



Remote hearings in the family justice system: reflections and experiences

Online survey results (part of the follow-up consultation September 2020)



About the survey

Following the outbreak of the COVID-19 pandemic, and the introduction of social distancing measures, the family courts in England and Wales have rapidly adapted to using telephone and video hearings. In light of this significant change, the President of the Family Division asked the Nuffield Family Justice Observatory to undertake a [rapid consultation on the use of remote hearings](#) in the family court. The consultation ran for a two-week period from 14 to 28 April 2020 and well over 1,000 people responded.

The current document presents an overview of online survey results, which are an input to a follow-up rapid consultation process undertaken between 10 and 30 September 2020. 1,306 respondents completed the survey. Findings of the full rapid follow-up consultation (which also includes information from other organisations, and the results of focus groups and interviews undertaken with parents) are available from: www.nuffieldfjo.org.uk/resource/remote-hearings-september-2020

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Acknowledgements

With grateful thanks to all those who took the time to take part in our survey and to share their views and experiences with us.

About the Nuffield Family Justice Observatory

Nuffield Family Justice Observatory (Nuffield FJO) aims to support the best possible decisions for children by improving the use of data and research evidence in the family justice system in England and Wales. Covering both public and private law, Nuffield FJO provides accessible analysis and research for professionals working in the family courts.

Nuffield FJO was established by the Nuffield Foundation, an independent charitable trust with a mission to advance social well-being. The Foundation funds research that informs social policy, primarily in education, welfare, and justice. It also funds student programmes for young people to develop skills and confidence in quantitative and scientific methods. The Nuffield Foundation is the founder and co-founder of the Ada Lovelace Institute and the Nuffield Council on Bioethics.

Nuffield FJO has funded this project, but the views expressed are those of the authors and not necessarily those of Nuffield FJO or the Foundation.

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Overview of survey responses

The graphs below present an overview of responses to Nuffield Family Justice Observatory's online survey of views and experiences of remote hearings in the family court in England and Wales since the outbreak of the COVID-19 pandemic, and the introduction of social distancing measures.

1, 306 people (90% professionals and 10% parents or other relatives) responded to the survey, which was conducted between 10 and 30 September 2020. The survey forms part of a wider [rapid consultation](#) that incorporates information from other organisations, and the results of focus groups and interviews undertaken with parents.

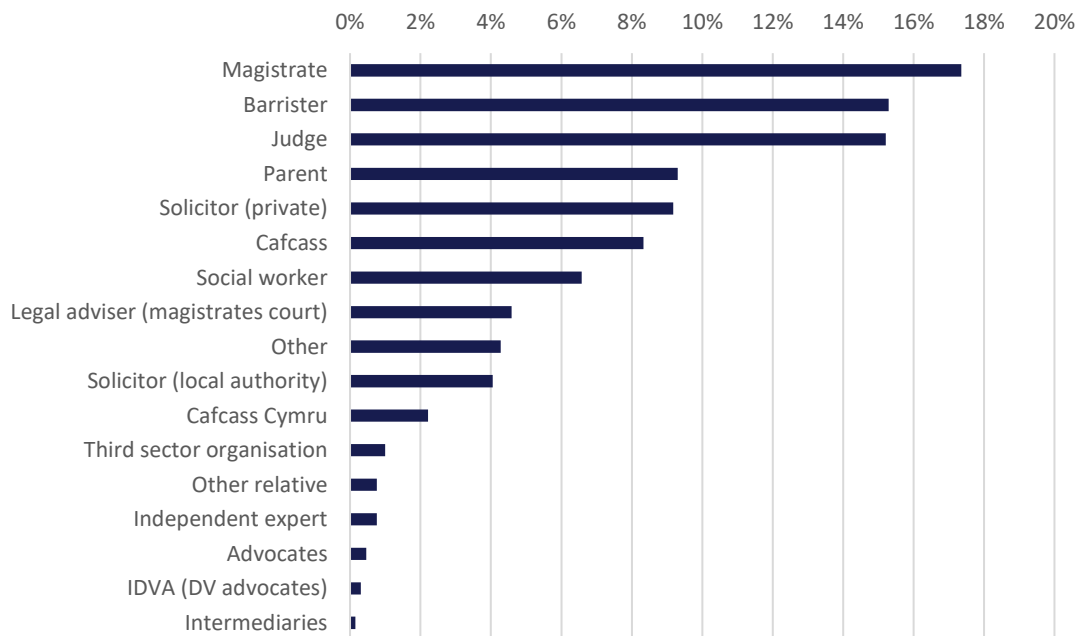
The September survey and consultation follow the [initial consultation](#) that ran for a two-week period in April 2020.

The graphs presented below are organised as follows:

- all respondents
- professionals
- parents and other relatives.

All respondents

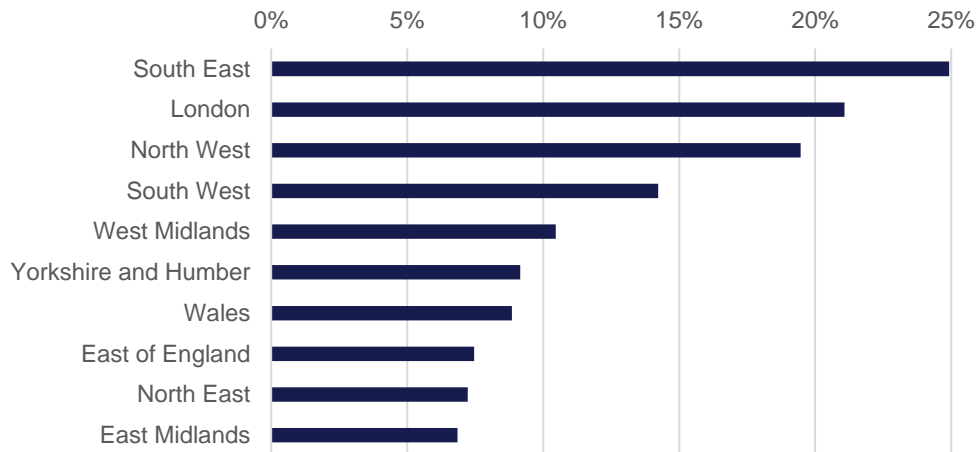
What is your role? (n=1,306)¹



Note: IDVA – Independent domestic violence advisers.

