

HM Inspectorate of Court Administration

The Family Courts –  
The experience of service users

Published July 2008

# HM Inspectorate of Court Administration (HMICA)

HMICA is an independent, statutory Inspectorate created by the Courts Act 2003 as amended by the Police and Justice Act 2006. Our duty is to:

- inspect and report to the Lord Chancellor on the system that supports the carrying on of the business of the courts (the Crown Court, county courts and magistrates' courts) and the services provided for those courts
- discharge any other particular functions which may be specified in connection with the courts listed.

HMICA is not empowered to inspect persons making judicial decisions or exercising any judicial discretion.

## Definition of inspection

HMICA is committed to the definition of inspection in the Government's Policy on Inspection (2003) which states that inspection is an external review that should:

- be independent of service providers
- provide assurance, to Ministers and the public, about the safe and proper delivery of those services
- contribute to improvement of those services
- report in public, and
- deliver value for money.

HMICA is also committed to the ten principles of inspection set out in the same policy. These state that public services inspection should:

- pursue the purpose of improvement
- focus on outcomes
- take a user perspective
- be proportionate to risk
- encourage self-assessment by managers
- use impartial evidence, wherever possible
- disclose the criteria used for judgement
- be open about the processes involved
- have regard to value for money, including that of the inspecting body, and
- continually learn from experience.

# The Family Courts – The experience of service users

This inspection report outlines the outcomes of a pilot inspection carried out by HMICA at Sheffield family courts<sup>1</sup> based on the experience of service users<sup>2</sup> during family court proceedings.

The Office for Standards in Education, Children’s Services and Skills (Ofsted) also conducted an inspection on the experience of service users using the Children and Family Court Advisory and Support Service (Cafcass) in South Yorkshire in the same period. The findings of their inspection may be obtained from the Ofsted website [www.ofsted.gov.uk/reports](http://www.ofsted.gov.uk/reports) or by calling 08456 404040.

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<sup>1</sup> Sheffield family courts – these include Sheffield Family Hearing Centre and Sheffield Family Proceedings Court.

<sup>2</sup> Service users are defined as the parties, children of parties and significant other family/friends in family proceedings.

## Acknowledgements

HMICA is very grateful to members of the Judiciary and Her Majesty's Courts Service (HMCS) staff for their co-operation throughout this inspection. We would also like to thank local solicitors, Cafcass staff, local authority representatives, mediators, barristers and other professionals who participated in this inspection.

However, our biggest thanks go to the service users, particularly children and young persons who have contributed their views to this inspection by filling in and returning survey questionnaires and providing us with details of what 'works well' and what doesn't 'work well' in family proceedings.

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# Chief Inspector's foreword

In 2006 HMICA was asked to inspect the work of the family courts by the then Minister of State for Constitutional Affairs. After consultation with HMCS and an initial scoping study, HMICA decided to carry out a pilot inspection at Sheffield family courts, based on the experience of the service user.

Each year, thousands of people are involved in various types of family proceedings. The type of family proceeding that receives the most frequent media attention is public law. This is where a local authority intervenes in the care of a child to provide protection and to promote their interests. There are other forms of family proceedings: these include divorce, adoption and private law matters. Often private law involves disagreements between parents as to where a child should live or what contact parents should have.

Public and private law are very different because in public law the state is intervening in the interests of a child. In private law, the state is not involved and the dispute is between adults, usually parents.

This report provides an insight into the experience of service users in all family proceedings at Sheffield family courts.

I am pleased to report that service users found the staff at Sheffield family courts courteous, helpful and good at using simple, clear language to explain legal terms. We also found that the administration systems that support case progression are effective and efficient, resulting in shorter case completion times for service users when compared to some other family courts.

However, we also found that Sheffield family courts need to make some changes in the way they deliver services to improve the experience of service users during family court proceedings with particular regard to provision of information, privacy and security.

Family courts are seeing increasing numbers of service users representing themselves because they are unable to afford legal fees or gain financial assistance to obtain legal help. It was disappointing, therefore, that we found Sheffield family courts did not always provide adequate information to service users to help them through their process and that standards of service set by HMCS centrally were not always made known to them. The impact of this on survivors of domestic violence was particularly unacceptable.

HMICA has made four recommendations to the Sheffield family courts. By addressing these, Sheffield family courts can improve the experience for other service users. I have seen the Action Plan prepared by HMCS and I am satisfied that it will address the issues raised in this report.

I would like to thank everyone who participated in this inspection, particularly the service users, including the children and young persons. Their input has been invaluable to this report.

A handwritten signature in black ink that reads "Eddie Bloomfield". The signature is written in a cursive style with a horizontal line underneath the name.

**Eddie Bloomfield**

HM Chief Inspector of Court Administration

July 2008

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# Executive summary and recommendations

Sheffield family courts are two of the busiest family courts in England and Wales. During the financial year 2007-08, Sheffield Family Hearing Centre received 3,612 private law applications and 7,035 public law applications.<sup>3</sup>

Service users who use Sheffield family courts receive excellent treatment from staff. The HMICA family service user survey shows that 97% of people agree or strongly agree that staff are courteous and helpful. Questionnaire results also showed 93% of respondents felt that staff use simple clear language to explain legal terms.

Administration systems, which progress service user cases, were found to be effective and efficient, especially in public law cases. Court performance in respect of public law cases is nearly 20% better than the England and Wales average. The average waiting time for a care and supervision case to conclude is 13 weeks shorter than the England and Wales average. This is positive for children and young people because their care is being managed in a timely manner, thus minimising disruption to their lives and the potential for further harm. Inspectors found there was close monitoring of performance targets – including identifying cases that are coming up to the 40 week deadline<sup>4</sup> - and at a Section Manager level<sup>5</sup> the daily workload is examined and staff reshuffled to manage work priorities. Performance is also monitored and discussed at the Local Family Justice Council (LFJC) and Family Court Business Committee and at the Court's Board.<sup>6</sup>

However, the provision of relevant information and guidance, and the recording of complaints for service users, are inadequate. Safety and security, in particular, safety for vulnerable users such as those who have suffered domestic abuse is also inadequate.

Service users expressed concerns about facilities. These included privacy problems at Sheffield FHC and, for those service users who need wheelchair access, accessibility problems to the family counter area at the Family Proceedings Court. Service users in custody, who also need wheelchair access, are not able to enter the FPC through the same secure custody route entrance provided to other defendants/prisoners. These experiences for service users are unacceptable.

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<sup>3</sup> Performance data from HMCS Performance Directorate.

<sup>4</sup> Public Service Agreement (PSA) 4 – By 2009-10, increase the proportion of care cases being completed in the courts within 40 weeks by 10%.

<sup>5</sup> Section Leader level – person(s) who manage a team of family work staff i.e. public law, private law, adoption.

<sup>6</sup> Court's Board – the body that scrutinises, reviews and makes recommendations about the way in which courts are being run in their area.

## HMICA recommendations

HMICA makes four recommendations to Sheffield family courts:

### Recommendation 1

Sheffield family courts take action to make sure that staff are proactive in providing service users with information and guidance specific to their needs, including:

- signposting service users to organisations that can provide legal advice or other forms of suitable help
- provide details and help about the HMCS website
- make sure information and guidance are readily available
- providing Parenting Plan booklets with every C1 form.

### Recommendation 2

Sheffield family courts put in place actions to comply with the national objective:

*“Provide a knowledgeable, personalised and readily accessible service, keeping users informed about the progress of their case.”*

Actions are also taken to provide regular updates to service users on their day at court.

### Recommendation 3

Sheffield family courts take action to make sure that the standards of service outlined in the Family Courts Charter are provided, with particular attention given to:

- familiarisation visits to court
- use of video conferencing facilities
- feedback procedures and the use of this information to inform business planning.

### Recommendation 4

Sheffield family courts take immediate action to make sure that:

- all safety and security risks for family court users (including those in custody) are fully identified and managed to minimise risks
- systems are in place to provide senior management with assurance that standards are always met, with particular reference to the care of victims of domestic abuse
- systems provide swift action when alleged harm to children is highlighted.

# Section 1

## Background and context

### Family proceedings

- 1.1 'Family proceedings' refers to work that happens in parts of the magistrates' courts and the county courts.
- 1.2 This includes:
  - adoption
  - marriage dissolution i.e. divorce or judicial separation
  - public law matters i.e. local authority intervention to protect the welfare of children
  - private law matters i.e. parental disputes about the upbringing of their children such as where the children should live or the contact that parents have with children
  - domestic violence remedies
  - civil partnership dissolution.

### Family courts

- 1.3 Family proceedings court (FPC) is the name given to the particular part of the magistrates' court that hears family matters (except divorce). Family Hearing Centres (FHC) – can deal with a range of work including divorce and private law work.
- 1.4 Depending on the type of family work and its complexity, a service user may go to court once, on several occasions and in some instances (for example, divorce) a service user may never actually go to the court, although they will have paper dealings with the court.

### Cafcass<sup>7</sup>

- 1.5 Cafcass was established under the provisions of Section 12 of the Criminal Justice and Court Services Act 2000 in April 2001. It is an executive non-departmental public body (NDPB) and is accountable to the Secretary of State for Children, Schools and Families in the Department for Children, Schools and Families (DCSF). It is independent of the courts.
- 1.6 Its main functions are to:
  - safeguard and promote the welfare of children
  - give advice to the family courts about any application made to it in family proceedings
  - make provision for children to be represented in family proceedings
  - provide information, advice and support to children and their families.

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<sup>7</sup> Cafcass – Children and Family Court Advisory and Support Service.

- 1.7 There are several types of family work but Cafcass is only involved in cases in which the courts have requested its involvement: for example, where parents have not reached an agreement about the arrangements for their children, or where a child may be removed from a parent's care because of safety concerns, or when a child may be adopted.

