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Kingston Upon Hull

Family Courts Report

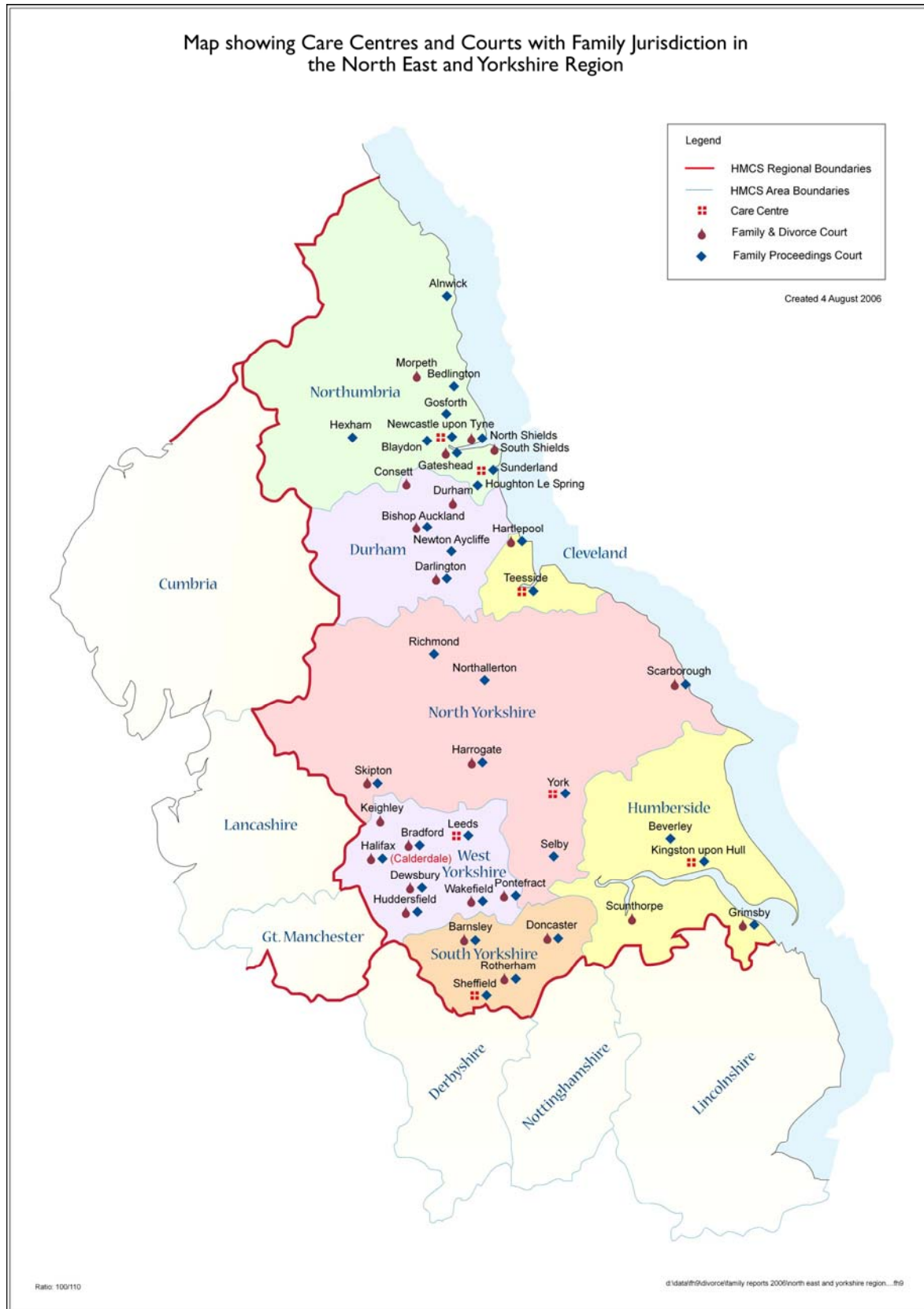
April 2005 - March 2006

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Kingston Upon Hull Family Group
Annual Report by the Designated Family Judge and Regional Director

Area Profile



Introduction

1. High Court

The High Court Centre for the Humberside area is situated at Sheffield or Leeds. High Court Judges have attended Hull on an ad hoc basis for specific cases. In this financial year a High Court Judge has sat for 15 days. No High Court sitting days are specifically allocated.

2. County Court

The Area has three County Courts, being Hull, Grimsby, and Scunthorpe. Hull is the Care Centre for the area, although by agreement with the parties and judiciary, public law cases originating from the South Bank are routinely listed at Grimsby. The sitting pattern last year allowed for 69 Circuit Judge days at Grimsby. The Grimsby District Judge holds a care ticket and deals with first appointments, CMC's and routine direction hearings at Grimsby.