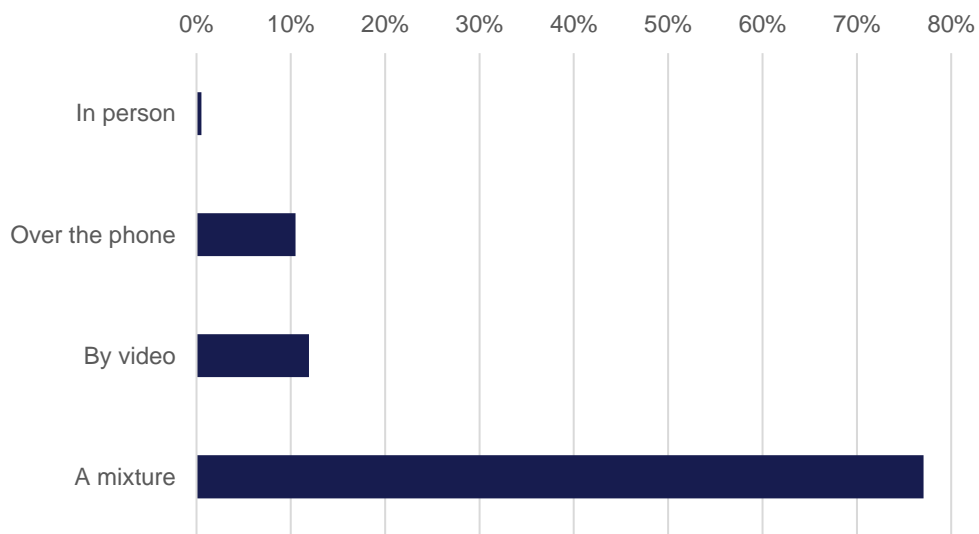
¹ n indicates the number of people that responded to the question.

In which area have you attended or presided over hearings? (n=1,300)

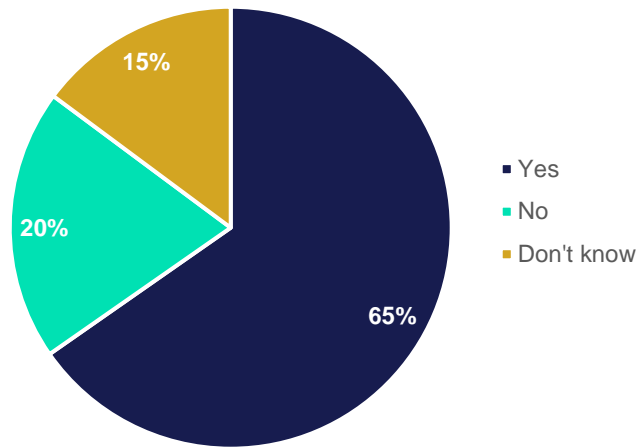


Professionals

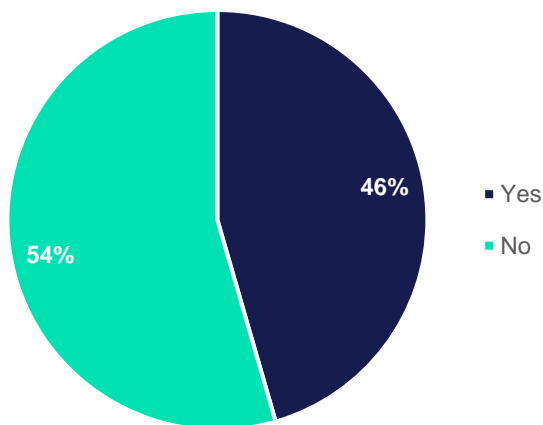
What is the picture on hearings now in your area, or in the courts you have attended? (n=1,173)



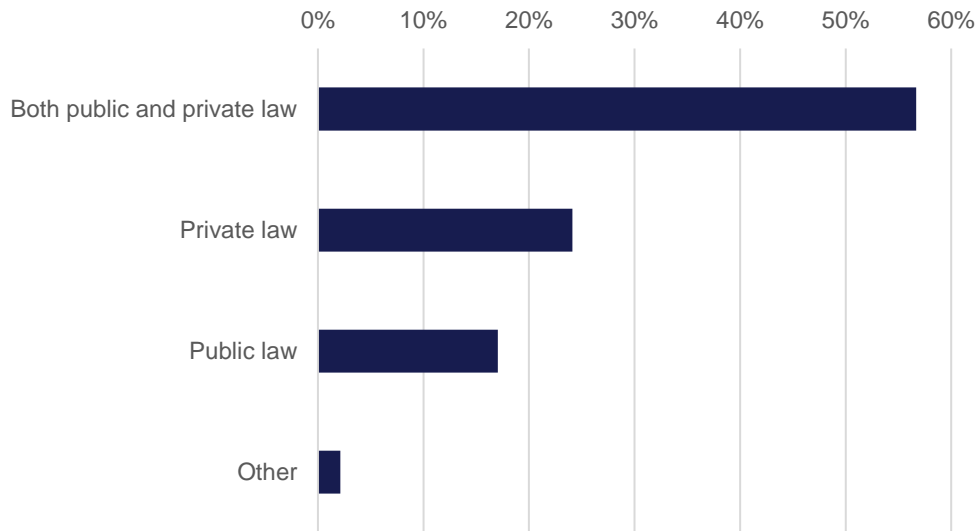
Are there clear reasons why different hearings are conducted using different methods (remote/hybrid/in person)? (n=1,173)



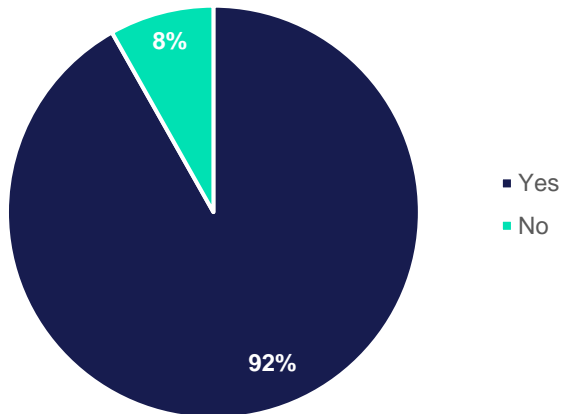
If you have experience of a number of different courts, are there differences between them in relation to the management of remote hearings? (n=1,173)



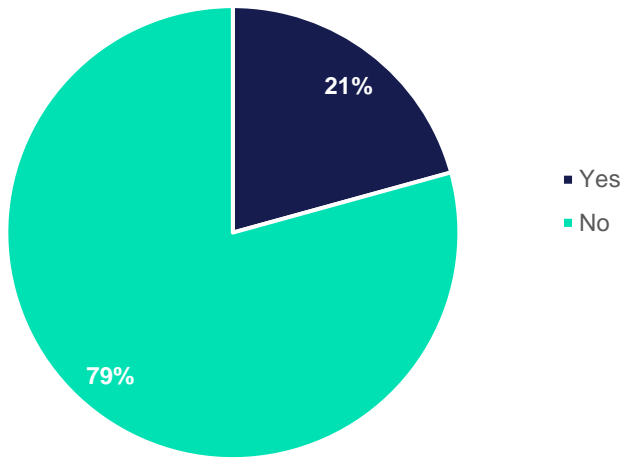
What type of case/cases have you been involved in? (n=1,173)