## Why was this inspection carried out?

- 1.8 In 2006, HMICA was asked to inspect the work of the family courts by the then Minister of State for Constitutional Affairs. After discussions with staff from Her Majesty's Courts Service (HMCS) family centre directorate and an initial scoping study, it was concluded that the most productive approach to an inspection of family work would be for HMICA to carry out a pilot based on the experience of the service user during family court proceedings. The outcome of this inspection would then inform HMICA's methodology for future Area-based family inspections.
- 1.9 Ofsted also conducted an inspection on the experience of service users using Cafcass in South Yorkshire in the same period. The findings of their inspection may be obtained from the Ofsted website [www.ofsted.gov.uk/reports](http://www.ofsted.gov.uk/reports) or by calling 08456 404040.

# Section 2

## HMICA findings

### Provision of information and guidance

- 2.1 Service users wishing to use the family courts need to know what to do and how to begin the legal process. Some service users may go to a solicitor but others will contact the family courts directly to ask for information and guidance.
- 2.2 Providing an effective information and guidance service to family court users would include:
- signposting service users to organisations that can provide legal advice (because court staff are not allowed to provide this type of help)
  - signposting service users to providers of other types of help, for example mediation<sup>8</sup>
  - providing service users with details of how to access Her Majesty's Courts Service website<sup>9</sup> to obtain forms and information
  - making sure information and guidance for each type of family case is readily available and in a format that is suitable for service user needs, for example in large print.

### Signposting

- 2.3 Inspectors found that at Sheffield family courts, lists of local solicitors, Citizens Advice Bureaux<sup>10</sup> and details about how to contact the Community Legal Service<sup>11</sup> (CLS) were available for court staff to give to service users. Inspectors also found that this information was not always provided to service users. Some staff confirmed that this list would only be provided 'if asked for'.
- 2.4 As part of the inspection, HMICA conducted a family service user survey and sent out questionnaires to 353 concluded Sheffield family court cases from a three-month period. There were 134 responses, which showed that while 79% of people were directed to organisations that could provide suitable help, 21% (or one out of every five) people visiting Sheffield family courts were not.

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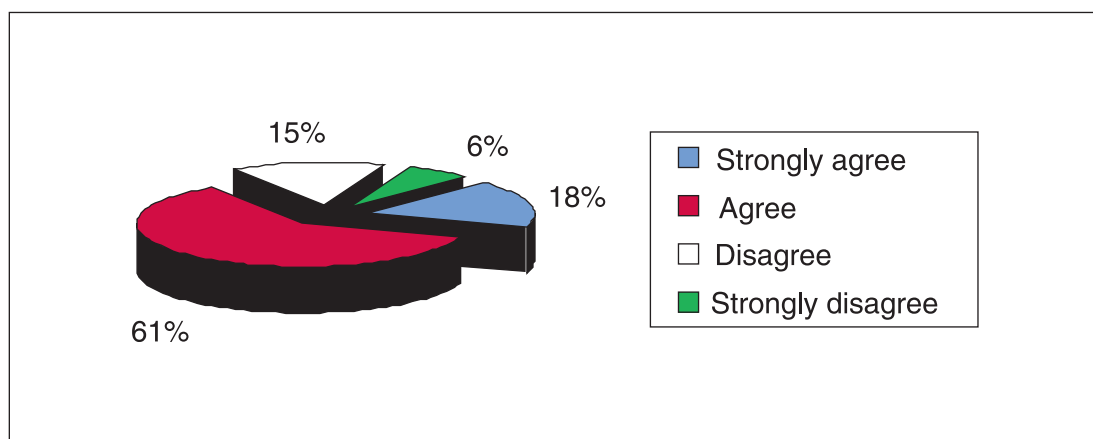
<sup>8</sup> Mediation is a process for resolving disagreements in which an impartial third party (the mediator) helps people in dispute to find a mutually acceptable resolution.

<sup>9</sup> HMCS website – [www.hmcourts-service.gov.uk](http://www.hmcourts-service.gov.uk)

<sup>10</sup> Citizens Advice Bureaux – during the inspection fieldwork, Sheffield family courts found that no CAB in the Sheffield area provided advice on family matters.

<sup>11</sup> CLS – an organisation that helps people find the right legal information and advice.

Figure 1 Staff directed you to organisations that could provide you with appropriate advice



## Information and guidance

- 2.5 An example of where information was not always provided by the family courts was when service users applied for an order<sup>12</sup> in connection to their child(ren) i.e. for contact or residence.
- 2.6 On the application form (which is called a C1) the service user is asked, “Have you received a Parenting Plan booklet?”. Although these were available at the counter they were not necessarily provided with the initial form. FHC staff confirmed that on receipt of a completed C1, where the service users had indicated a ‘no’, the booklet would be sent to them. FPC staff said that the booklet was sent if asked for.
- 2.7 A service user wrote in their survey response:

*“I would have liked a booklet/leaflet explaining the court procedures before attending court as this was my only experience and it would have been helpful to know what to expect and what my rights were.”*

- 2.8 Inspectors are of the view that it would be good practice for the courts to issue this booklet every time they give the C1 form out.
- 2.9 Inspectors found that some staff at the FPC were unaware of what family work was carried out at the FHC. When asked what information they would give to a service user who visited the court wanting to know how to start divorce proceedings, they responded that they would direct them to the Sheffield Combined Court instead of the FHC. Although, the Sheffield Combined Court is next door to the FHC, this lack of knowledge about which courts administer which family work in Sheffield was disappointing and inadequate.

<sup>12</sup> Order – written legal decision.

## Mediation

2.10 Sheffield family courts do not provide details of local mediation schemes, although leaflets outlining the National Mediation Helpline are readily available.

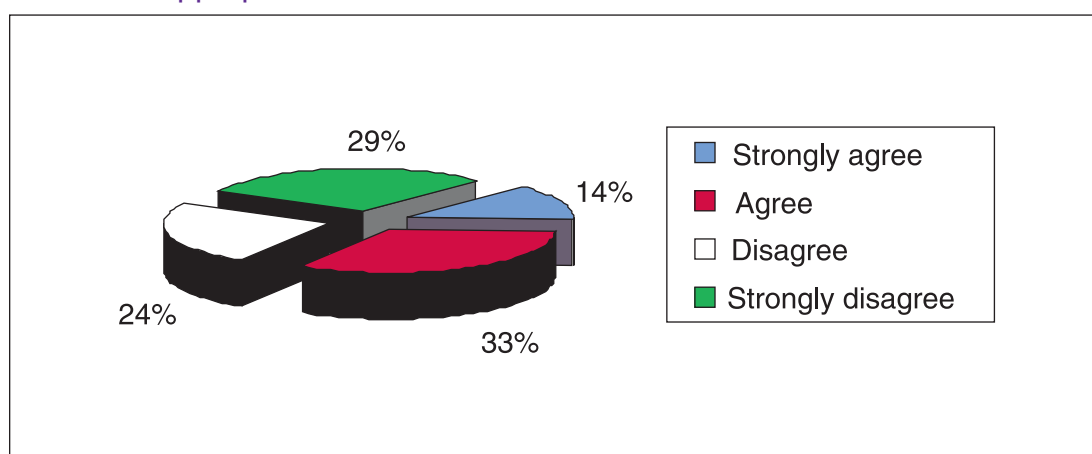
2.11 An explanation as to why Sheffield family courts do not yet have such schemes in place can be found under the Family Court Performance and Strategies section of this report.

## HMCS website

2.12 The HMCS website contains guidance and forms for court users. While not all service users have access to the internet, it is a useful service for those who do. Inspectors found that some court staff had never looked at the website and would be unable to give help or tell service users what was available online. Other staff reported they found the website complicated and had “no great enthusiasm for recommending the website”.

2.13 Service user survey results confirm that the publicising of the website to service users is inadequate.

Figure 2 Staff gave you details of Her Majesty’s Courts Service website, when appropriate



2.14 Inspectors are of the view that the website is a useful means of communication and help to some service users (such as the one quoted below) who find it difficult to visit a court during the counter opening hours of 10.00am to 4.00pm.

*“I found the family court opening hours not convenient for a working person. I had to take time off work to go. A Saturday morning or a late night would greatly assist working people.”*

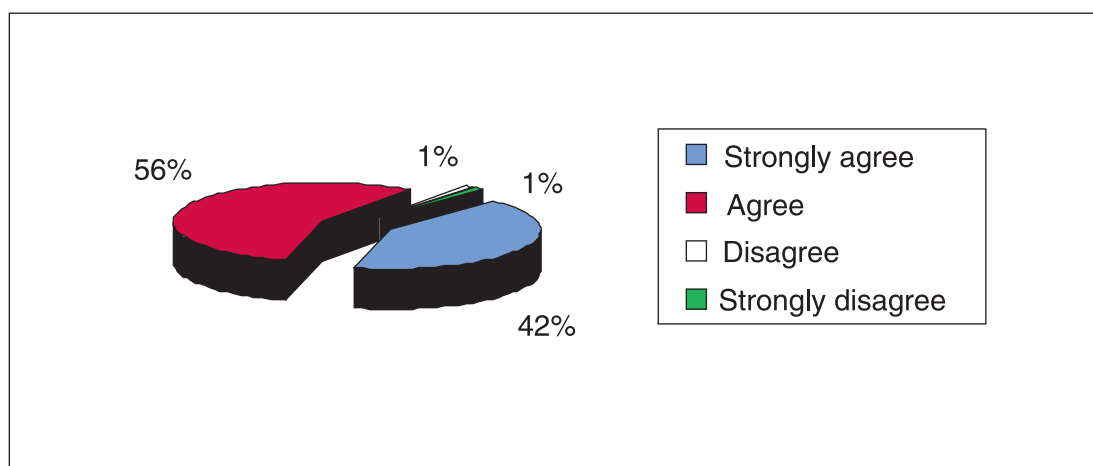
2.15 When inspecting Hampshire and the Isle of Wight, HMICA found that some courts had responded to court user needs by extending their counter opening hours and providing appointments outside regular counter opening hours. At one court, the counters stayed open until 7.00pm on the first Wednesday of every month.<sup>13</sup>

<sup>13</sup> HMICA report – Inspection of aspects of county court administration – Hampshire & Isle of Wight (May 2007).