The Care Centre sat 308 District Judge days and 385 Circuit Judge days on family work. In public law matters, the District Bench deals with first appointments, some CMC's and some contested interim care orders. The District Bench exercises concurrent responsibility in private law matters, dealing with all direction appointments and contested matters less than two days as required. Private law matters over two days are listed before the Circuit Bench subject to listing considerations.

Hull has three District Judges, Grimsby and Scunthorpe have two shared between the two Courts. The area has seven Circuit Judges of whom five have family jurisdiction. The two South Bank Circuit Judges are based at Grimsby, the three remaining Circuit Judges are based at Hull. All Circuit Judges have retained the previous sitting patterns with South Yorkshire.

Grimsby has two District Bench chambers and three courts, traditionally, two for crime and one for civil/family. Hull has three District Bench Chambers and now has seven courts. Within this last financial year funding was made available for a downstairs room to be converted into a Court used mainly by the District Bench. The seven courts are split into four for criminal sittings and three for civil. Two Courts have the capability for video link and a third court has facilities for an internal video link. There are concerns as to the District Bench waiting room which on a busy family day can become crowded which has resulted in volatile situations arising. The waiting room is however close to security.

3 Family Proceedings Courts

There are 3 Family Proceedings Court Panels within the Area:

- A Combined Panel for the East Yorkshire Area;
- A Panel for Hull;
- A Combined Panel for the Grimsby and Scunthorpe areas.

The respective Panel sizes are approximately:

East Yorkshire	-	35 Magistrates;
Hull	-	65 Magistrates;
Grimsby and Scunthorpe	-	50 Magistrates.

There is a reasonably good mix of male and female members, but historically it has always proved a little difficult to recruit male members who are able to sit for the longer cases. Inevitably therefore, those males on the Panels who can offer that availability are often called upon to sit quite frequently.

Kingston Upon Hull

It covers the following Local Authorities:

1. Hull City Council
2. East Riding of Yorkshire Borough Council
3. North Lincolnshire County Council
4. North East Lincolnshire County Council

Kingston Upon Hull is the Care Centre based at the The Combined Court Centre, Lowgate Kingston-upon-Hull, has four family hearing centres situated at Hull Magistrates Court, Grimsby and Scunthorpe Magistrates Courts, and Beverley Magistrates Court, and has 3 County Courts

Key Players in Kingston Upon Hull

His Honour Judge MT Cracknell	Designated Family Judge for Kingston-Upon-Hull
Steven Caven	Regional Director, HMCS
Dyfed Foulkes	Area Director, HMCS
Philip Holden	Clerk to the Justices for Humber Area
Phil Bray	Operations Manager for Humberside
Barry Hunter	County Court Manager
Jane Warcup	County Court Divisional Court Manager
Leah Scarpati	Family Section Manager
Penny West	Family Justice Council Administrator

County Court		
Name of Court	Type of Jurisdiction	Name of Court Manager
Hull Combined Court Centre	Full Family Jurisdiction	Barry Hunter
Grimsby Combined Court Centre	Divorce and Family Hearing Centre	Sharon Booth
Scunthorpe County Court	Divorce and Family Hearing Centre	Mary-Ann McElhinney

Family Proceedings Court			
Name of Panel	Name of Court	Name of Bench Legal Manager	Name of Bench Chair
Hull East Yorkshire Grimsby Scunthorpe	Hull East Yorkshire Grimsby Scunthorpe	Karen Clark Thelma Brown Mike Draper Mike Prudom	Mrs WE Thomas JP Mr RA Cousins JP) Mrs J Ellerton JP)

Judicial Availability in the Area

Designated Family Judge – His Honour Judge MT Cracknell

i) Section 9 Family Authorisations

Designation	Name	Location	Sitting time On Family (%)	Comments
HHJ	Cracknell	Hull	60+	DFJ and holds Class 1 crime ticket, Chairman of FJC
HHJ	Dowse	Hull	50	Magistrates Liaison officer, and chairman of delay sub-committee

ii) Circuit Judges and Deputy Circuit Judges with Family Authorisations

Designation	Name	Location	Sitting time On Family (%)	Comments
HHJ	Jack	Hull	30	AR Appeals Judge and member of Courts board
HHJ	Reddihough	Grimsby	20	Resident Judge
HHJ	Hull	Grimsby	30	Probation Liaison Judge

iii) Recorders with Family Authorisations

Designation	Name	Location	Sitting time On Family (%)	Comments
Barrister	Collier QC	Hull	100	8 specific days
Barrister	Walker	Hull	100	I day case
Barrister	Miller	Hull	100	I day case

iv) District Judges and Deputy District Judges (retired) with Family Authorisations