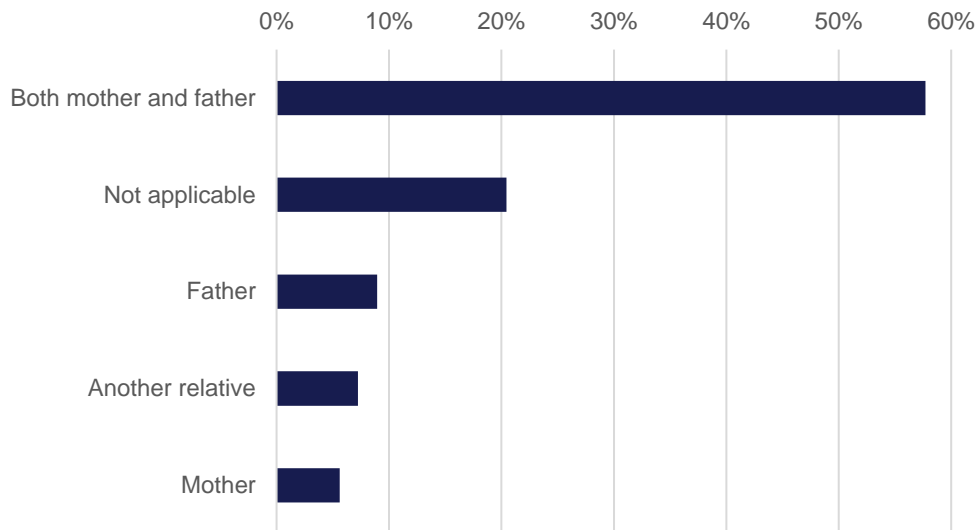
Have you heard/attended a range of cases (case management hearing, first hearing dispute resolution appointment, interim, contested, final)? (n=1,173)



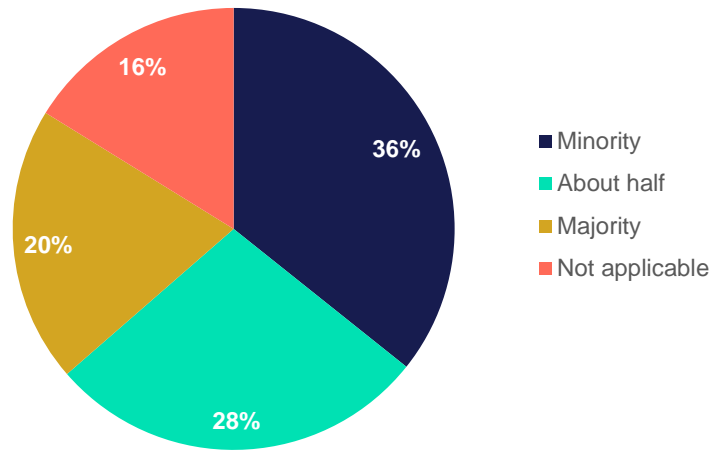
Were all the parties legally represented? (n=1,173)



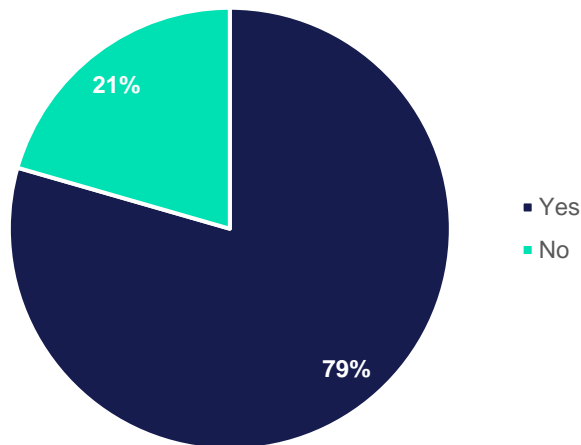
If no, who was unrepresented? (n=1,173)



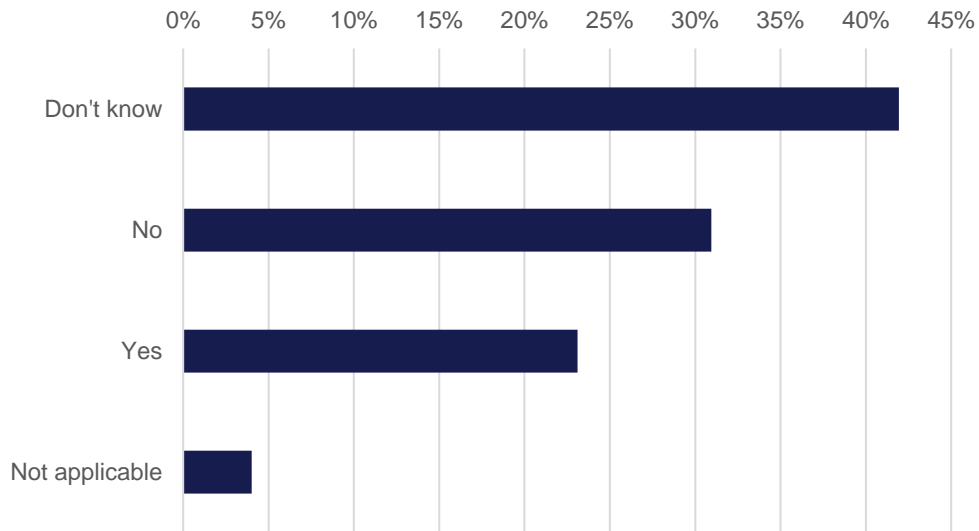
In roughly how many cases have parties been unrepresented? (n=1,173)



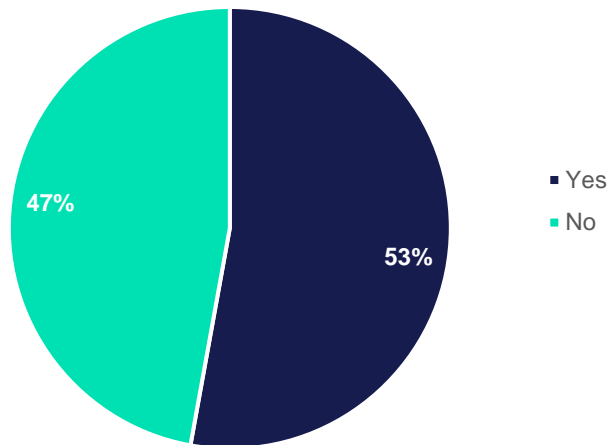
Are lay parties able to communicate with their legal representatives before, during and after the hearing? (n=1,173)



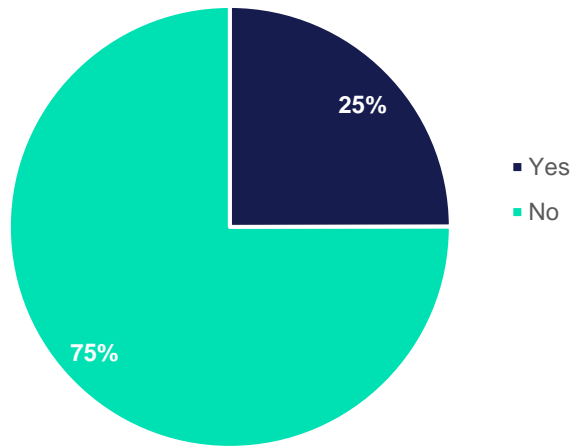
Is support available for litigants in person? (n=1,173)