## Availability of information

- 2.16 The ease of availability of leaflets for service users varies between the two family courts in Sheffield.
- 2.17 At Sheffield FPC, service users cannot obtain family information from the main reception area of the court. The family counter area has little space – although there is a carousel that offers a wide selection of CLS information leaflets. HMCS leaflets on display are few and service users have to ask staff for relevant information rather than being able to choose relevant leaflets.
- 2.18 The FHC has a greater range of leaflets on display and they are more accessible for service users. It has a wide range of leaflets on a carousel in the entrance area and further information is available from the family counter.
- 2.19 Inspectors found that at both of the family courts, there were no leaflets on display in the waiting areas although there was sufficient space for the courts to offer such a service.
- 2.20 The FHC has thought about the information needs of children and young people and has tried to provide relevant leaflets. Unfortunately, Inspectors found that the particular leaflets on display are no longer published and have not been in circulation for some time. In 2006 HMICA carried out an inspection about changes in Adoption law<sup>14</sup>. As a result of this, an action plan was drawn up by Sheffield FHC and FPC which said it would have a supply of Cafcass leaflets on display. Inspectors found that this is not happening and so the information needs of children and young people are not being met adequately.
- 2.21 An area of strong performance by Sheffield family courts was the availability of information in a format or language suitable for a user's needs. Our survey showed that 98% of respondents said they had been provided with information in a suitable language or format.

Figure 3 The information you received about court services was in a language or format suitable for you

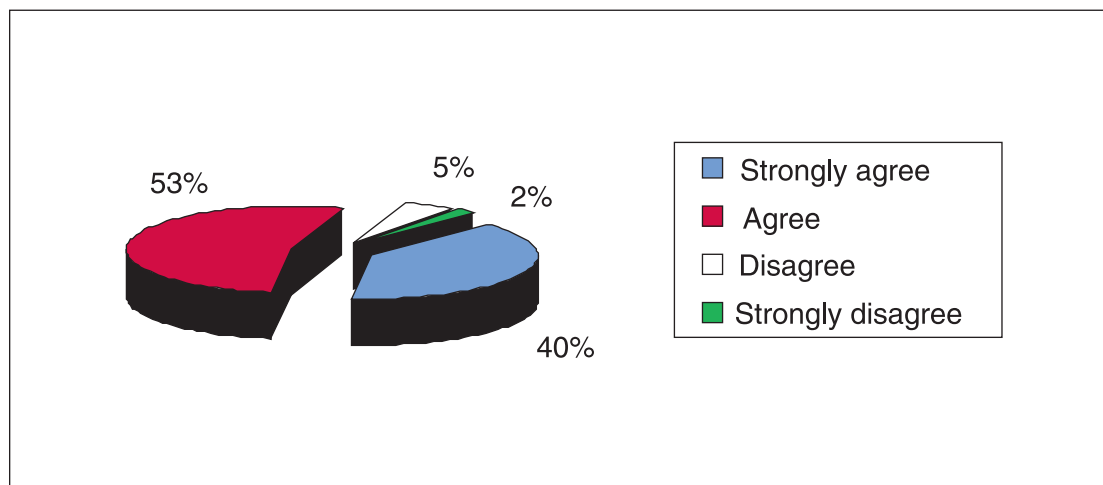


<sup>14</sup> HMICA report 2006 – Adoption – the new law.

2.22 Another area of good performance was the use of simple, clear language by staff. Questionnaire results showed that 93% of respondents felt that staff used simple, clear language to explain legal terms. This was also confirmed by a regular professional user of Sheffield family courts who said:

*“I have been particularly impressed on occasions when I have had to go into the general office to hear the oral explanations provided by court staff to potential litigants<sup>15</sup>.”*

Figure 4 Staff used simple, clear language to explain legal terms



2.23 Overall, Inspectors consider the provision of relevant information and guidance to service users by Sheffield family courts to be inadequate and makes the following recommendation.

### Recommendation 1

Sheffield family courts take action to make sure that staff are proactive in providing service users with information and guidance specific to their needs, including:

- signposting service users to organisations that can provide legal advice or other forms of appropriate help
- providing details and help about the HMCS website
- making sure information and guidance are readily available
- providing Parenting Plan booklets with every C1 form.

<sup>15</sup> Litigant – person involved in a legal case.

## Case administration systems

- 2.24 Effective and efficient case administration systems are reliant upon inter-agency co-operation (for example, Cafcass, local authorities, solicitors) and the individuals involved in the cases.
- 2.25 Sheffield family courts have effective and efficient administration systems that provide good case progression.
- 2.26 Inspectors found that staff had very good monitoring systems in place for public and private law cases. A written report is produced monthly and identifies cases that are coming up to the 40 week deadline and weekly checks are also performed.
- 2.27 Cafcass is currently taking 16+ weeks to produce a report for private law cases. In spite of this, Sheffield family courts are meeting their private law performance targets owing to their good administration systems. On receipt of the report, staff give the case a hearing date possibly within seven days.

**Good practice at Sheffield FHC.** Staff at Sheffield FHC note when Cafcass reports are expected and chase them if they fail to arrive.

- 2.28 Inspectors commend the attitude and awareness of staff in respect of family performance targets and their determination to achieve them. However, one concern that managers may wish to consider is that the speed between reports being received and the hearing date may result in the service user(s) not having enough time to challenge Cafcass' findings.

## Information on case progression

- 2.29 A national initiative launched by the Lord Chancellor in March 2007<sup>16</sup> set an objective to:

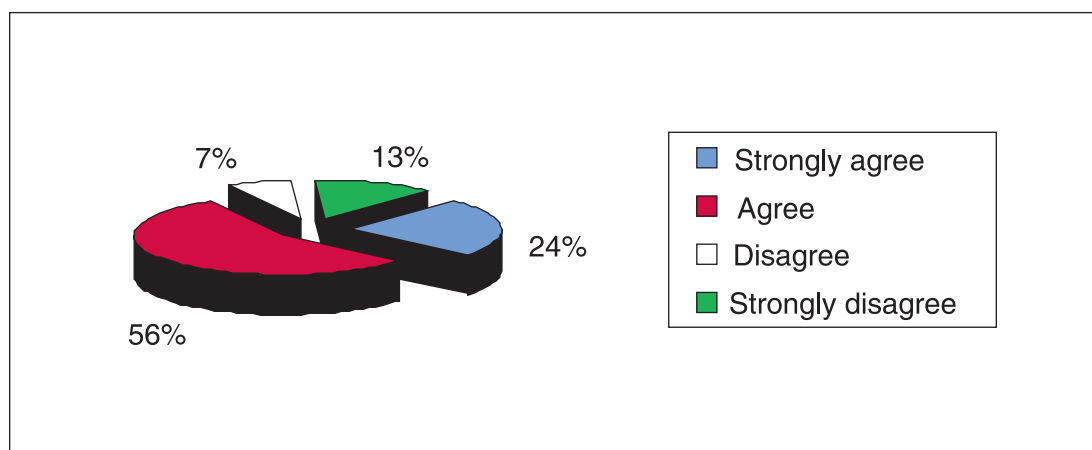
*“Provide a knowledgeable, personalized and readily accessible service, keeping users informed about the progress of their case.”*

- 2.30 The Lord Chancellor recognised that to deliver this and other proposed culture changes, it would require a change in performance by court staff and “*other delivery partners/agencies*”.
- 2.31 While awaiting receipt of Cafcass reports, Inspectors found that the courts and Cafcass have no system in place to provide service users with updates on progress. The HMICA survey response shows that this applied to private law, public law, adoption and divorce cases. One out of every five service users who responded did not receive updates on the progress of their cases.

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<sup>16</sup> HMCS – Delivering a Step Change in Performance: National Standards, Consistently Applied.

Figure 5 Sheffield family courts provided updates on the progress of your case or the reasons for any delay to your case



2.32 Inspectors are of the view that it is important for families to receive updates on the progression of their case, and make the following recommendation.

### Recommendation 2

Sheffield family courts put in place actions to comply with the national objective to:

*“Provide a knowledgeable, personalised and readily accessible service, keeping users informed about the progress of their case.”*

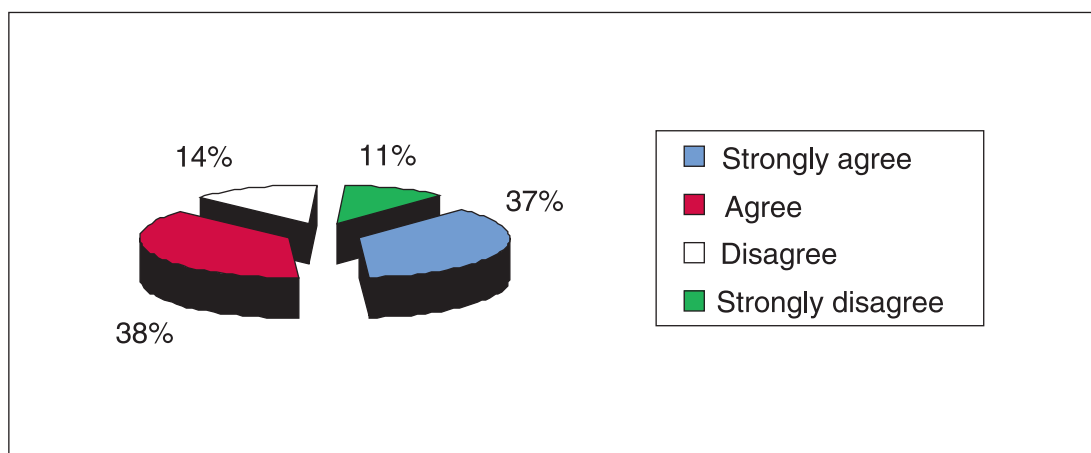
### Updates while waiting at court

2.33 Inspectors found that the management of staff resources to give appropriate help to service users waiting at the FHC was poor. After 10.30am there are no ushers readily available in the waiting areas, as they are required in court. One result of this is that service users do not receive updates on their cases i.e. they do not know when their case will be heard. Twenty-five per cent of family service users surveyed said they were not kept informed of the reason for delays to their case.