Designation	Name	Location	Sitting time On Family (%)	Comments
DJ	Weston	Hull	40	
DJ	Robinson	Grimsby	40	
DJ	Besford	Hull	40	IT Liaison Judge, Regional Cost Judge, chairman of mediation sub-committee
DJ	Buxton	Hull	40	
DJ	Chesterfield	Scunthorpe	40	

v) Number of Magistrates who are members of each Panel sitting in Family

Name of Panel	Number of Magistrates	Locations of Family Proceedings Courts	Comments
East Yorkshire	35	Beverley, Bridlington and Goole	
Hull	65	Hull	
Grimsby and Scunthorpe	50	Grimsby and Scunthorpe	

vi) Justices Clerks and Legal Advisors

Designation	Name	Location	Sitting time On Family (%)	Comments
Bench Legal Manager	Mrs T Brown	East Yorkshire	35	
Principal Assistant	Mr N Marquis	--do--	25	
Legal Advisor	Mrs C Stokes	--do--	35	
--do--	Miss S Cooke	--do--	25	
--do--	Mrs S Scott	--do--	25	
--do--	Miss J Simpson	--do--	25	
Bench Legal Manager	Karen Clark	Hull	10	
Principal Assistant	Paul Wilmer	--do--	10	
--do--	Sandra Twigger	--do--	10	
--do--	Jim White	--do--	10	
Legal Advisor	Sophie Boon	--do--	10	
--do--	David Eade	--do--	10	
--do--	Julia Garforth-Brown	--do--	10	
--do--	Louise Markham	--do--	10	
--do--	Debbie Williamson	--do--	10	
Bench Legal Manager	Mike Draper	Grimsby	4	
Legal Advisor	Lockwood	--do--	9	
--do--	Steele	--do--	8	
Acting Principal Assistant	Townell	--do--	10	
Bench Legal Manager	Mike Prudom	Scunthorpe	1	
Principal Assistant	David Kaye	--do--	12	
Legal Advisor	C Hourigan	--do--	14	
--do--	G Siddall-Butchers	--do--	10	
--do--	S Wilcox	--do--	14	

Judicial Sittings and Courtroom Availability

	Circuit Judges/Recorders	District Judges
Allocation	458	1070
Profile to Mar 2006	510	1220
Actual	565	1259

	Profile	Actual
Family High Court Days	Nil	15
Family Circuit Judge Days	408	454
Family District Judge Days	488	503
BMS Hours (Apr05 – Mar06) - Humberside	73267	84453

County Court

COURT	DISTRICT JUDGE DAYS PATTERNED TO FAMILY WORK	CIRCUIT JUDGE DAYS PATTERNED TO FAMILY WORK
Hull	Injunctions and urgent family work as required. Three District Judges every Thursday and Friday. 1 st appointments with CAFCASS and mediator each Thursday. Lengthy private law hearings as necessary	Two Courts per week are fixed with family work with Judges transferring to Crime when settlements allow.
Grimsby	Injunctions and urgent family work as required. 1 st appointments are listed each Monday, with CAFCASS, and the first week of each month is dedicated family time. Other time is made available as and when necessary.	Every other week
Scunthorpe	1 st appointments are listed every alternate Tuesday and a further 7 days a month are listed with further family work. Contested cases over half a day are sent to Grimsby to be heard.	None - Cases are heard at Grimsby

Magistrates' Court

COURT	DISTRICT JUDGE DAYS PATTERNED TO FAMILY WORK	LAY MAGISTRATES' DAYS PATTERNED TO FAMILY WORK
East Yorkshire	None	At Beverley – Every 1 st and 3 rd Mondays with additional directions Courts every 2 nd and 4 th Thursdays At Bridlington – Every 1 st , 3 rd and 4 th Wednesdays At Goole – Every 2 nd and 4 th Mondays Plus any 2 or 3 day cases being set up as 'specials' and averaging twice per month within the Clerkship
Hull	None	A Family Court sits every day with an additional directions Court every Wednesday PM
Grimsby	None	Every Wednesday with additional 'specials' as and when necessary
Scunthorpe	None	A Family Court sits every Monday and Tuesday to hear final hearings and a further Court on Fridays for direction hearings and miscellaneous applications

General commentary from Designated Family Judge and Regional Director

Judiciary

Public Law:- The area continues to have a high volume of cases, involving concurrent criminal proceedings, complex medical issues and allegations requiring findings of fact hearings. Despite the rise of applications the care centre receives only 58% of cases from the FPC's and this 58% represents all of the difficult, complex, and therefore more likely to be lengthy cases. These complex cases make meeting the target almost impossible and the situation will (and is beginning to- for example as of today, 24th May 06, our next available date for a 5 day care case is 29th January 2007) deteriorate rapidly without an increase in the sitting day allocation for care work. This situation needs urgent action.