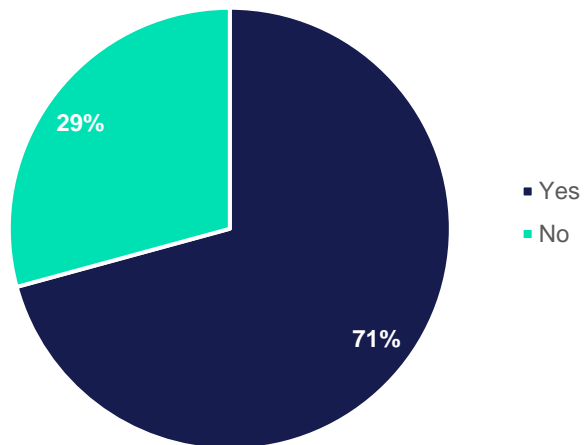
Were interpreters used? (n=1,173)



Were intermediaries used? (n=1,173)

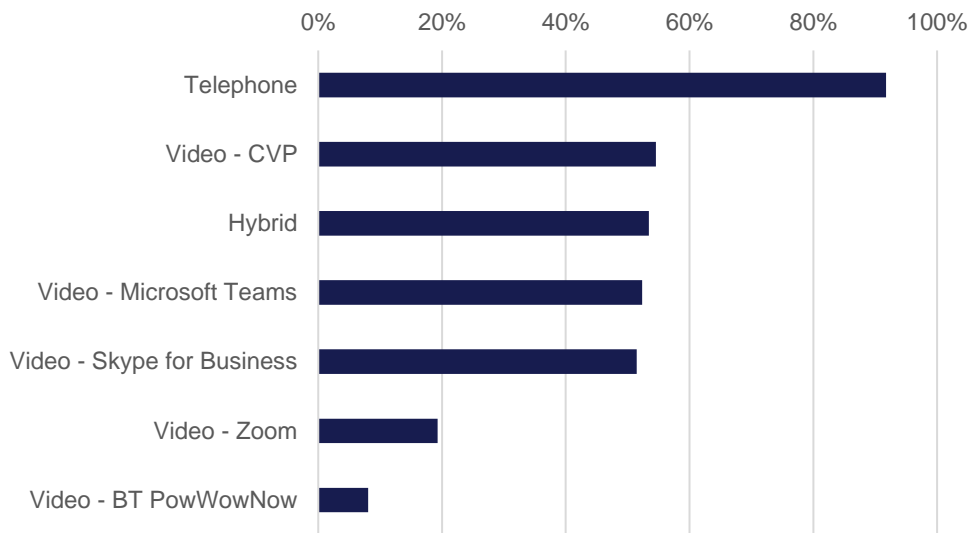


Were there sufficient HMCTS staff to support the hearing (e.g. CVP hosts or court clerks)? (n=1,173)



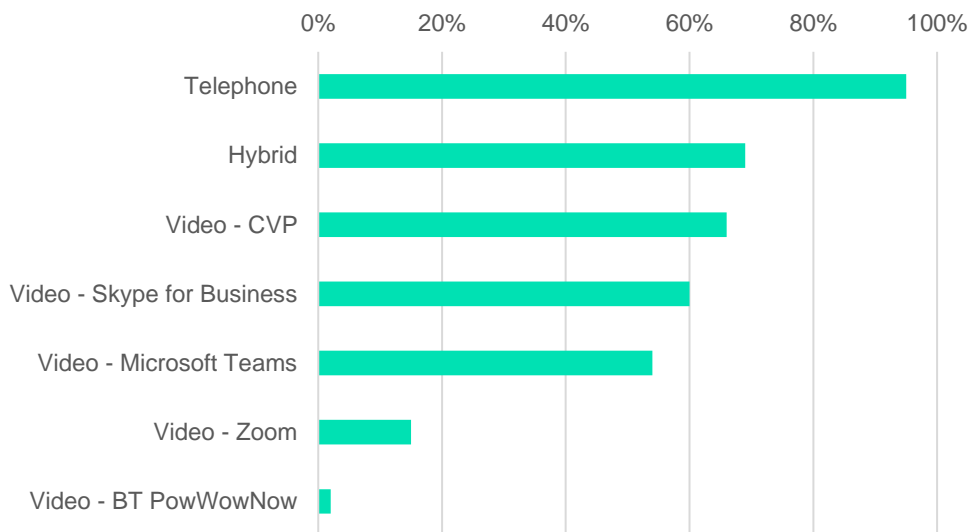
What formats were used for the hearing? (n=1,131)

➤ All professionals

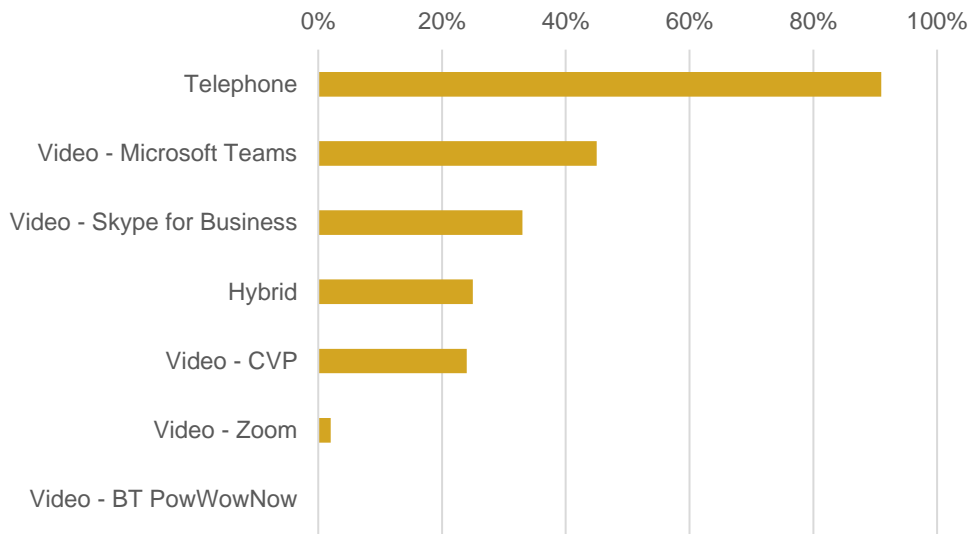


Note: Respondents were asked to select all relevant options, so responses do not total 100%.

