally Williams (Kingston-Upon-Thames County Court) felt that shared administration for Kingston upon Thames County Court, Brentford County Court and Richmond Family Proceedings Court would be impossible by administrative impracticalities in location of files and issue of applications.

South West Next Steps

Proposals

Linked sites: Richmond FPC, Brentford County Court and Kingston County Court

It is accepted that the courthouse configuration in the South West will not provide a suitable venue to create a full FCC, nor linked courts able to operate as a virtual FCC, as the distances between courthouses is too great. Coordinating family listing across the family courts in the area may be the best that can be achieved within current resources. A judicial steer and overview of listing for the area could be provided by senior judiciary at Kingston County Court, together with the Justices' Clerk or legal adviser responsible for listing at the existing Richmond and Hounslow FPC.

Kingston FPC work would normally be listed at Richmond and Hounslow FPC, unless there are particular reasons for an individual case to be listed locally. First hearing of private law applications from Kingston and Wimbledon are

already listed at Richmond to enable CAFCASS conciliation appointments to take place. As part of an earlier local consultation, the family administrators from Kingston are due to relocate to Richmond from 3rd January 2007. It is not proposed that there be any family administrator located in the FPC at Kingston. It will be important to continue to build on the existing good relationships between the courts in the area.

It is proposed that Richmond Magistrates' Court continues to deal with Richmond and Hounslow FPC work with the addition of Kingston FPC work, but potentially losing Wimbledon FPC work to Croydon. It is important that sufficient FPC work is heard at the court to enable good use to be made of the experienced family legal adviser team and Magistrates and District Judges. Building improvements will be considered in order to improve the family facilities at Richmond to enable a better segregation of family from crime work within the building. If the case requires a Circuit Judge, Kingston will coordinate where listing will take place, using courts available across Brentford, Kingston and potentially Uxbridge County Courts.

Further consideration will be given to transport links from Wimbledon to Croydon and Kingston, particularly the tram routes now available with a view to Wimbledon FPC work moving to Croydon FCC. A further feasibility investigation will specifically consider the domestic violence work at Wimbledon and consider whether this type of application should remain at Wimbledon.

Question 9: What comments do you have (if any) on these proposals for the South East area?

Of the 63 responses fifteen answered this question. Of those fifteen, five respondents supported the proposal for Bromley County Court and Bromley FPC to operate more closely together.

Lionel Davies, Bromley County Court Manager supports the proposals for Bromley, especially with the move of FPC staff into the County Court, which he felt would support the creation of a single Civil and Family Area Director.

A solicitor from Davies & Co Solicitors supported the proposal and stated that he would like to see the County Court deal with Public Law cases. He pointed out that at present, if there is a case started at Bromley FPC, which needs to

move to the tier above, it has to go to the PRFD, which creates a longer and more difficult journey for everyone involved.

The District Judges at Bromley County Court supported the proposals: they felt that as the courts are geographically close together the proposals for Bromley would work either if the Courts remained in separate buildings as now or if they were to move into the same building, which is their preference.

HH Judge Pearlman, the Designated Family Judge for London, supported the proposal for Bromley, confirming that the transport in the area is satisfactory and that Bromley County Court has the capacity to list two Circuit Judges with family care tickets plus their current workload.

Mary Setchell representing the Family Magistrates at Bromley felt that the link between Bromley Magistrates and Bromley County Court would work; the two courts are close enough for a dual site to be workable. However there was concern voiced around where the administration and hearings would take place i.e. families would need to know early on where their case would be heard and for it to remain at the same court house throughout the proceedings.

Two respondents disagreed with this proposal. The major concern of the District Judges and Court Manager at Woolwich County Courts was that Bromley would not be accessible for the majority of residents of the London Borough of Greenwich. They felt that concentrating family work in Bromley and withdrawing family work from Woolwich County Court would impede, not improve, access to family courts.

The family panel at Bexley FPC, although they could understand the rationale of FCCs and recognise the benefits that would accrue from them, the family panel at Bexley FPC was concerned about the geographical location of Bexley and poor transport links. They wanted the link with Dartford County Court outside London Region maintained. They felt that if Bexley is not formally recognised as part of a Family Court Centre, with links to Bromley and Dartford County Courts, the protocol and co-operative family arrangements agreed with Dartford could come to a halt and an opportunity lost.