The installation of an external video link has greatly assisted in the listing of cases involving expert evidence.

Private Law: The numbers of applications have continued to rise year on year, although through active judicial intervention and the promotion of alternative methods of resolution, the number of final orders made reduces. The area continues to perform well against PSA4 targets.

Summary of Performance

Summary of Orders and Hearings

	Volume	Volume
	Apr 04 - Mar 05	Apr 05 - Mar 06
Total Number of Family Orders Made Public and Private	2236	2081
Total Number of Private Law Orders Made (Parental Responsibility & Section 8 Orders)	1557	1331
Total Number of Public Law Orders (inc Care & Supervision Orders)	44	64
Total Number of other Orders both Public & Private	635	686

Number of cases heard within 40-weeks and outside 40-weeks

Public Law

Court (Per Case)	Number Of Public Law Cases heard within 40 Weeks (Per Case)		Number of Public Law Cases heard Over 40 Weeks (Per Case)		Total Number Of Orders Made (Per Case)		% of Public Law cases heard within 40 weeks	
	Apr 04 - Mar 05	Apr 05 - Mar 06	Apr 04 - Mar 05	Apr 05 - Mar 06	Apr 04 - Mar 05	Apr 05 - Mar 06	Apr 04 - Mar 05	Apr 05 - Mar 06
Great Grimsby	0	0	0	0	0	0	0.0%	0.0%
Kingston-Upon-Hull	21	23	23	41	44	64	47.7%	35.9%
Scunthorpe	0	0	0	0	0	0	0.0%	0.0%
Kingston-Upon-Hull Total	21	23	23	41	44	64	47.7%	35.9%

Private Law

Court (Per Case)	Number Of Private Law Cases heard within 40 Weeks (Per Case)		Number of Private Law Cases heard over 40 Weeks (Per Case)		Total Number Of Orders Made (Per Case)		% of Private Law Cases heard within 40 weeks	
	Apr 04 - Mar 05	Apr 05 - Mar 06	Apr 04 - Mar 05	Apr 05 - Mar 06	Apr 04 - Mar 05	Apr 05 - Mar 06	Apr 04 - Mar 05	Apr 05 - Mar 06
Great Grimsby	321	301	110	72	431	373	74.5%	80.7%
Kingston-Upon-Hull	637	593	208	91	845	684	75.4%	86.7%
Scunthorpe	231	231	50	43	281	274	82.2%	84.3%
Kingston-Upon-Hull Total	1189	1125	368	206	1557	1331	76.4%	84.5%

Comments

Factors thought likely to affect the workload in the foreseeable future

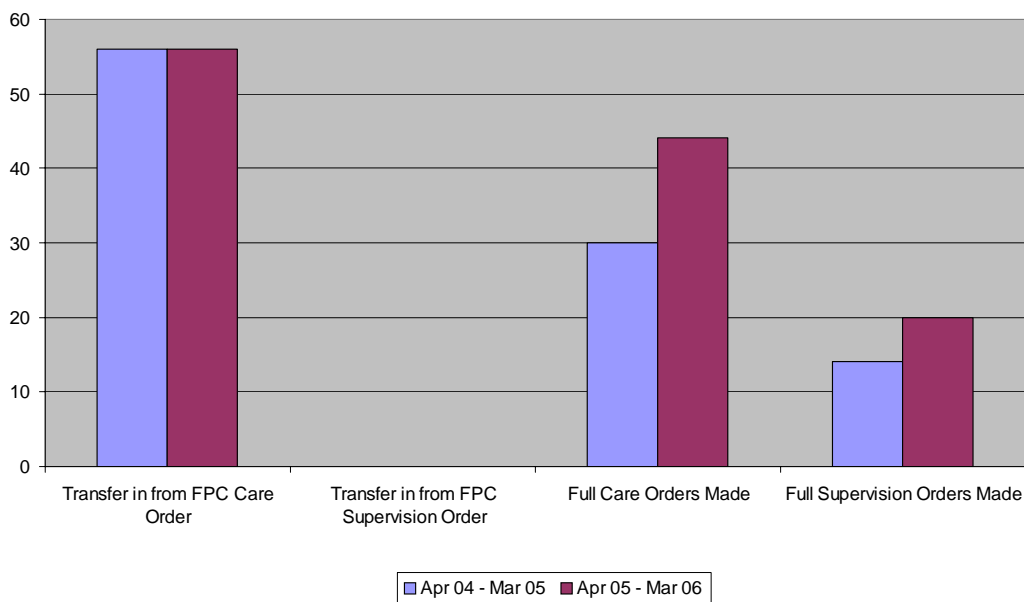
Limit on CJ sitting days. Expansion of private law mediation appointments and impact upon listing