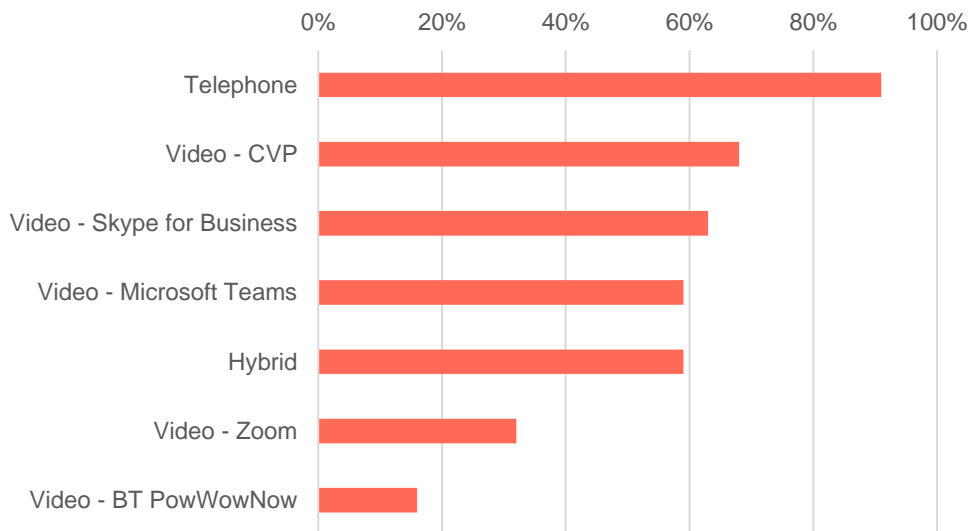
➤ Judges (n=200)



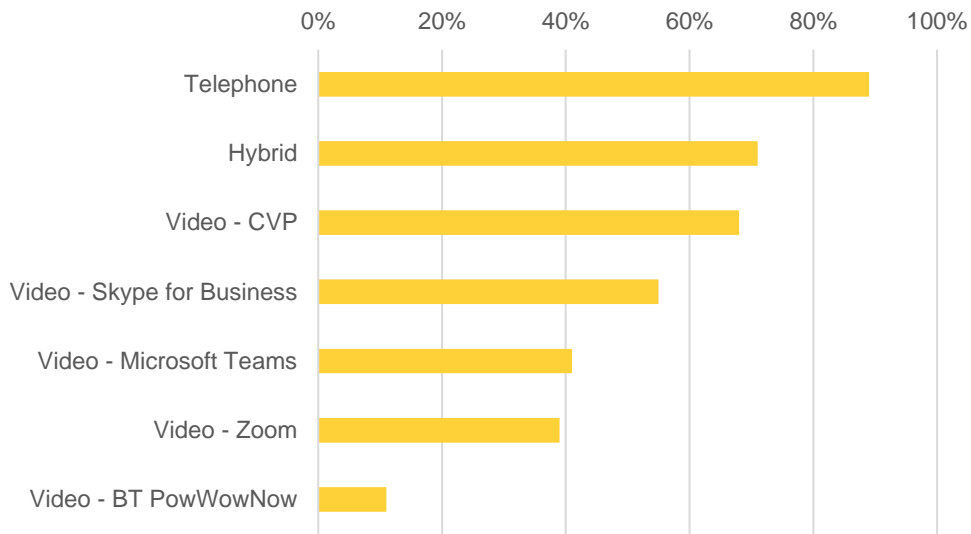
➤ **Magistrates (n=228)**



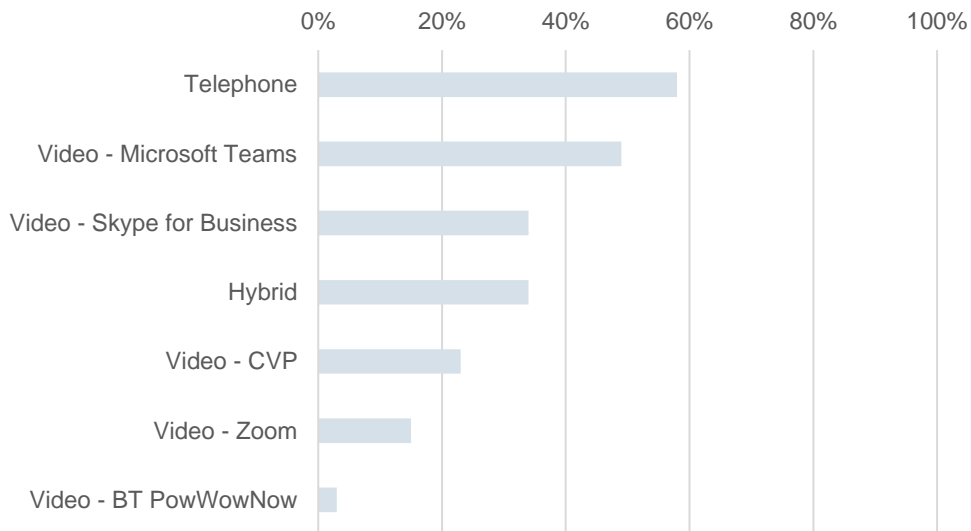
➤ **Legal representatives (barristers and solicitors) (n=373)**