### As part of Recommendation 2

Actions are also taken to give regular updates to service users on their day at court.

Figure 6 On your day at court, the staff kept you informed of the reason(s) for any delay to your case



2.34 Written responses showed this was frustrating for service users.

*“Getting more information about our cases and less waiting.”*

*“I waited hours and hours before we were told the reason for delays.”*

*“Better system for time i.e. was there from 10am – 2pm to be told we weren’t being seen.”*

*“To be kept informed of when likely to be seen.”*

*“Would have appreciated update on delay of hearing as harder to keep young child happy without clear idea on delay of start.”*

2.35 HMCS produces a Courts Charter for criminal cases in the magistrates’ courts. In this it says that service users should not have to wait more than one hour from the time they attend court to the time they are called to give evidence, although delays are sometimes unavoidable. HMCS does not have such a standard for family courts.

2.36 Inspectors also found that service users who were not represented by a solicitor may not receive information that those who used a solicitor would get. For example, if a court hearing was cancelled or aborted owing to an administrative error a service user may be entitled to compensation. Whilst this may be known to advocates<sup>17</sup>, service users who are unrepresented may not know this unless they ask staff. Inspectors found there were no systems in place at Sheffield family courts to give an unrepresented service user a complaints leaflet outlining this procedure.

## Case paperwork

2.37 The family courts are recipients of lots of paperwork every day which needs careful, speedy and accurate handling. While this seems to happen in the great majority of cases, Inspectors were concerned that where staff received a document that “*didn’t appear to have a home*” – they would hold it for three to five days before checking with the sender. Managers will wish to assure themselves that the systems in place are sufficiently robust to ensure that all documents are speedily and accurately filed so that service users are not inconvenienced by these delays.

<sup>17</sup> Advocate – professional person who represents a service user in court.

## Directions appointments

**Good practice at Sheffield FPC.** When service users are first notified that they will be required to go to a 'directions appointment' (a type of court hearing) staff send them a note to explain what a directions appointment entails, what it is for and what will happen at the hearing. (Annex A)

- 2.38 At the FHC, Inspectors found that when a directions appointment was sent to the service users, it also included a note which supposedly provided details of 'Information about leaflets for children'. Disappointingly, the details given were out of date and are no longer valid.

## Interpreters

- 2.39 Inspectors found that good systems were in place to provide interpreters where required. An excellent example of the court's approach was demonstrated by a case where a service user required an interpreter in court, but the court was not informed of their need. On the day of the hearing, rather than cancel or rearrange the hearing, Sheffield family courts arranged an interpreter for later that day and heard the case. Although there was a breakdown in communications between the parties and the courts, the courts' actions prevented the service user from being disadvantaged.

## Fee exemptions and remissions

- 2.40 When service users first make an application in the family courts, they may need to pay a fee. If their financial income is low, they may qualify for a fee exemption (pay no fee) or fee remission (part payment of the fee). Within the last year, the national arrangements for qualifying for fee exemption or remission have changed and become more complex for service users. Inspectors found that the Sheffield family court staff were appropriately trained to deal with fee exemption and remissions and that they were also sympathetic to the challenges faced by service users when using the system.

## Moving of cases

- 2.41 Once a case has been given a hearing date, Sheffield family courts seek to 'never move it' to another court outside of Sheffield except in special circumstances, unless requested by the service user(s). Inspectors found that staff recognised that moving a case to a new court in a new area that service users may not know, could cause them unnecessary pressure and stress and they might incur additional costs. Inspectors commend this consideration of service users' needs when making this type of decision.

## Compliance with HMCS Family Court Charter Standards

- 2.42 HMCS sets out in a charter the standards of service the family courts aim to give service users.
- 2.43 The Family Courts Charter informs service users that if they have a disability or need special help at the court hearing, they can contact court staff who will take suitable action. The service user survey shows that 87% of Sheffield family court users believed such a process was in place.

2.44 One service user reported:

*“My mother-in-law had a mobility problem and was very well looked after – a wheelchair was provided and lifts and space was made available for her.”*

### Familiarisation visits

2.45 The charter provides for service users to have a familiarisation visit before the date of their hearing so they can see the type of room or court where their case will be heard. It also explains that video conferencing facilities are available, although permission to use them is only granted by the judiciary.

2.46 Inspectors found that the knowledge of these available services was limited amongst professionals. As a result, some service users were not making use of these services because they were not told about them. Inspectors found that some local solicitors had *“never heard about court familiarisation visits or the use of video link”*. Unrepresented service users were also unaware of these services.

2.47 The exception was parents in adoption proceedings.

*“The staff that showed us round in a preliminary visit were excellent – the young lady in particular was very friendly, patient helpful and child-oriented.”*

2.48 Inspectors found that Sheffield FHC had tried to find out why professionals were not using video conferencing facilities in August 2007. Of the 137 questionnaires sent out, only 15 were returned, with the majority commenting that they did not know about the facility. Inspectors found the knowledge of this facility amongst professionals has not increased since that time and so service users are still not benefiting.

### Recommendation 3

Sheffield family courts take appropriate action to make sure that the standards of service outlined in the Family Courts Charter are provided, with particular attention given to:

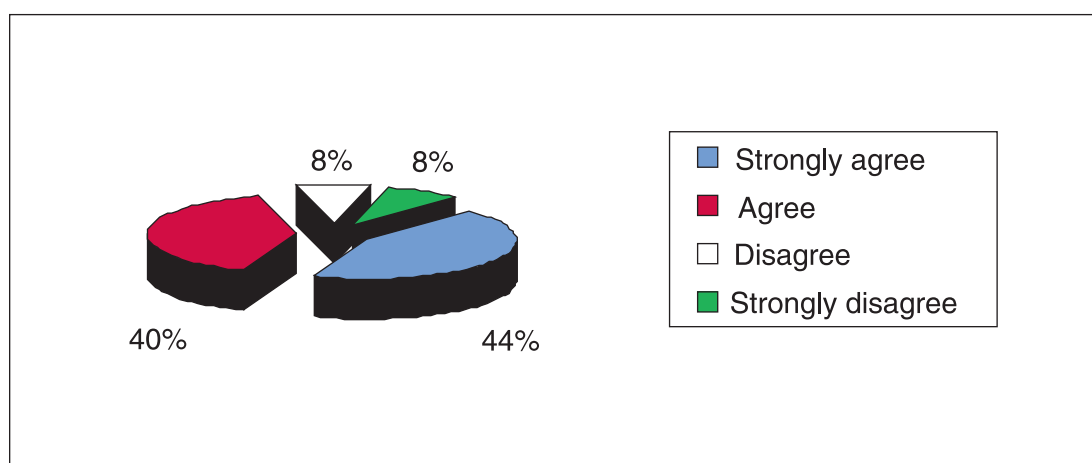
- familiarisation visits to court
- use of video conferencing facilities.

### Safety

2.49 Inspectors found that, when given warning or when specifically asked, staff at Sheffield family courts would make every effort to provide a safe and secure environment for family court users, but that the response was mainly reactive.

2.50 In our survey, 84% of respondents strongly agreed or agreed that the court responded appropriately where individuals or families raised concerns over their safety.

Figure 7 If you raised concerns over your safety, Sheffield family courts put in place additional safeguards for you



2.51 Users' comments include:

*"Due to security we needed to enter the court through the back entrance and staff were very helpful and sensitive to our needs."*

*"The staff at the time were very good and ensured our safety at all times especially when it was thought that our adopted son's biological mother may have been in court."*

2.52 This latter comment related to an instance where staff had escorted the family to their car some distance from the court.

2.53 However, Inspectors found Sheffield family courts' waiting areas do not allow easy separation of parties. Service users commented that they:

*"Didn't like open plan waiting areas, could be intimidating at times."*

and suggested:

*"Maybe cubicled waiting areas separating any disgruntled parties."*

2.54 Another service user explained how difficult it had been, sitting next to their soon-to-be divorced partner.

*"Extremely stressful anyway but made worse by close proximity...ignoring me. After a long marriage this was all the more painful. Delay made this experience worse. Personally I think they should have waited elsewhere."*

2.55 At the FPC, if a service user tells staff that they want to sit apart from the other party, they are sometimes taken to a room on the floor above which hosts the Youth Courts<sup>18</sup>. Inspectors recognise that staff were trying to be responsive and considerate to service users needs but are not convinced that being placed in a consultation room in this area of the court was the best solution, given that the youth court may be sitting at the same time.

### Identification of harm

2.56 It is essential that family courts have systems in place to ensure that swift and appropriate action is taken when alleged harm to children is highlighted. When a service user applies for an order in relation to a child, the form they complete asks if their child(ren) ‘have suffered or are at risk of suffering any harm’. If answered ‘yes’ the courts should make sure that a supplementary information form that provides more details on the alleged harm is completed and forwarded to Cafcass so that it can assess the risk to the children. Inspectors found that this system was generally very reliable but there had been two occasions where the forms had not been sent. Sheffield family courts should revise their systems to make sure that all such forms are forwarded to Cafcass in all cases where harm is alleged.