Breakdown of Caseload by Jurisdiction

Public Law

Nature Of Application	Volume	Volume
	Apr 04 - Mar 05	Apr 05 - Mar 06
Transfer in from FPC Care Order	56	56
Transfer in from FPC Supervision Order	0	0
Full Care Orders Made	30	44
Full Supervision Orders Made	14	20

Transfer in from FPC and Orders made



Public Family Law

Public Law - Discharge (section 39) and Contact (section 34)

Description Per Child	Application		Order	
	Apr 04 - Mar 05	Apr 05 - Mar 06	Apr 04 - Mar 05	Apr 05 - Mar 06
Discharge Care Order (s39)	13	1	9	7
Discharge Supervision Order (s39)	0	0	0	0

Contact (s34)	8	5	4	0
Refuse Contact (s34)	2	3	12	5

Comments

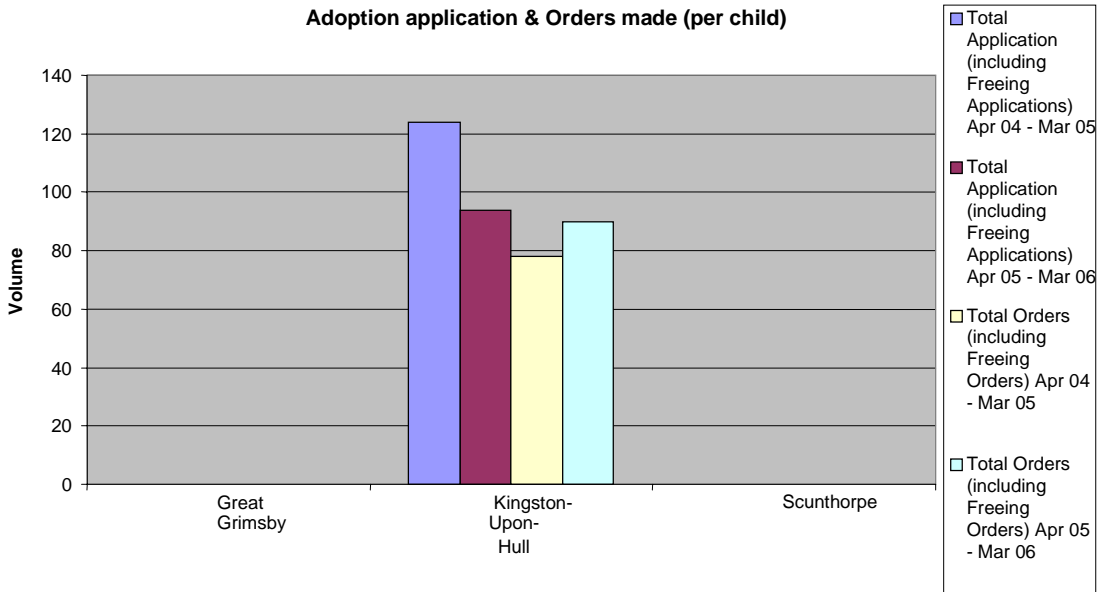
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Adoption

Adoption and Freeing Applications & Orders (per child)