Three respondents supported the proposal for Croydon. District Judge Cole from Croydon County Court supported the proposal and felt that it was essential that Croydon become a Family Courts Centre with excellent transport links and best placed to take work from Sutton and most other areas. He felt that as the courts are in close proximity, work could move between the

buildings without difficulty. He invited consideration of moving the FPC staff into the county court, or in his view a better long term solution of moving the county court staff in with the FPC staff at the Magistrates' court as part of a building use swap which would place all criminal courts and staff in one building and all civil and family courts and staff in the other.

The Greater London Panel supported the proposals outlined for Croydon; they felt that incorporating Sutton and Bromley FPCs would enable full and efficient development of a family centre with District Judge and Circuit Judge availability.

District Judge Cole from Croydon County Courts believed the proposal clearly made sense. He cited Croydon as an ideal location for a Family Court Centre particularly as the courts are in close proximity together with other services such as CAFCASS and with the commencement of the Integrated Domestic Violence Court (IDVC). He felt that was no other viable option for the South East area. He added that Bromley should continue for the time being and the position reviewed after implementation of expected improvements to the transport infrastructure. He also felt that some family work from more remote Bexley should be listed there.

The Family administrative team at Croydon Magistrates Court were positive and supportive of the overall initiative but felt that some practical issues would need to be resolved before implementation. They felt that the proposals supported work already in place between Croydon FPC and Sutton FPC, pointing out that the administrative team for both courts is located at Croydon. They felt the main benefit to court users would be a single point of administrative contact and standardised processes.

Five respondents raised concerns about the Croydon proposal.

The family panel at Bexley FPC, although supportive of the proposals were concerned about the geographical location of Bexley and the poor transport links with Croydon.

Both the Wimbledon FPC Chair and the London Borough of Merton felt that Croydon FPC already appeared to be at full capacity, as Wimbledon FPC is on occasions asked to assist.

The London Borough of Sutton commented that although the distance is not great, the transport links between parts of Sutton and Croydon FPC are not so

good. Court users travelling from Sutton to Croydon arrive at West Croydon Station which is situated a considerable distance from the FPC. It was felt that journey times for families and Local Authorities would increase. Parking charges would be payable, which was not the case at Sutton. Professionals such as lawyers and social workers attending court at Croydon would not be able to return to their offices to continue work whilst the justices were deliberating. They felt this was a hidden cost in terms of loss of professional time that had not been recognised. They also pointed out that the London Borough of Sutton does not fund travel warrants and that not only the cost of travel but also the additional stress imposed on vulnerable families would be unfair.

Question 10: What particular impacts (if any) would you like taken into account?

Of the 63 responses, eleven answered this question.

The majority of the eleven respondents were concerned at the poor transport links between Bromley and Croydon and between areas north of Lewisham and Croydon and Bromley.

The Judiciary at Bromley County Court commented that it would take two or three buses from Abbey Wood and Thamesmead to reach Bromley which is the nearer of the two courts. This would make it very difficult for parties to attend court for 10am hearings and expensive for those on low incomes.

Bexley Family Proceedings Court also felt transport provision would affect those travelling from the northern part of the borough to Bromley. A large proportion of these families would be in receipt of benefits or on low incomes and would therefore find travelling outside the borough extremely difficult, time consuming and costly, especially in the rush hour.

Several respondents commented on the resources required not only in terms of administrative resources but also Magistrates travelling to more distant courts.

A combined response from the District Judges and Court Manager at Woolwich County Court highlighted concerns about the effect an FCC would have on staff. They felt that if family work were removed from Woolwich it would make it harder to recruit and retain staff.

The Chair of Sutton FPC voiced concerns about deploying Magistrates away from their locality, deterring them from undertaking family work and adding to the decline in magistrate retention and recruitment.

The London Borough of Sutton felt that the impacts that needed to be taken into account included the lack of transport and the pressure on time and financial implications for both the Sutton users and the Local Authority Social Services Department. It was felt that Sutton users would be affected adversely if the proposals were implemented and a good service provision would decline.

SE Next Steps

Proposal

Linked sites: Croydon County Court and Croydon FPC

Linked sites: Bromley County Court and Bromley FPC

The suitability of Croydon as an FCC was not questioned. Objections related to the geographical locations, apart from Croydon, that the FCC might cover. London Region therefore intends to create a FCC at Croydon as soon as practicable and in preparation for this will undertake a feasibility study to look at the workload capacity, resources, estate and building constraints and finance required. This feasibility study will consider the practical implications of accommodating family work from Sutton and Wimbledon within the FCC. The IAA currently occupying part of the magistrates' building will be served with notice to vacate to allow for the expansion of family work. The location of both courts and a combined administration within the buildings will be considered.