### Domestic abuse

2.57 Domestic abuse in family cases is a matter of particular concern to its survivors.

*“My case revolves around domestic violence. I did not feel safe entering or leaving the building. I did not feel anyone was bothered about my fear from someone who threatened to take my life. There was no guarantee about being able to sit in a private room – it was pot luck. All in all a huge stress to me. NB: I know security would have been on hand – but knowing I was safe is very different. In the court room I was expected to sit next to the man who had been so violent to me. No-one was bothered about how intimidating this was. Altogether v. traumatic. In the end, I ceased to attend, but he was able to keep attending. In these days when protocols make it appear there is a lot of support for victims of DV, I can only say I have not found it – not even in court.”*

2.58 In 2005 HMICA carried out an inspection of domestic violence and family proceedings<sup>19</sup>. Recommendations made in that report to HMCS included:

- making information about court facilities available to vulnerable parties before they attend the courthouse
- developing and implementing policies that address the availability and use of facilities for vulnerable or intimidated parties.

2.59 A copy of the HMCS response to these recommendations is attached at Annex C. HMCS stated that it would set an overall improvement target that “All court users (legal representatives and parties in person) would know what ‘Special Facilities’ are available at the court they are going to and how to access them”. Sheffield family courts are not providing service users with this information as previously illustrated in our ‘Compliance with HMCS Family Court Charter Standards’ section of this report.

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<sup>18</sup> Youth Court – criminal courts for youths.

<sup>19</sup> HMICA report: Domestic Violence, Safety and Family Proceedings (March 2005).

2.60 Inspectors also found that some professionals using Sheffield family courts were unaware as to any special procedures in place for domestic abuse cases. As one commented:

*“There are no special arrangements re domestic violence, you make it up as you go along.”*

2.61 Inspectors consider the current level of provision for survivors of domestic violence to be unacceptable.

### Safety and privacy for service users in custody

2.62 HMCS is responsible for making sure that there are appropriate building standards in the custody suite area such as disabled access to court custody facilities. Sheffield FHC does not have cells, which means that any family service user in custody will be taken to Sheffield Combined Court which is next door to the FHC. The Judge, other party and professionals will then hear the family case in a courtroom in the Combined Court. For this reason, Inspectors carried out an inspection of the cells in the Combined Court and cells in the FPC and would make the following points:

- Cells in both courts were free from ligature points<sup>20</sup> but custody staff had not been involved in Safe and Secure risk assessments with court staff. (The HMCS Safe and Secure manual is an internal guidance manual for all courts.)
- At one court, custody staff were unaware as to the maximum holding capacities of the cells.
- At the other court, Inspectors found that the maximum permitted number of court users in a cell was being exceeded. (The management at Sheffield courts need to manage this risk jointly with the custody contractors.)
- Access from the van dock to the cells is excellent at the Combined Court.
- Access from the van dock to the cells at the FPC is poor. Management at the court reported this had been an on-going issue because they were no longer able to use police station property (which is next door to the FPC).
- While the interview rooms in the cell area at the FPC were soundproofed, the ones at the Combined Court were not.
- The cells at the Combined Court had just been ‘deep cleaned’. However, the kitchen area of the custody suite (where they store and prepare food for service users in custody) was very dirty and unhygienic. HMCS confirmed that this was to be cleaned in June 2008 as they use specialist catering cleaners for the kitchens. HMCS should ensure that there are systems in place to make sure ‘deep cleans’ are ordered according to a robust process for assessing need.
- HMCS is not complying with Disability Discrimination law, in that aids to hearing are not provided in cell areas. HMCS should ensure that this is addressed immediately.

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<sup>20</sup> Ligature point – feature that a prisoner could use to self-harm or harm others.

## Access for service users in custody

2.63 Family service users in custody and who require wheelchair access, can only enter the FPC through the public entrance and not the secure custody route used by other defendants/prisoners. No magistrates' courts in the Humber and South Yorkshire Area are able to provide secure access for service users in custody who require wheelchair access. The Area has plans to provide accessible facilities in one courthouse but this has still to be agreed. Given the distance that defendants/prisoners in custody using a wheelchair have to travel in the open from the prison van to the courthouse, Inspectors are of the view that the provision of appropriate secure access for those in wheelchairs should be addressed as a matter of urgency.

## Security

2.64 Inspectors found that the search procedures on entry to the two courts were inconsistent and did not comply with set standards. Inspectors also found that not all security guards were aware of the need to test the Archway Metal Detector (AMD) every morning or how to do it, although instructions are contained in the HMCS Safe and Secure manual.

2.65 Patrols of the court buildings by security staff should take place every hour, but Inspectors found this was not happening and there were no systems in place to ensure that it did. Security staff were also unaware of their roles in the event of a courthouse evacuation.

2.66 At the FHC, Inspectors found that an action plan had been drawn up after a practice fire evacuation to address areas of weakness, but it was not being effectively managed. Inspectors also found that risk assessments outlined in HMCS Safe and Secure manual had not all been completed. This was because training had been delivered only six months prior to the inspection and staff had not had the time to finish all of them.

### Recommendation 4

Sheffield family courts take immediate action to make sure that:

- all safety and security risks for family court users (including those in custody) are fully identified and managed to minimise risk
- systems are in place to provide Senior Management with assurance that standards are always met, with particular reference to the care of victims of domestic abuse
- systems provide swift action when alleged harm to children is highlighted.

## Access to courthouses and courtrooms

- 2.67 The two family courts in Sheffield vary in structure. The FHC is a modern building with excellent access, whilst the FPC is a 1970s building that does not provide the same level of accessibility throughout for all service users.
- 2.68 The FHC is situated over three floors, and has a lift. The courtrooms, waiting areas and interview rooms are accessible by all service users.
- 2.69 Inspectors were pleased to note that the FHC had changed their internal signage in response to feedback from service users, who found the signs confusing.
- 2.70 At the FPC, all service users are able to access the court building and there are lift facilities available. However, service users in wheelchairs would have considerable difficulty in visiting and using the family counter on the ground floor unaided. This is because the doors to the family counter are too small for a wheelchair to fit through, unless both doors are open at the same time. In addition, the family counter is too high for anyone in a wheelchair to reach.
- 2.71 Entry to the waiting area outside of the FPC family court rooms would be possible for a service user requiring wheelchair access, although manoeuvring of the two doors required to reach the area could be awkward. Access within the family courtrooms was good.
- 2.72 At the time of this inspection, Sheffield magistrates' courts were undergoing priority maintenance work. However, this work was not being carried out to make the building comply with disability legislation and therefore not all service user needs will be met.

## Privacy at court

- 2.73 The FHC has excellent facilities for court users to hold discussions in private. However, Inspectors found that the number of interview/consultation rooms was insufficient for the number of individuals present at court. This is because the FHC requires attendees to arrive at court for 9.45am, even though their case may not be heard until 11.00am or later. The outcome of this is that not all service users are able to gain access to an interview/consultation room. As a result, parties to family court cases are holding confidential discussions about their case in the public waiting area, which court users and Inspectors found unacceptable. Service users made the following comment:

*“Total lack of privacy.”*

and that the court needed:

*“More private rooms.”*

2.74 One specific problem highlighted by a service user and confirmed by Inspectors was the use of ‘witness suites’ at the FHC. The witness suites comprise a private waiting area from which an interview room leads off. Owing to the shortage of interview rooms, Inspectors found that professionals were using both the waiting area and the interview room in the witness suite as separate consultation rooms. The level of soundproofing between the waiting area and the interview room is unsatisfactory for this purpose. One service user relayed the following.

*“I had to pass through another little waiting room – which was empty on arrival. Some time later when I left the interview room I found that there was another couple sitting in the waiting area outside. I apologised to the couple for interrupting them and they replied ‘Don’t worry, it was very interesting listening to your conversation’.”*

2.75 At the FPC, Inspectors did not find there were insufficient interview/conference rooms because the FPC does not ask all of its service users to come to court at the same time. However, Inspectors found there was a problem with the soundproofing of the two interview rooms available in the family area. These are all matters that the management team will wish to consider.

### Prayer/quiet room

2.76 Sheffield FPC, provides a prayer/quiet room on request, although this is not advertised to service users and anyone wanting to use it would need to ask for a key to the room from reception. Inspectors commend the consideration offered to service users, but consider the room to be unsuitable for such a purpose as it doubles as a First Aid area/accessible toilets/nappy changing facility. Anyone using the room for prayer may be disturbed by people needing access to the other facilities.

### Facilities

2.77 Facilities for service users whilst waiting at the FHC are excellent. The building is modern and light. However, the number of seats in the waiting areas is insufficient because the majority of parties arrive at court at the same time. Family service user survey responses repeatedly confirmed this problem.

*“Sometimes when I come there is nowhere to sit.”*

*“More seating available in waiting area.”*

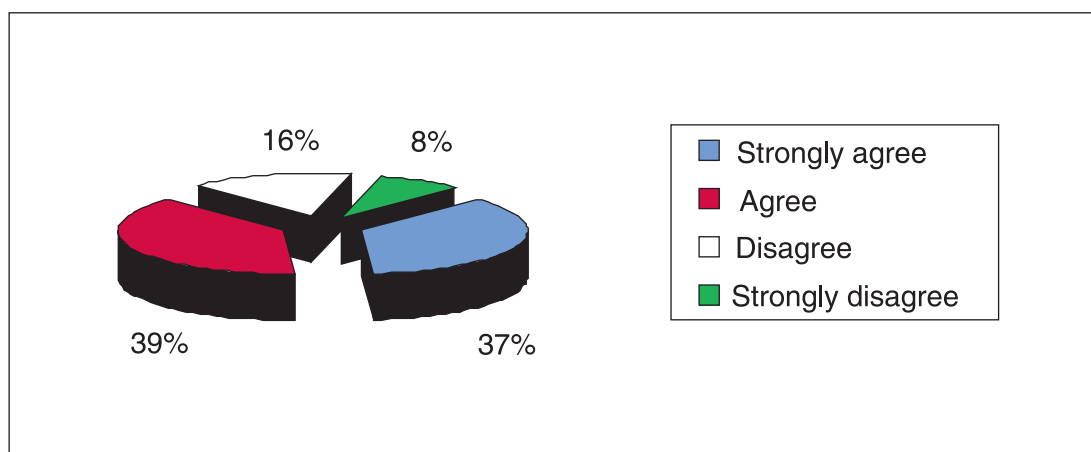
*“More seating.”*

*“Better waiting areas - overcrowding.”*

*“There was not enough seating.”*

Nearly one in four of service users surveyed said there was ‘insufficient seating’.