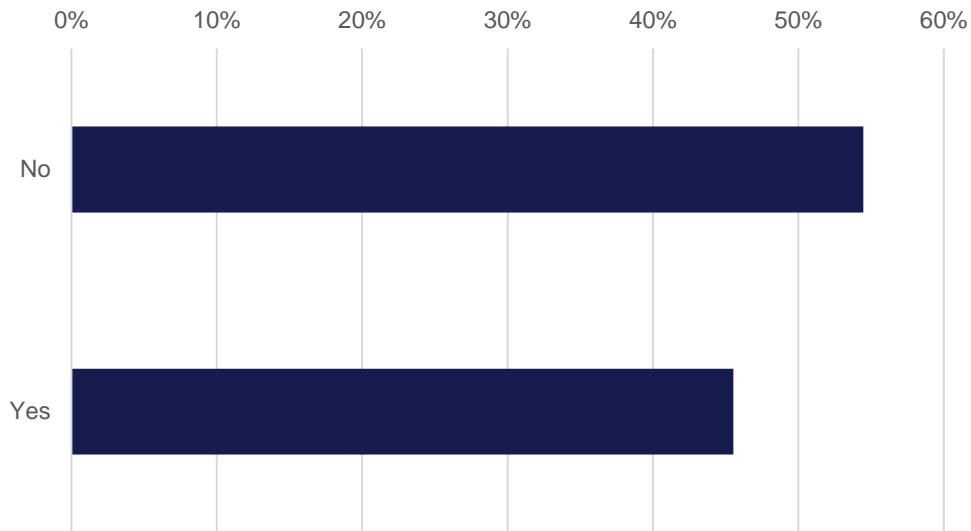
➤ **Cafcass and Cafcass Cymru (n=138)**



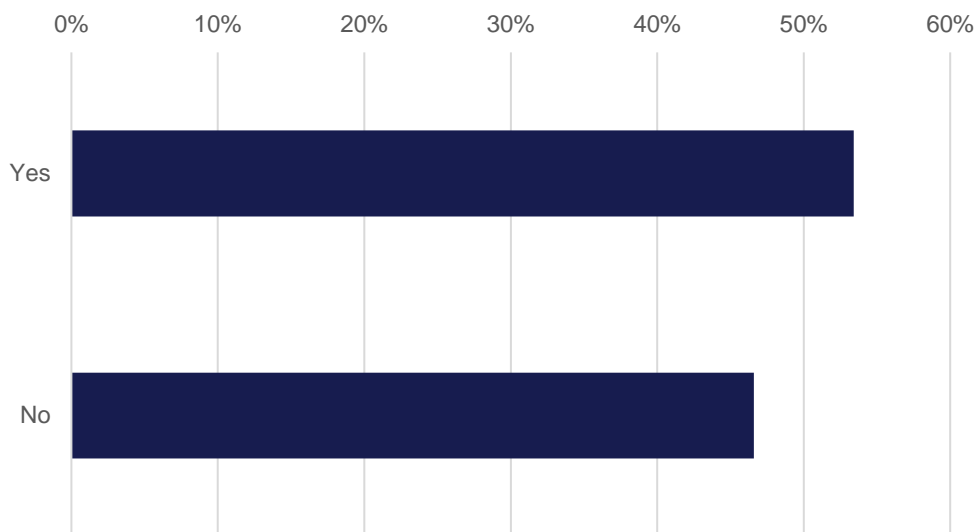
➤ **Social workers (n=87)**



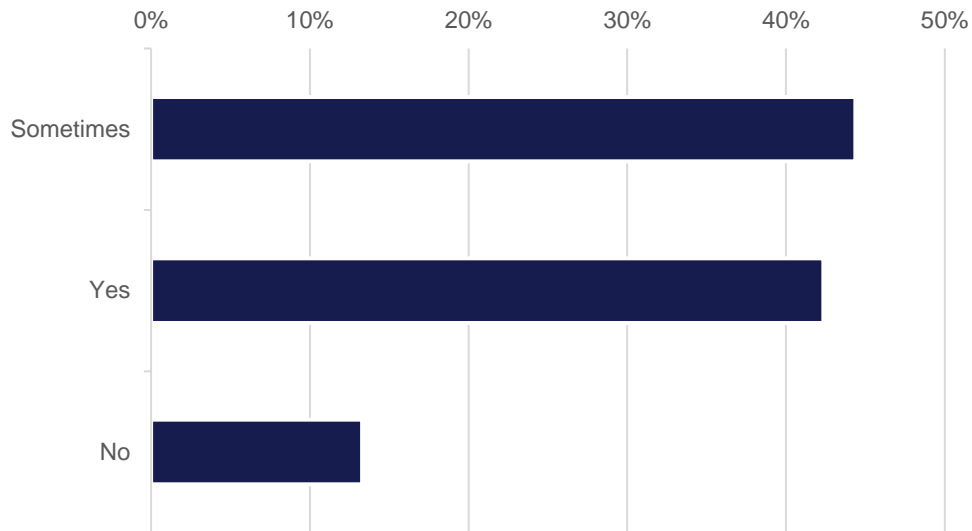
Are lay parties being provided with support to access technology? (n=1,131)



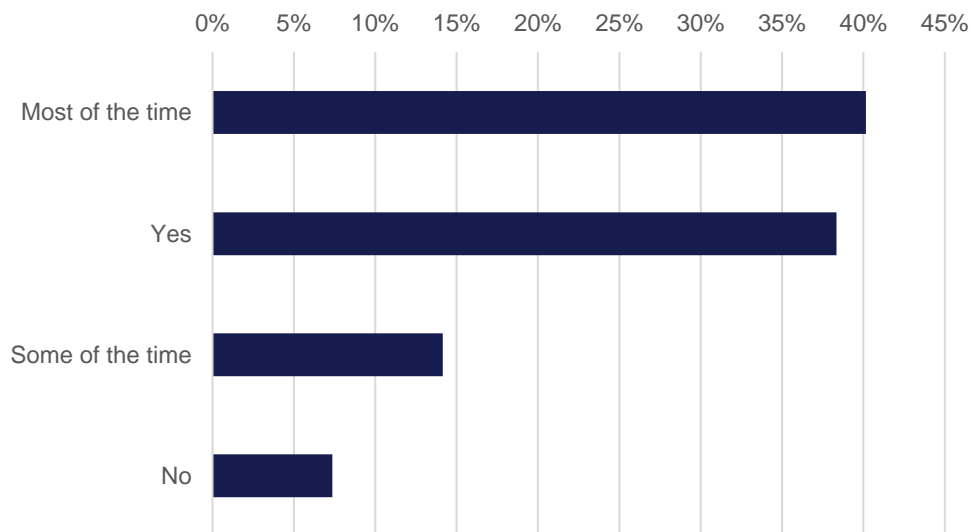
Have you been involved in a case where a newborn, infant or child under four years old has been removed from their parent? (n=1,116)



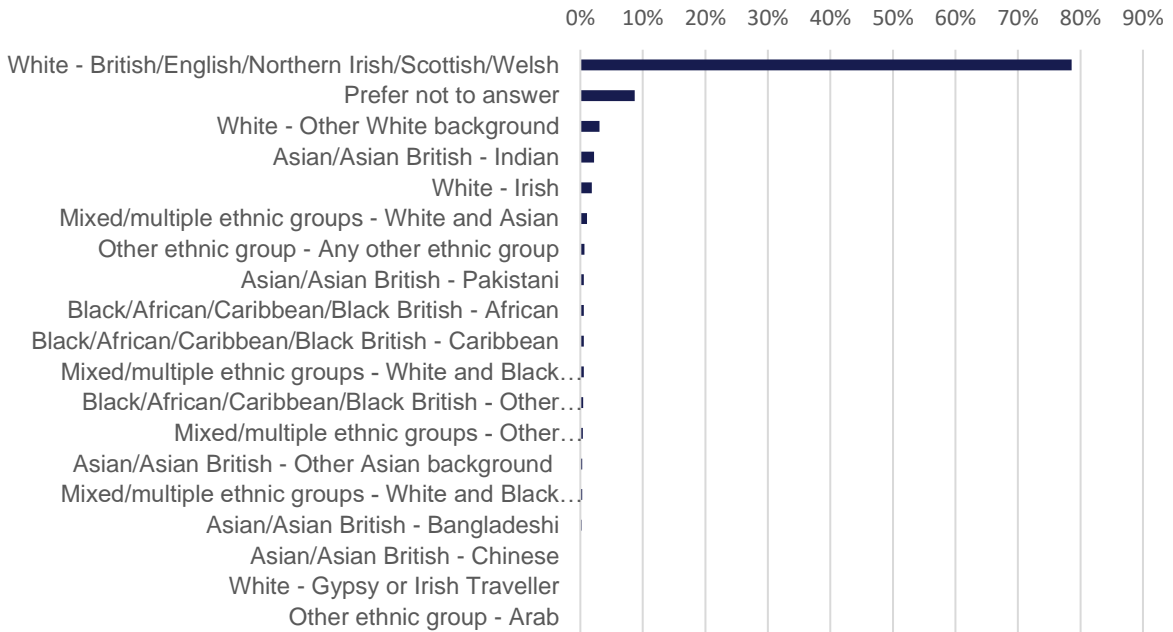
Are things working more smoothly? (n=1,046)



The President of the Family Division has emphasised the importance of remote/hybrid hearings being fair and just. Are you satisfied that fairness and justice has been achieved in the cases you have been involved in?