The feasibility study will also consider proposals for Bromley. It is accepted that at present the transport links and travel times between Croydon and Bromley are lengthy. No firm conclusion can yet be made about how Bromley and Croydon family work will be administered and where it should be listed until the outcome of the feasibility study is known.

Whilst Bexley FPC will not be a FCC in its own right, due to the travel times to Croydon, family cases will continue to be listed at Bexley as a satellite court.

In the longer term it is intended that family work will not be listed at other courts unless there is a pressing need to do so on an individual case basis. The advantages of the range of facilities and support which will be available at a large FCC such as Croydon, including its status as a specialist Domestic

Violence Court, and the pilot Integrated Domestic Violence Court, is felt to outweigh the additional travelling time impact for family court users.

Question 11: A balance has to be struck between

- a) Provision of FCCs which have sufficient family work to make them viable;**
- b) HMCS's ability to operate an efficient family court service every day with good facilities and;**
- c) Providing local courts for every area of London.**

Have we got the balance right and if not, what would you propose as a viable alternative and why?

26 respondents answered this question. The overwhelming majority of those responses indicated that the concept of a network of Family Courts Centres set the right balance between accessibility, efficiency and provision of facilities. It was felt that the proposals showed a number of benefits. Cooperation between county courts and family proceedings courts both in public and private family cases would bring a more efficient use of resources. Family court users welcomed the opportunity for more local access to county court judiciary without the need for parties to travel to the PRFD in central London. The opportunity in public business for greater cooperation and partnerships between the courts, local authorities and local practitioners of a kind found outside London, would enable good practice to be developed and local differences resolved.

However there were concerns over the accessibility of some proposed Family Courts Centres and access to justice for the court users.

The Judiciary at Brentford County Court felt that, whilst they support the aims and concepts set out in the Consultation Paper, the conclusions drawn and proposals made are based on the false premise that the network of FCCs should be based on existing management structures. They felt that the proposals have failed to take into account the exercise of other jurisdictions and suggested that a West London FCC designed on the basis of 'linked site' proposals between Brentford and Uxbridge. Under their proposals Judiciary would hear family work for 2 weeks at a time at each centre.

Bexley Family Proceedings Courts do not oppose the principle of creating a network of FCCs with sufficient volume of work and available justices and legal advisors. However, they feel this must be balanced with the need for local justice and accessibility and hearings allowed to continue in local courts with good dedicated family facilities where there are problems for users travelling to the nearest FCC. In their view Bexley FPC falls into both categories, justifying a continuation of a dedicated family capability without jeopardising the overall principle.

The Chair of Harrow Family Panel appreciates the coming together of benches in local areas, which would be advantageous to all court users. However she doubted whether the present proposals, whereby the family work in Harrow would be moved to the county court in Hayes, would operate to the advantage of court users.

HH Judge John Mitchell from Clerkenwell and Shoreditch County Court commented that the proposals for a long-term rational approach to the organisation of family business in London are very welcome. Geographical and historical factors and the existence of the PRFD have meant county courts and FPCs operating as individual islands.

The Management team at Inner London FPC appreciated the merit in creating Family Centres within the other London areas. These areas currently have smaller FPCs and the initiative would improve the family law service provided there. They maintained that many of the benefits that other London areas would gain are already being achieved in the Central Area in the form of Wells Street and how it already operates with the PRFD.

The Brent Family Panel felt that work from the London Borough of Harrow, the London Borough of Ealing and the Willesden County Court would make an FCC at Brent viable: it would enable HMCS to operate an efficient daily family court service with good facilities. They felt that the present proposals appear to lower the standard of service offered to the three Boroughs rather than enhance it.

The London Magistrates' Clerks' Association (LMCA) supported the concept of FCCs within the five London areas. LMCA acknowledged that this should lead to benefits for court users and, if properly resourced, create a more efficient system of family justice within London. Where FCCs are created as a single unit within the County Court, resources must be made available to support the magistracy whose needs must be identified.

Mrs Geraldine Cox, Brent Chair did not feel that the balance or proposed locations were right. She felt that sufficient family work from Brent, Acton and parts of Ealing and Harrow would make Brent a very desirable location for an FCC.

Next Steps

The majority of responses supported the development of FCCs in London Region rather than continuing with existing arrangements. During business planning discussions for 07/08 the results of these various feasibility studies and the links with crime clustering will be considered and the overall position set out in the 07/08 Business Plan.