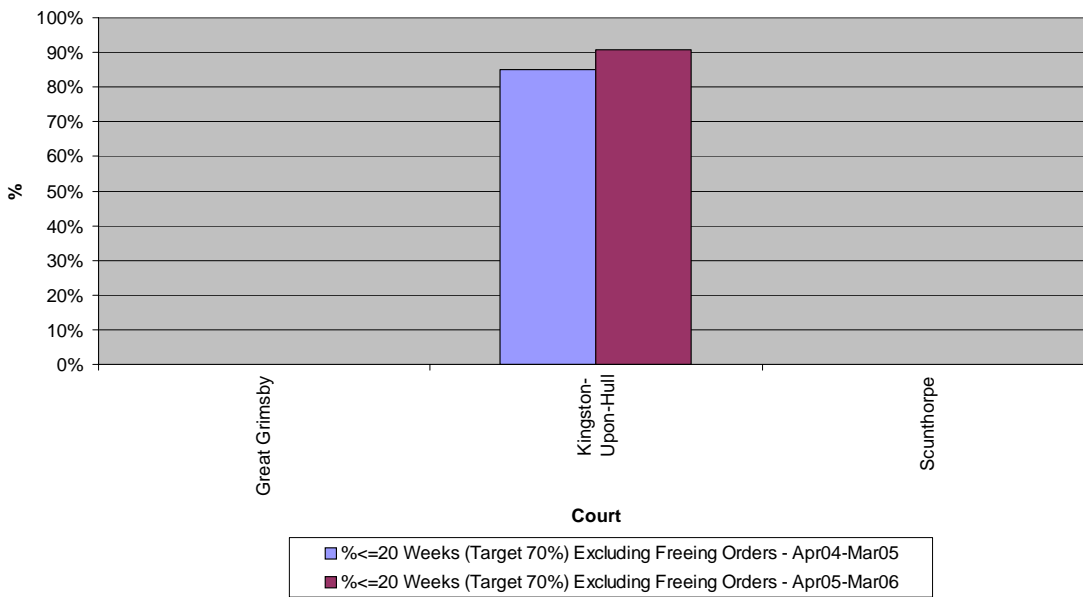
Court	Total Application (including Freeing Applicatons)		Total Orders (including Freeing Orders)		% of Orders <=20 weeks (Excluding Freeing Orders)	
	Apr 04 - Mar 05	Apr 05 - Mar 06	Apr 04 - Mar 05	Apr 05 - Mar 06	Apr 04 - Mar 05	Apr 05 - Mar 06
Great Grimsby	0	0	0	0	0.0%	0.0%
Kingston-Upon-Hull	124	94	78	90	85.0%	90.7%
Scunthorpe	0	0	0	0	0.0%	0.0%
Kingston-Upon-Hull Total	124	94	78	90	85.0%	90.7%

Adoption application & Orders made (per child)



Courts

Adoption Performance



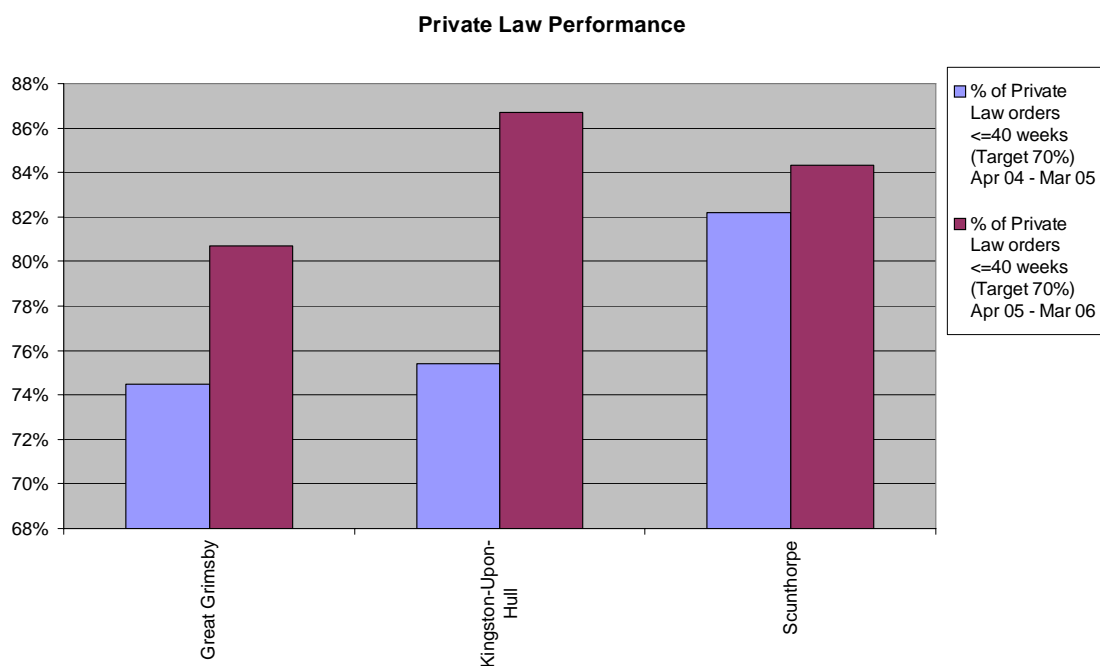
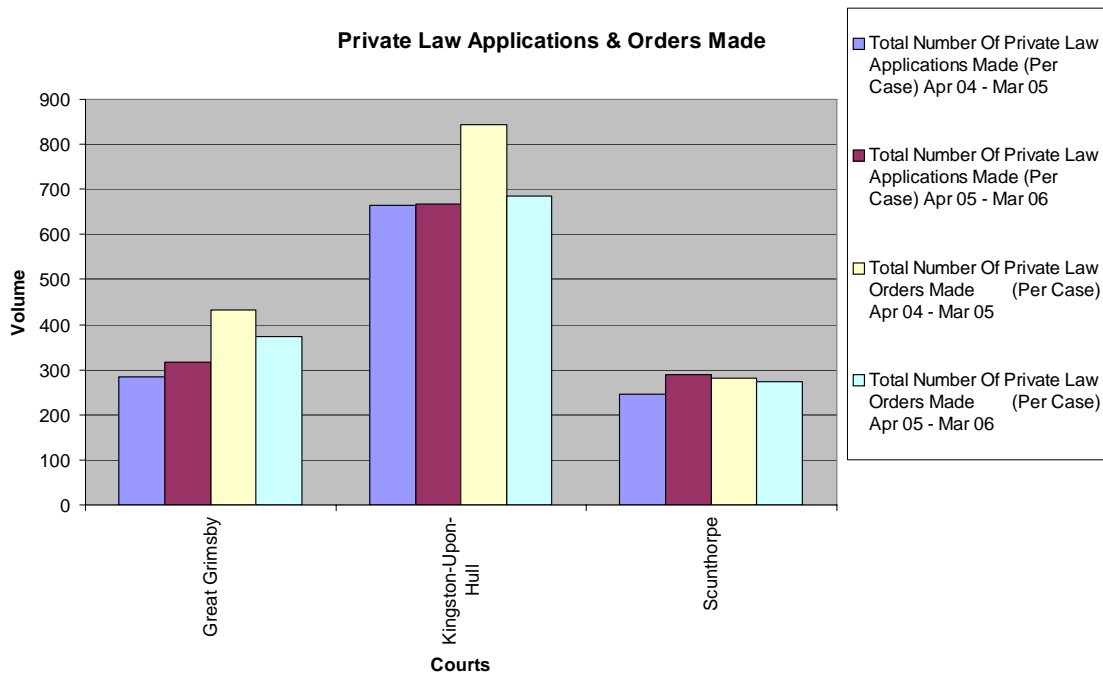
Comments