Figure 8 There were sufficient seats in the waiting area at court



- 2.78 While service users are waiting for their cases to be heard, they can access refreshments through a vending machine at the FHC, a café at the Combined Court building next door and a café at the FPC.
- 2.79 However, Inspectors found that the vending machine and the café at the Combined Court were insufficiently advertised to service users at the FHC. Service users using the cafe in the Combined Court were also unaware that they would need to proceed through security checks at the Combined Court and then again at the FHC on their return. There is also no communication system common to both court buildings, so if a family service user decides to use the Combined Court café and their case is called to be heard, they will not know.
- 2.80 At the FPC, the family courts and waiting area are on the lower ground floor, which means there is no natural light. However, following an inspection on changes to the adoption laws in 2006, Inspectors found that improvements had been made to the family facilities. For example, the walls had been painted and more comfortable seating had been put in place.
- 2.81 Inspectors also found that the toilet facilities at the FPC were inadequate for service users. On the family court floor, there are two toilets. At the time of the inspection, they had been out of service for about six months. This was due to funding constraints initially but had been delayed further owing to the discovery of other building faults related to this specific area of the court. The impact on service users is considerable, given that the closest alternative facilities are one floor above where the youth court is held.
- 2.82 Family service users requiring accessible toilet facilities need to return to the main FPC entrance. The accessible toilet is situated before the security entrance and doubles as the prayer/quiet room, and service users need to ask for a key to the room from reception. Inspectors would encourage HMCS to look again at its accessible toilet in relation to the Disability Discrimination Act 1995 to ensure that it is complying with its requirements not to provide a service in a 'worse manner'<sup>21</sup> than to a person who has no disability.

### Service user surveys

- 2.83 Inspectors found that both of the Sheffield family courts had carried out their own service user survey in January 2007. This is good practice. The results of the FHC survey mirror our own in that it showed service users were least satisfied with not having enough consultation rooms, not enough seating and not having a fixed appointment. It was disappointing for Inspectors to find that these results had not been used to local inform business planning.

<sup>21</sup> s 19 (1) (c) Disability Discrimination Act 1995.

## Children at court

2.84 There are no specific facilities for children and young people waiting at either of the Sheffield family courts nor are they automatically provided with waiting areas separate from adults. They are not provided with toys because Sheffield family courts correctly follow the national HMCS Safe and Secure policy, which does not currently permit any court to provide toys in case harm is caused to a child.

2.85 In our children and young person questionnaire,<sup>22</sup> we asked if they went to court and which one of the following choices applied to them:

- Yes – to look around
- Yes – to talk to the Judge
- Yes – to talk to someone else from the Court
- Yes – but I didn't really want to
- No – but I would have liked to go to court
- No – but I would have liked to see the Judge
- No – and I didn't want to.

2.86 Not one child or young person replied “No – and I didn't want to”. Two of the children replied that they hadn't been to court but wanted to for the following reasons.

*“I would have liked going to court to say what I thought and felt about the situation.”*

*“Because what I have told the Court Welfare Officer. My dad doesn't believe that I said that he still thinks that my mum is the one putting those words in my mouth but she's not it's me saying that I don't want to see him.”*

2.87 Other children and young persons happily reported that going to court was a good experience.

*“Because I felt involved with everything and I was getting a new sister and brother.”*

*“I felt comfortable with my mum and sister.”*

*“Because I was getting adopted by my daddy.”*

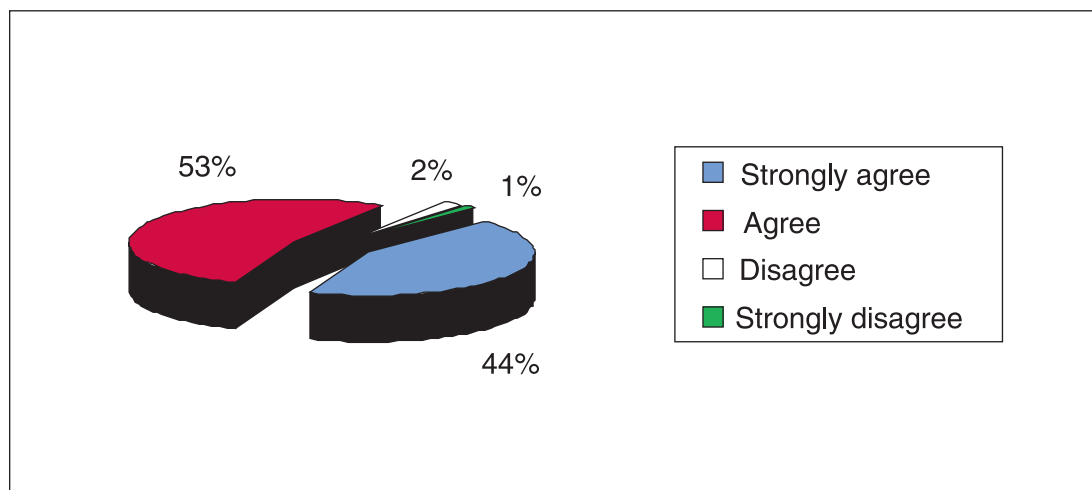
## Treatment at court

2.88 Inspectors found that family service users in Sheffield are treated very well i.e. with courtesy and respect. There is a positive customer service culture borne out by our survey results which found that 97% of people who had used Sheffield family courts agreed or strongly agreed with this.

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<sup>22</sup> Children and young person questionnaire – total number of respondents was 18. The average age of respondents was 11.

Figure 9 Staff were courteous, polite and helpful to you



2.89 The positive and helpful attitude of the family court staff in all aspects of family work was the most frequent item that service users wanted to praise in our survey. Comments included:

*"I found the staff approachable and cheerful very helpful to me (filling in of forms) and very patient – to be commended."*

*"All staff were polite and relaxed which help to lighten a difficult experience."*

*"I always found staff to be polite and helpful. They gave assistance on matters, no matter how trivial, so many thanks to them."*

*"On the final visit – my children were invited into court – as they would have been on their own in the waiting room. They were spoken to appropriately and felt like their opinion was valid."*

*"Obviously divorce is a difficult time and process – all my dealings with the people here have been a really nice combination of courtesy, kindness and professionalism."*

2.90 Professional service users also said:

*"The biggest asset to the courts are the staff. The clerks are particularly helpful and the ushers are "spot on". They are very good with clients. On the whole, the public face is very good."*

2.91 Inspectors also found other good examples of help to service users such as a member of staff who spoke to a service user in her own language in order to explain procedures.

## Family court performance and strategies

2.92 The only HMCS national performance measure<sup>23</sup> for family work is for public law cases:

*"By 2009-10, to increase the proportion of care cases being completed in the courts within 40 weeks by 10%."*

<sup>23</sup> HMCS Business Plan 2007-2008.

2.93 Supporting measures include:

- County court – 48% of public law care cases to be dealt with within 40 weeks
- Magistrates’ courts 56% of public law cases to be dealt with within 40 weeks.

2.94 Sheffield family courts work towards this national target but also have the following extra supporting measures for private law cases and adoption:

- County court:
  - 70% of private law cases to be dealt with within 40 weeks
  - 70% of adoption cases to be dealt with within 20 weeks
- Magistrates’ courts – 70% of adoption cases to be dealt with within 20 weeks.

Table 1 Adoption Performance (county court) March 2007 – March 2008<sup>24</sup>

Location	Number of orders	Number in target (20 weeks)	Percentage in target (20 weeks)	Target (%)	Average wait (weeks)
England and Wales	3,314	2,462	74.3%	70.0%	18.0
Sheffield county	112	91	81.3%	70.0%	17.0

Table 2 Private Law Performance (county court) March 2007 – March 2008

Location	Number of orders	Number in target (40 weeks)	Percentage in target (40 weeks)	Target (%)	Average wait (weeks)
England and Wales	57,904	42,377	73.2%	70.0%	33.2
Sheffield county	1,003	728	72.6%	70.0%	32.5

Table 3 Public Law Care and Supervision Performance (county court) March 2007 – March 2008

Location	Number of orders	Number in target (40 weeks)	Percentage in target (40 weeks)	Target (%)	Average wait (Weeks)
England and Wales	3,905	1,498	38.4%	48.0%	55.5
Sheffield county	248	144	58.1%	48.0%	42.2
Sheffield FPC	165	162	98.0%	56.0%	Not available

2.95 Sheffield’s family court performance in relation to these targets is good and has been consistently so. Inspectors found that all family staff were fully aware of these targets. Considering the long-standing delays in report production by Cafcass for private law cases, it is an excellent achievement by Sheffield family courts that they are meeting their private law target. In both adoption and public law work, Sheffield family courts exceed England and Wales total average performance. In public law work, Sheffield exceeds the national target and its performance is nearly 20% better than the England and Wales average, which is excellent.

<sup>24</sup> Data from HMCS Performance Database.