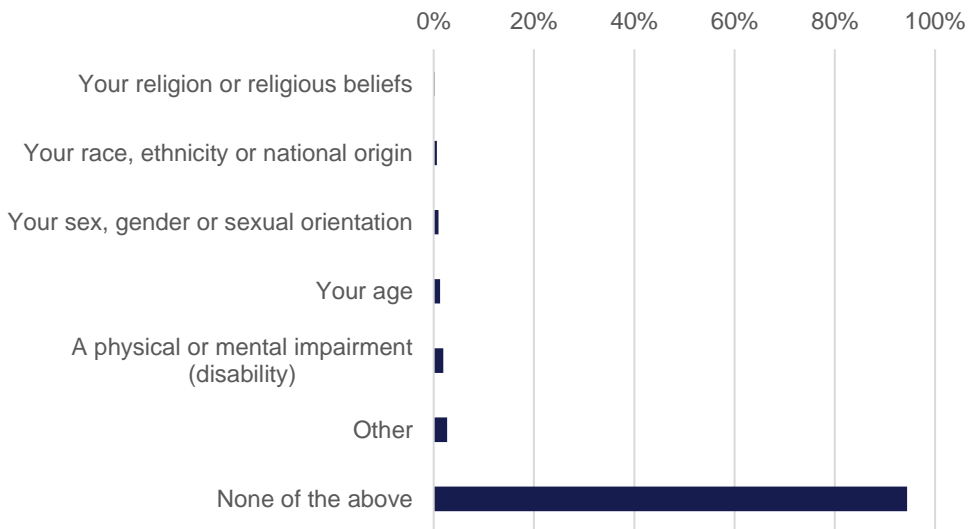


How do you identify your ethnicity? (n=1,046)



Note: Categories and descriptions are based on the 2011 England Census.

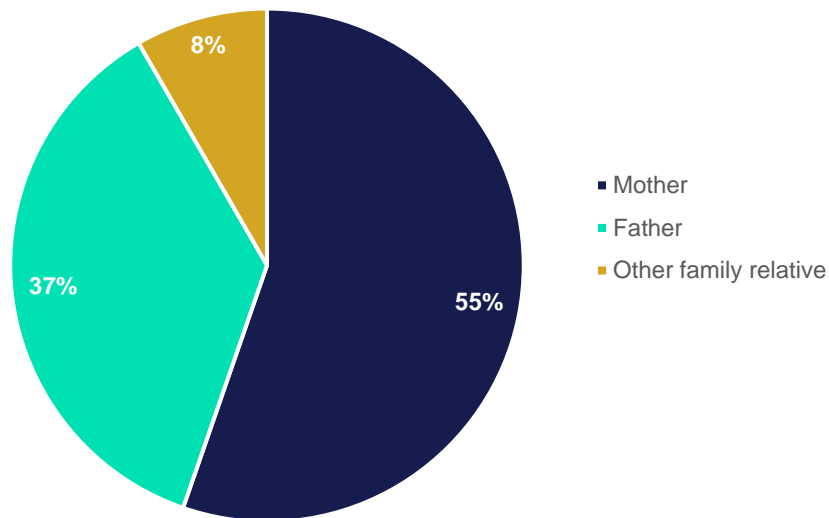
Did any of the following protected characteristics affect your experience of the hearing? (n=1,042)



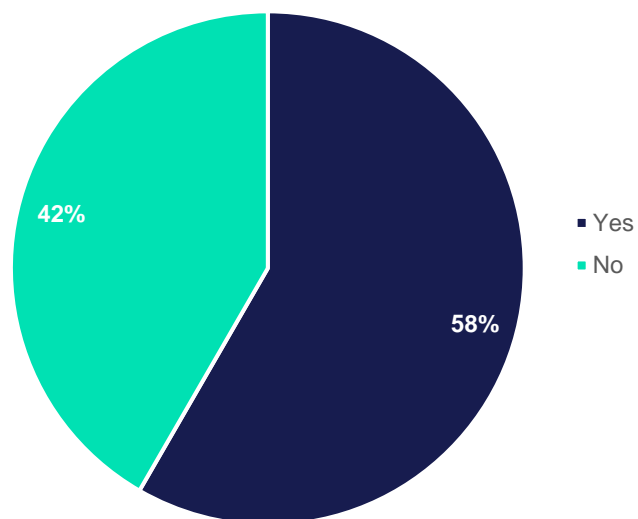
Note: Respondents were asked to select all relevant options, so responses do not total 100%.

Parents and other relatives

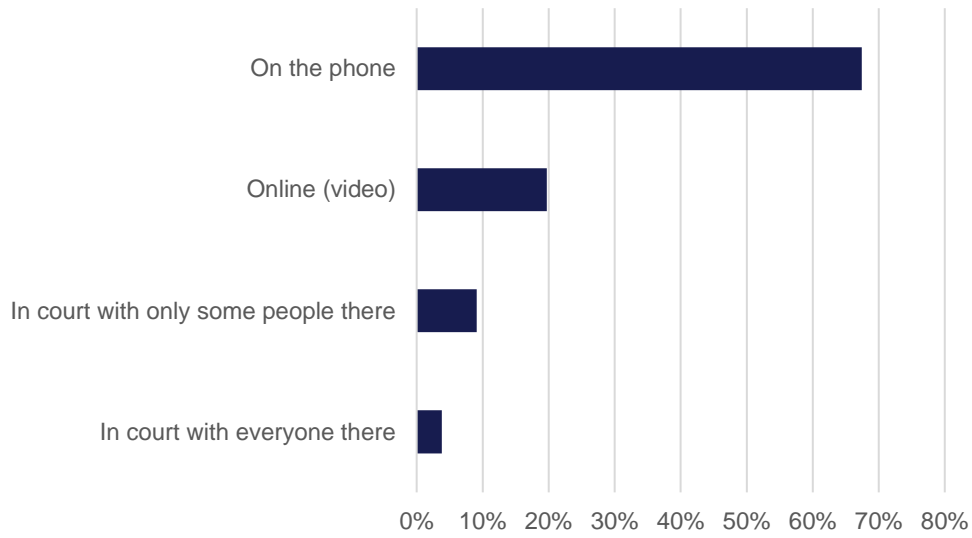
Are you a mother, father or other family relative? (n=132)