None

Private Family Law

Private Law

Court	Total Number Of Private Law Applications Made (Per Case)		Total Number Of Private Law Orders Made (Per Case)		% of Private Law orders <=40 weeks (Target 70%)	
	Apr 04 - Mar 05	Apr 05 - Mar 06	Apr 04 - Mar 05	Apr 05 - Mar 06	Apr 04 - Mar 05	Apr 05 - Mar 06
Great Grimsby	284	317	431	373	74.5%	80.7%
Kingston-Upon-Hull	664	668	845	684	75.4%	86.7%
Scunthorpe	246	289	281	274	82.2%	84.3%
Kingston-Upon-Hull Total	1194	1274	1557	1331	76.4%	84.5%



Comments

The District Bench continue to actively promote mediation and other forms of ADR both prior to the 1st appointment through Court produced flyers and at all hearings. The Court has links with CAFCASS and local mediators with facilities being provided on a Thursday. This has led to a reduction in final orders. The provision of an additional court (7) enabled contested interim hearings to be allocated a court date within 7 days with the use of deputies to back fill. The restrictions on the use of Deputies is likely to frustrate this practice and lead to listing periods being extended.

Transfers, Injunctions & Ancillary Relief

Transfer Out of Proceedings both Public and Private Law

Court (Per Case)	Lateral Transfer To County Courts		Transfer Out Down FPC		Transfer Up To High Court	
	Apr 04 - Mar 05	Apr 05 - Mar 06	Apr 04 - Mar 05	Apr 05 - Mar 06	Apr 04 - Mar 05	Apr 05 - Mar 06
Great Grimsby	165	108	4	2	3	1
Kingston-Upon-Hull	46	22	12	6	2	4
Scunthorpe	121	88	0	0	0	3
Kingston-Upon-Hull Total	332	218	16	8	5	8

Family Law Act Injunctions

Description (Per Case)	MIS Volume	Apr 04 - Mar 05	Apr 05 - Mar 06
Issue Family Law Act Injunction	MIS Volume: Includes Occupation Orders & Non Molestation Orders	641	634
Injunction Order - No Power Arrest	MIS Volume: Includes Occupation Orders & Non Molestation Orders	32	22
Injunction Order - Power Of Arrest	MIS Volume: Includes Occupation Orders & Non Molestation Orders	1330	1569