- 2.96 Inspectors found that there was close monitoring of performance targets. At a Section Manager level the daily workload is examined and staff reshuffled to manage work priorities. Performance is also monitored and discussed at the Local Family Justice Council (LFJC) and Family Court Business Committee and at the Court's Board.
- 2.97 Inspectors found that service user issues outlined in this report had been highlighted within Sheffield family courts own user surveys but that this service user feedback had not been used to inform business planning or improve services.
- 2.98 Inspectors found that a national HMCS method of checking customer service standards called a Customer Experience Self Assessment (CESA) had been carried out at both courts in January 2008. One CESA had identified weaknesses in customer service standards and the court had put in place an appropriate action plan to address these failings. Neither CESA had identified that the noticeboards in the courthouses were not complying to HMCS standards, although it is a standard to be checked.

### HMCS Area and Region

- 2.99 At an Area and Regional level of management, Inspectors found that strategies to give a better service to family court users were being put in place, although these were at an early developmental stage and were not currently realising benefits to service users. These included:
- at an Area level, a strategy to integrate the administration of family work carried out by the FPC and FHC
  - a draft Regional Family Business Strategy. This strategy has been devised by the North East Region Family Delivery Group in support of the President of the Family Division's Framework and the Public Law Outline, in consultation with the judiciary. The strategy is being monitored both regionally and by the national Family Business Programme.

### Mediation

- 2.100 One of the national and local Area HMCS targets is:

*"To have further encouraged families to have resolved issues themselves through providing in-court conciliation or directing parties to mediation where it is appropriate and safe to do so, ensuring timely resolution of the dispute."*

- 2.101 At Sheffield family courts, Inspectors found that there were no in-court conciliation schemes set up and parties were not actively directed to the National Mediation Helpline.
- 2.102 Inspectors found that the Judiciary and the FHC Court Manager had tried to set up a mediation scheme but, because there was no specific funding available from the CLS, were unable to do so.

**2.103** Recently, Cafcass has been leading on an initiative that sets out procedures for early intervention in private law proceedings. The courts and a local mediator have been included in discussions. Unfortunately, this scheme was to be in place by 1st February 2008 but has been delayed pending the finalisation of arrangements with Cafcass. At the time of inspection, no launch date had been confirmed. Mediation can be quicker – ‘taking on average 110 days opposed to 435 days for a non-mediated case’<sup>25</sup> and it can help prevent court battles because families reach and keep agreements themselves on a voluntary rather than imposed basis.

**2.104** Inspectors found that the family courts have not set up referrals to local mediators or given information to service users about local mediation services. Such action may help to alleviate private law caseloads for the courts and Cafcass and, most importantly, give service users a choice.

### Stakeholder engagement

**2.105** Inspectors found that all professionals (i.e. local authority, Cafcass, solicitors, barristers, etc) said that relations with the family courts were good. At Sheffield, the Local Family Justice Council is combined with the Family Court Business Committee (FCBC) and joint meetings take place. The committee has a broad membership that contains members as listed above and also a medical professional, a mediator and a representative from the police. Inspectors found that members felt that combining the two groups to form one committee had been beneficial and had helped to resolve problems around the day-to-day running of family work. It also provided for a ‘culture of openness’ whereby all types of issues could be raised and resolved.

**2.106** Inspectors found that, in recent months, the committee had sponsored training for medical experts. In light of recent media coverage, national confidence among expert witnesses for appearing in court has reduced, which impacts on service users. It can take longer for a family case to proceed if there is difficulty in obtaining an expert witness to appear in court. A paediatrician led the open day training, which was available to a wide range of practitioners. It was primarily focused on improving the understanding and confidence of paediatricians giving expert evidence. The event was welcomed and reported as being successful.

### Equality

**2.107** Inspectors found that all staff had received diversity training, but this was some time ago and no refresher training had been delivered. As a national organisation, HMCS does not monitor sex, ethnicity etc of family cases so it cannot be sure that all service users are being treated fairly and equally. Sheffield family courts, therefore, cannot assure themselves that they meet the needs of their service users in regards to equality – the Race Relations (Amendment) Act 2000 requirement.

**2.108** A draft Humber and South Yorkshire Area Diversity Action Plan has as its first objective, to ‘Have a clear view of the diverse community make-up in the Area’.

**2.109** Unless sex, ethnicity, etc, details are recorded for service users using the family courts, this objective cannot be achieved. Inspectors would encourage HMCS to take steps to comply with the draft action plan and to meet its legal requirements.

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<sup>25</sup> Delivering a Step Change in Performance: National Standards, Consistently Applied – HMCS.

## Staff training

- 2.110 Inspectors found that all staff at the Sheffield family courts were aware of their performance targets. In the case of family work that involved children, they were also able to show who was central to the work: “*The child is the priority and should be afforded due consideration*”.
- 2.111 Inspectors found that Sheffield family courts have good systems in place to teach staff how to administer family work that includes a structured training plan when a member of staff joins a family work team.
- 2.112 Inspectors also found that not all staff were familiar with the national HMCS Café<sup>26</sup> system. This system sets out procedures for capturing oral and written feedback (complaints and praise). Inspectors were concerned that oral feedback was not being recorded. An example of this was a member of staff who had received flowers and a card from a service user to say thank you for their help. This was not recorded anywhere and the staff member did not receive any recognition for their good service.
- 2.113 Inspectors also found that not all staff knew what should be classed as a verbal complaint with the result that not all complaints were being recorded. Inspectors were particularly concerned that at both Sheffield family courts, there were no ‘I want to complain’ leaflets available in the waiting areas – only at the family counters.

### As part of Recommendation 3

Feedback procedures and the use of this information to inform business planning.

## Conclusion

- 2.114 HMCS has been invited to provide an action plan to address the recommendations made in this report and a copy is attached at Annex B.

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<sup>26</sup> HMCS Café system – HMCS Complaints and Feedback Evaluation System.

# Glossary

<b>Advocate</b>	Professional person who represents a service user in court
<b>CAB</b>	Citizens Advice Bureau
<b>Cafcass</b>	Children and Family Court Advisory and Support Service
<b>CESA</b>	Customer Experience Self Assessment
<b>CLS</b>	Community Legal Service
<b>Courts Board</b>	Body that scrutinises, reviews and makes recommendations about the way in which courts are being run in its Area
<b>DCSF</b>	Department for Children, Schools and Families
<b>FCA</b>	Family Court Advisor
<b>FHC</b>	Family Hearing Centre
<b>FPC</b>	Family Proceedings Court
<b>HMCS</b>	Her Majesty's Courts Service
<b>HMICA</b>	Her Majesty's Inspectorate of Court Administration
<b>Ligature point</b>	Feature that a prisoner could use to self-harm or harm others
<b>Litigant</b>	Person/party involved in a legal case
<b>LFJC</b>	Local Family Justice Council – body that promotes an inter-disciplinary approach to the needs of family justice
<b>Mediation</b>	Process for resolving disagreements in which an impartial third party (the mediator) helps people in dispute to find a mutually acceptable resolution
<b>Ofsted</b>	Office for Standards in Education, Children's Services and Skills
<b>Order</b>	Written legal decision
<b>PSA</b>	Public Service Agreement
<b>PLO</b>	Public Law Outline
<b>Service users</b>	Parties, children of parties and significant other family/friends in family proceedings
<b>Sheffield family courts</b>	Sheffield Family Proceedings Court and Sheffield Family Hearing Centre
<b>Youth court</b>	Criminal courts for youths

# Annex A

SHEFFIELD FAMILY PROCEEDINGS COURT

Castle Street, Sheffield, S3 8LU

Telephone: 0114 2521816 Fax: 0114 2521817

## A directions appointment

Information for Parents and other people concerned:

- What is it?
- What is it for?
- What will happen?

### What is it?

A court hearing called a directions appointment has been arranged in connection with an application under the Children Act 1989. It is important that you attend this appointment, even if it was not you who made the application to the court. This is because everyone who has a genuine interest in the welfare of a child should be available to take part in decisions about that child's future.

This hearing will begin the preparation for final decisions about the child's future.

### What is it for?

The Children Act 1989 says that the most important factor in deciding about arrangements for children is what will be best for them. The interests of the adults involved may have to take second place.

Courts will not make orders about children unless that will benefit the children. The court will first of all try and find a way to help the adults in the children's lives to agree the decisions for themselves.

Agreed arrangements are likely to be better for the children than arrangements imposed by court order. The court expects you to try hard to reach agreement, however difficult that seems at the moment. You may need help to do this. Many people do.

The court will assist you to get that help.

## What will happen?

At the directions appointment, you will meet a CAFCASS officer (court welfare officer) who will interview you and the other party or parties; preferably together, unless there is some particular reason why not. The CAFCASS officer's job is to advise the court on what needs to be done to work towards a decision about the child or children. For example, the advice may be: whether it seems that agreement can be achieved, whether there needs to be a more detailed investigation and report, what any report should cover, whether a full hearing is needed urgently.

Sometimes, after talking to the CAFCASS officer, parties are able to reach agreement and the case need go no further.

Maybe, with more time and some help (perhaps from a conciliation service) the parties will be able to agree about the best arrangements for the children. In that case the directions appointment may be adjourned to another date.

In other cases, the court asks for a formal CAFCASS officer's report to be prepared but adjourns to a further directions appointment when it can be considered. Often, the report helps the parties to understand each other's point of view and to agree what is best for the children.

In a few cases, when agreement seems unlikely, the court may decide that a full hearing needs to be fixed without another directions appointment. Even in these cases, quite often the parties come to an agreement by the time the hearing date arrives.

## Solicitors

If you ask a solicitor to come with you to the directions appointment, he or she will help you understand what is happening and, if necessary, will explain your point of view to the court. Your solicitor will not usually be with you during the interview with the CAFCASS officer.