Question 12: Do you agree that all family work in the County Courts and FPC's should be managed together? Please give reasons for your answers.

Twenty respondents commented on this. The majority of them felt that there should be a single administrative system for Family work and all commented on the benefits for court users and on operational efficiencies across the family justice system.

Brent Family Panel agreed as long as appropriate funding was in place to ensure that the current standard of service was retained. They felt that the use of one IT system, appropriate case management work and rapid access to CAFCASS would ensure a seamless transition of work to the most appropriate judicial level according to needs.

Vivien Salisbury, Regional Director, CAFCASS commented that these arrangements should improve operational efficiency across the family justice system bringing benefits to all the stakeholder organisations as well as to the children and families involved.

HH Judge Pearlman, although supportive of this structure, felt that the each area should be managed separately to avoid the management structure becoming cumbersome and unmanageable.

Next Steps

Most responses support the creation of a Unified Family Service for London, which will now be taken forward.

Question 13: Do you agree that the needs of the Greater London Family Panel could be met either by a Justices' Clerk with family lead responsibility supported by a specialist Deputy Justices' Clerk, or by a specialist Justices' Clerk? Please give reasons for your answers.

From the responses it was apparent that respondents felt that either arrangement could work. No respondents disagreed with either proposal. The majority of respondents supporting a Justices' Clerk felt that this post would need to be supported by two deputies. Several felt that the present arrangement over-stretched one person with responsibility for the whole of London's Family Panel and that one or two deputies would enable the FCCs to develop efficiently and ensure a quality delivery of service.

The London Magistrates' Clerks' Association felt that the creation of FCCs would enable a specialist family Justices' Clerk to fulfil their responsibilities more easily than is currently the case.

Bexley FPC felt that by having a Specialist Family Justices' Clerk would ensure that family jurisdiction had sufficient recognition and dedicated responsibility at senior level and help prevent risks of conflicting criminal needs.

Justices' Clerk Next Steps

These responses will be considered when developing the legal management structure across all jurisdictions in London taking into account the national steer on career development for legal advisers.

Conclusion and Next Steps

1. The London Civil and Family Director will work in partnership with the Judiciary, Magistrates and court users in developing HMCS London's Business Plan 2007/08 likely to be published in March 2007. This will outline the strategy for Family Courts Centres in London and indicate which FCCs will be taken forward in the year covered by the Business Plan.
2. Consideration will be given to the consultation responses and the President's overall family strategy. The majority of respondents felt that creating a network of Family Courts Centres set the right balance between accessibility and efficiency in the provision of justice to family court users and suitable facilities. The majority of respondents also agreed with a single unified administrative system, which would not only benefit court users but also provide operational efficiencies.
3. The objective of creating Family Courts Centres is part of a wider strategy to ensure access to justice for all citizens. Unifying the Family courts will provide extra benefits by streamlining processes: court users will find consistent forms and processes and a safe and suitable environment for sensitive family cases. Furthermore, the effective use of resources should reduce the current delays in hearing family cases.
4. HMCS London will continue to work closely with the Judiciary, Magistrates, court users and other stakeholders in making any recommended changes, and although the consultation responses have helped to define the shape of the family courts in London more work is required to define the details. This work will be taken forward in partnership with others by the new Family and Civil Area Director over the following months.

Consultation Co-ordinator contact details

If you have any complaints or comments about the **consultation process** rather than about the topic covered by this paper, you should contact the Department for Constitutional Affairs Consultation Co-ordinator, Laurence Fiddler, on 020 7210 2622 or email him at consultation@dca.gsi.gov.uk

Alternatively, you may wish to write to the address below:

**Laurence Fiddler
Consultation Co-ordinator
Department for Constitutional Affairs
5th Floor Selborne House
54-60 Victoria Street
London
SW1E 6QW**

If your complaints or comments refer to the topic covered by this paper rather than the consultation process, please direct them to the contact given on page 3.

The Consultation Criteria

The six consultation criteria are as follows:

1. Consult widely throughout the process, allowing a minimum of 12 weeks for written consultation at least once during the development of the policy.
2. Be clear about what your proposals are, who may be affected, what questions are being asked and the timescale for responses.
3. Ensure that your consultation is clear, concise and widely accessible.
4. Give feedback regarding the responses received and how the consultation process influenced the policy.
5. Monitor your department's effectiveness at consultation, including through the use of a designated consultation co-ordinator.
6. Ensure your consultation follows better regulation best practice, including carrying out a Regulatory Impact Assessment if appropriate.