Ancillary Relief

Court	Ancillary Relief Applications		Ancillary Relief Consent Orders	
	Apr 04 - Mar 05	Apr 05 - Mar 06	Apr 04 - Mar 05	Apr 05 - Mar 06
Great Grimsby	480	394	418	116
Kingston-Upon-Hull	815	701	1078	1158
Scunthorpe	360	330	99	136
Total	1655	1425	1595	1410

Area Specific Narrative

a) Facilities -

County Courts

Both Hull CCC and Grimsby CCC are modern purpose built combined court centres and although there is no separate entrance for family parties at either location, the accommodation is good. The addition of Court 7 at Hull has relieved pressures and is more suitable for contested cases than Court 6 has been.

Scunthorpe County court is a minor occupier in a government building run by Dept for Work and pensions and the accommodation is cramped with no disabled access to the District Judges chambers on the First Floor. There is currently an application for funding under consideration to extend the Magistrates Court building in Scunthorpe to accommodate the County Court. The proposed facilities would be a huge improvement and would create opportunities to bring family work closer together. The whole estate is used to good effect and there have been occasions when Circuit Judges have used the Magistrates Courts at Hull and Beverley to hear contested cases when a respondent is in custody.

Magistrates court

i) Hull – The FPC is situated in a modern purpose built PFI building. There is no separate entrance for family court users although the court is situated away from the criminal courts and has its own staircase which no other court users are required to access. There are 3 interview/consultation rooms available and an advocates room within the same area. There are separate toilet facilities and vending facilities are available.

The courtroom facilities are good and a more informal approach is maintained than in the criminal court setting. Good use is made of the estate and courtrooms with schedule listings every day. Arrangements are made for work to be transferred in from other FPCs in order to reduce the risk of delay and arrangements have been made for the County Court to sit when necessary and available. Video link capability is available albeit within the criminal court complex.

ii) Grimsby – Family business is dealt with in Court 5 which is located on the first floor away from all other courtrooms and court business. This Court cannot be accessed directly from a public part of the building. The Court is laid out using moveable furniture and the Magistrates sit at the same level as all other parties appearing in the court. Social services have dedicated accommodation and other rooms are available for consultations between solicitors and their clients.

iii) Scunthorpe – The courthouse was built in the 1950's and underwent extensive refurbishment which was completed in 2004. There is no separate entrance for parties to family proceedings although there is a separate waiting area. One multi-purpose room is dedicated to family hearings. It is situated on the first floor, has an informal layout and is accessible for those with disabilities. There are plans to increase the accommodation to include the County Court, which would create anew style family hearing Centre of the sort envisaged by the Unified Family Court Project. The existence of a combined family panel allows for greater flexibility for cases to be heard between Grimsby and Scunthorpe.

b) Strategy

The County Courts in Humberside have one Care and Adoption centre at Hull. There are no plans to change this as the current arrangement maintains unity of approach and it is sensible to administer these from one Centre. There is a spirit of co-operation between the County court and the Magistrates admin staff and liaison between the Judiciary in the County Courts and the representatives of the FPC's is healthy. All are keen to explore opportunities for a more unified system of working but there no immediate plans to co-locate family work because there are accommodation limitations and there are geographical difficulties. Public transport in some of the more rural parts is not all it could be and, in those circumstances, it is difficult to see how the workload could be centralised more than it currently is, consistent with delivering a good standard of access to justice and customer service to the

public generally.

c) Video Link

There are two usable systems at Hull CCC using ISDN lines and they have proved popular with Advocates and witnesses, particularly with medical experts. One unit is mobile and dedicated to a civil courtroom. The other is fixed in a criminal courtroom.

Similar facilities exist in the Magistrates Courts.

d) Family Justice Council

There have been two successful meetings of the Council, with active sub-committees on delay, domestic violence and mediation. There has been a very successful colloquium on delay involving all interested parties which was well attended and well received.

d) CAFCASS

There has been steady but significant improvements in reporting at the County Courts. In the last 12 months having moved from 12 weeks response times to 10 weeks and very recently to 8 weeks.

The FPCs also report a good service.

The main difficulty encountered is the delay with the appointment of guardians.

e) Protocol

The public law protocol is felt to contain impressive principles but transferring them into practical action has been less than easy. The magistrates court retain some 42% of care work and perform well against the 40 week target. The County Court receive 58% of the care work and performance is well below the national standard.