If you have legal aid, it will probably pay for your solicitor's attendance. It is not essential to be represented by a solicitor.

Directions appointments are informal.

# Annex B

## HMCS action plan

### Recommendation 1

Sheffield family courts take action to make sure that staff are proactive in providing service users with information and guidance specific to their needs, including:

- signposting service users to organisations that can provide legal advice or other forms of suitable help
- provide details and help about the HMCS website
- make sure information and guidance are readily available
- providing Parenting Plan booklets with every C1 form.

#### Overall Sheffield family courts' response:

- The Sheffield family courts will review the leaflets and information to be sent to the parties and displayed at Court to improve accuracy and choices.
- The Sheffield family courts will work together in consulting other courts which offer a mediation service to its customers.
- The Sheffield family courts will discuss their findings with the LFJC and take action accordingly.

### Recommendation 2

Sheffield family courts put in place actions to comply with the national objective:

*“Provide a knowledgeable, personalised and readily accessible service, keeping users informed about the progress of their case.”*

Actions are also taken to provide regular updates to service users on their day at court.

#### Overall response:

- In the absence of any National IT System to inform customers of waiting times, the Family Hearing Centre will increase its resources to give a customer focused service by appointing additional ‘front of house’ staff and giving tailored job objectives & customer service training.
- The Sheffield courts will monitor waiting times in June and November 2008 and will analyse the results in co-operation with the LFJC/FCBC.
- The Sheffield courts will agree procedures and clarify roles with CAFCASS regarding the circulation of information to parties.

### Recommendation 3

Sheffield family courts take action to make sure that the standards of service outlined in the Family Courts Charter are provided, with particular attention given to:

- familiarisation visits to court
- use of video conferencing facilities
- feedback procedures and the use of this information to inform business planning.

#### Overall response:

- The Sheffield family courts will improve the supply of information to customers on facilities.
- The Area Office will ensure that results of all surveys will be fed into business planning at local management level and Area level.

### Recommendation 4

Sheffield family courts take immediate action to make sure that:

- all safety and security risks for family court users (including those in custody) are fully identified, managed to minimise risks
- systems are in place to provide Senior Management with assurance that standards are always met, with particular reference to the care of victims of domestic abuse
- systems provide swift action when alleged harm to children is highlighted.

#### Overall area response:

- The Sheffield family courts will improve security at the FHC.
- Risk Assessments will be carried out at both Family Courts and all joint inspections will be copied to the Area Director.
- The Sheffield family courts will raise the profile and care of victims of domestic abuse.

# Annex C

HMICA's report on Domestic Violence, Safety and Family Proceedings (October 2005) contained recommendations addressed to CAFCASS (1 - 5) and to HMCS (6 - 11).

The recommendations to HMCS are reproduced here, along with its responses and targets for implementation.<sup>27</sup>

## HMICA recommendations to HMCS

### Recommendation 6

That, in order to improve its care of court users, HMCS should:

- ensure that the information sent to family court users before they attend court includes details of the facilities that may be available for vulnerable parties such as survivors of domestic violence.

Overall HMCS response i.e. HMCS will:

- publicise the availability of facilities (through information leaflets and a list - such as the one that exists for video conferencing facilities - at each court) to stakeholders e.g. children's lawyers and advise them on how to inform relevant clients
- carry out a sample survey with local solicitors (via Resolutions) and / or Court User Groups to cross-check if they have seen the 'Special Facilities' poster and if they have ever asked and had access to 'special facilities'
- implement a system for early identification of cases where special facilities might be needed, prompting a 'trigger' system on application whereby all courts (county and FPCs) will automatically notify the vulnerable or intimidated party (applicant or respondent), or their legal representative, of special facilities available locally.

Overall improvement target:

All court users (legal representatives and parties in person) know what 'Special Facilities' are available at the court they are attending and how to access them, or seek an alternative venue.

By (date): June 2006

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<sup>27</sup> Source, [http://www.hmcourts-service.gov.uk/cms/files/hmica\\_action\\_plan\\_overall\\_response\\_1005.pdf](http://www.hmcourts-service.gov.uk/cms/files/hmica_action_plan_overall_response_1005.pdf)

## Recommendation 7

That, in order to improve its care of court users, HMCS should:

- develop and implement domestic violence policies that address the availability and use of facilities for vulnerable or intimidated parties in family law cases.

Overall HMCS response i.e. HMCS will:

- develop HMCS national strategy and standards on treatment to be applied in all courts where a case involves domestic violence, building on the established systems for the treatment of victims in the criminal courts and the outcomes of the consultation on the Victims Code of Practice, and linked to the development of specialist family centres. Strategy to include, among other things a 'prompt' to transfer cases so that they may be heard at courthouses across the estate that have special facilities for vulnerable and/or intimidated parties
- promote video conferencing facilities now available in the Care Centres and Magistrates Courts to re-enforce the message that these facilities may be offered, **as a matter of course**, in any family case application where domestic violence is alleged, as long as local facilities allow
- follow up the 'Special Measures' mapping exercise and write again to all county courts to ask if they are displaying the 'Special Facilities' poster and distribute posters for display in FPCs.

Overall improvement target:

All family courts apply a consistent approach to informing and providing special facilities.

By (date): 31 March 2007

## Recommendation 8

That, in order to improve its care of court users, HMCS should:

- take steps to ensure an appropriate balance is maintained between safety and service delivery through the use of robust risk assessment procedures.

Overall HMCS response i.e. HMCS will:

- HMCS Estates Directorate will review current departmental health and safety policies and risk assessments and consider appropriate training for court staff in light of that review
- consult with court staff, ushers, security/reception staff, judiciary, court user groups and HMCS Estates as well as DV survivors (and representative bodies – WAFE, Refuge, etc) – locally and nationally – to assist in identifying areas of vulnerability in court buildings
- develop instructions to be issued to courts to try to avoid parties leaving chambers unescorted, or at the same time
- establish the extent to which court located interview room(s) have panic button facilities or staff have personal attack alarms

- liaise with senior judiciary and/or Court User Group on how vulnerable court users might be directed' to 'safe seating'
- consider adopting existing, and/or developing new, videos, CD-Rom, website virtual resources, for the family court scenario - for example, the video used for Jurors to familiarise them with the court setting; a 'virtual courtroom' for criminal courts; video being developed in Northern Ireland; and target user groups where there is a demand (eg specific BME groups).

**Overall improvement target:**

A national risk assessment procedure is operated across the court estate.

By (date): 31 March 2006

### Recommendation 9

That, in order to improve its care of court users, HMCS should:

- a) identify the management information required to:
  - establish the number of cases that involve domestic violence
  - establish the demand for support from survivors
- b) identify how such information will be used to improve service delivery
- c) collect and use the information systematically to improve service delivery.

Overall HMCS response i.e. HMCS will:

- continue to collect data from new Gateway forms to establish number of Section 8 cases that involve any form of domestic abuse
- evaluate that information together with qualitative research planned
- consider use of court user surveys and other methods of engaging with survivor groups to improve service
- pilot an Integrated Domestic Violence Court.

**Overall improvement target:**

To have effective monitoring systems in place to capture accurate information on DV related cases in the family courts.

By (date): March 2007

## Recommendation 10

That, in order to improve its care of court users, HMCS should:

- develop organisational links with national and local community groups to improve its understanding of the particular difficulties faced by survivors of domestic violence from ethnic minority backgrounds in accessing the family justice systems.

Overall HMCS response i.e. HMCS will:

- establish, via the DV Advisory Group or the mapping exercise a named contact at each county court/court user group to facilitate the exchange of information to and from the DVAG
- establish best practice among Chartermark courts
- back up awareness with article(s) in 'Hearsay' and/or 'In Court' – re-circulate Terms of Reference
- highlight this issue in FJC conferences on DV.

Overall improvement target:

Disseminate best practice guidance on the development of community links.

By (date): March 2006

## Recommendation 11

That, in order to improve its care of court users, HMCS should:

- provide appropriate training to assist staff in gaining a greater understanding of domestic violence and its impact on survivors.

Overall HMCS response i.e. HMCS will:

- carry out a Training Needs Analysis for events such as those delivered to Crown Courts (eg 'Dealing with Vulnerable Witnesses & Victims') and other events for security staff and court staff
- carry out a mapping exercise to establish other examples of where judges, staff and other agencies have designed and carried out joint training events and/or published guidance
- highlight successes and best practices from the evaluation of Specialist DV Courts for incorporation into listing officers' training to provide examples of ways to prioritise DV cases
- investigate the feasibility of adapting the existing criminal court training on "Vulnerable and Intimidated Witnesses" to suit the family courts
- investigate the processes for passing best practice examples of staff training material to the Judicial Studies Board for information
- engage court staff (including HM Courts Service Estates) in the delivery of awareness training

Overall improvement target:

- all new [family court] staff undergo DV Awareness [& Safety] Training within one year of joining
- all existing [family] court staff undergo DV Awareness [& Safety] Training.

By (date): Rolling programme for new staff/March 2007 for existing staff.



# Annex D

## HMICA methodology

The inspection of the experience of service users during family court proceedings was a pilot inspection for HMICA and was planned to help inform the methodology for future HMCS Area family inspections.

Prior to the inspection, HMICA wrote to family court users (including children and young persons) that had used Sheffield family courts. The response to the survey is as follows:

- 38 Private law
- 14 Public law
- 30 Adoption
- 34 Divorce
- 18 Children and young persons.

Before the inspection, we also asked Sheffield family courts to give us pre-inspection information and a self-assessment of their performance in relation to the family work to be inspected. Inspectors gathered further evidence from professional users, Judiciary and HMCS staff via telephone interviews, questionnaires and face-to-face interviews. The inspection fieldwork period lasted one week and was carried out between 18 and 22 February 2008.

Sheffield family courts willingly co-operated and supported the family inspection.