These criteria must be reproduced within all consultation documents.

Annex A – List of Respondents

Davies, Lionel	Court Manager, Bromley County Court
Cox, Geraldine	Brent Bench Chairmen and Chair of Bench Forum
Riddell, HH Judge	On behalf of Permanent Judges at Edmonton County Court
Magistrates	Bromley Magistrates' Court
Cole, Barrie DJ	District Judge, Croydon County Court
Price, Susan Mrs J.P	Magistrate, Brent Family Panel
Allen, Penelope JP	Magistrate, Brent Family Panel
Jenkins, District Judge	District Judge, Brentford County Court
Davies, David J	Solicitor, Davies & Co
Points, Elsie JP	Magistrate Brent Family Panel
Kemp, Howard	On behalf of District Judges, Ilford County Court
Walker, Michael DJ	On behalf of all the Judges, Wandsworth County Court
Butler, Dawn MP	Labour MP
Burn, Suzanne DJ	District Judge, Bromley Court
Dee, Alan JP	On behalf of all Magistrates' Bexley Family Proceedings Court
Craig, Linda Mrs	Chair, Harrow Family Proceedings Court
Mitchell, John HH J	His Honour Judge John Mitchell
Checkley, Amanda	Chair, Haringey FPC (North London Family Proceedings

	Court at Barnet Civil and Family Courts Centre)
Banks, DJ	District Judge
Cook, Pat	Chair Sutton FPC
Waple, Gary	Bench Office Manager & Management Team Wells Street
Page, B Mrs	Chair, Brent Family Panel
Douek, J.A JP	Magistrate, Brent Family Panel
Backhouse, DJ	District Judge/on behalf of Judiciary and Court Manager
Martin-Essoui, Jan	Section Head, Croydon Family Proceeding Court
Aiveranga, Nadia	Family Admin Officer, Harrow Family Proceedings Court
Cooper, Mark	Senior Legal Adviser and Treasurer on behalf of LMCA
Conroy-Harrow, Alexandra	Senior Social Service Lawyer & on behalf of LB Merton
Palmer, Janet	Assistant Director, Social Care on behalf of Brent Council & Brent PCT
Martin M.F	Chairman, Hounslow Family Proceedings Court
Bieber, Robert	Chairman, Wimbledon Family Proceedings Court
Rattray, Robin	London South West Justices' Issues Group
Wakem, DJ	On behalf of District Judges Lambeth
Samuels, John	Richmond Family Proceedings Court
Cowdry, Susan	Senior Legal Adviser Kingston
Setchell, Mary	Chair, Bromley Family Proceedings Court
Williams, HH Judge	On behalf of the Judiciary at Kingston County Court
Millard, DJ	On behalf of the London Assoc. of District Judges

Doye, Stephen	Legal Manager, London Borough of Havering
Gartshore, Derrick	PCS Union
Medcalf, Terry	Solicitor, Carter Bells
Rust, Samantha	Head of Policy and Communications
Calder, Avril	Chairman, Inner London Family Proceedings Court
Salisbury, Vivien	CAFCASS
Jones, Laura	Solicitor, London Borough of Bexley
Hornby, HH Judge	Representing Members of the Judiciary at Bow County Court
Graham, Lyn	Senior Legal Adviser, Legal Services Commission
Copely, HH Judge	Circuit Judge, Willesden County Court
Davis, Keith	Bench Office Manager, Bromley Family Proceedings Court
Lock, Edward	Solicitor, Lock & Marlborough
Cunningham, Dave	London Region TUS, Secretary
Golynia, Anne	Snr. Legal Adviser, Stratford Magistrates' Court Bench
Milsom, W Mrs	Office Manager, Uxbridge Family Proceedings Court
Reijonen, Leena	Child Protection Advisor, Brent Primary Care Trust
Pearlman, HH Judge	The Designated Family Judge, London
Wilson, Margaret	Chairman, Greater London Family Panel
Smith, Gennie	Senior Solicitor, Sutton Legal Services
Sid Brighton	Justices' Clerks Society
Magistrates'	Stratford, Barking and Redbridge Family Proceedings Court

Magistrates'	Bexley Family Proceedings Court
Magistrates'	Waltham Forest Family Proceedings Panel
Brett, Allen	Chair, Waltham Forest Family Proceedings Court
District Judge Carlos Dabezies	On behalf of the District Judges, Willesden County Court