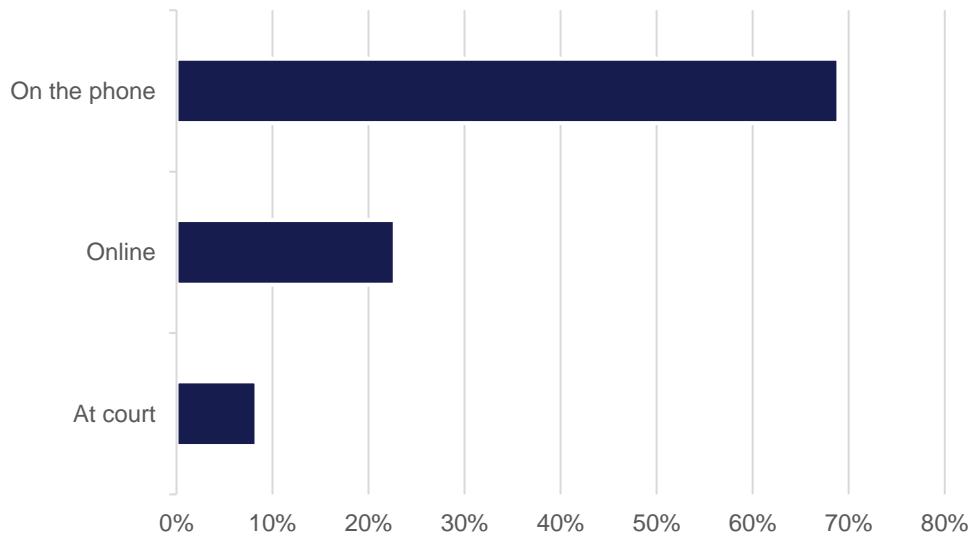
Did you have legal representation (i.e. a solicitor and/or barrister presenting your case on your behalf) at your hearing? (n=132)



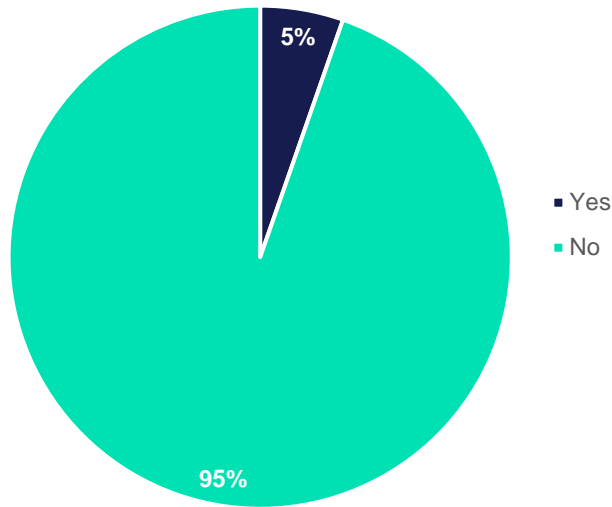
How did your hearing take place? (n=132)



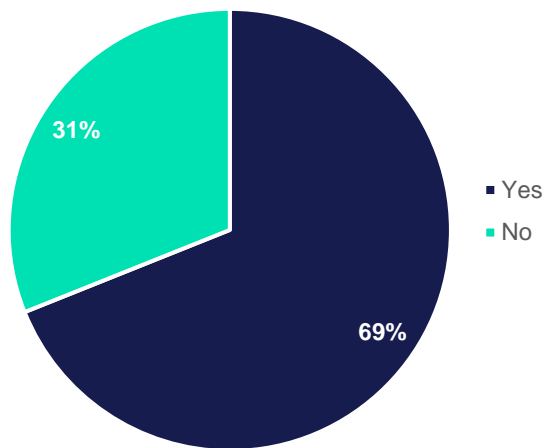
How did you actually take part? (n=132)



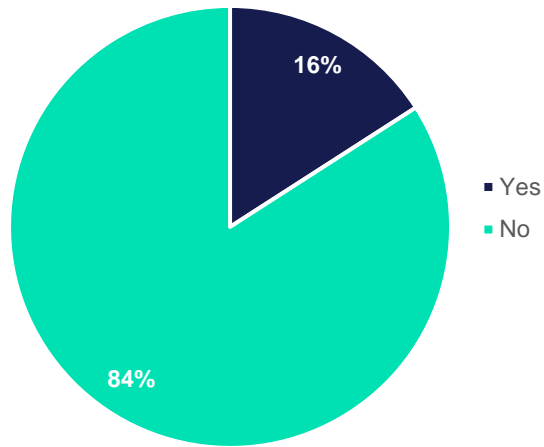
Did you have any help to take part (i.e. given or lent a phone/laptop/tablet)? Or were you provided with a room to take part in the hearing? (n=131)



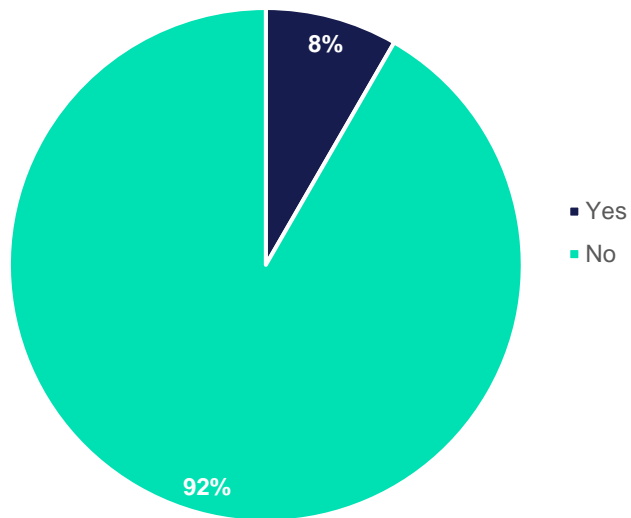
Were decisions made at the hearing, about where your child should live, or your contact with your child? (n=132)



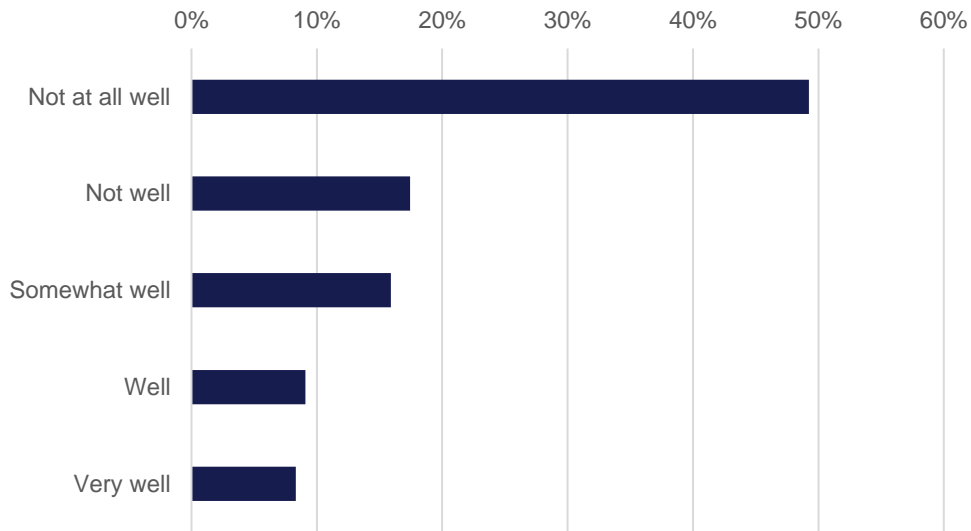
Was your baby removed from your care? (n=132)



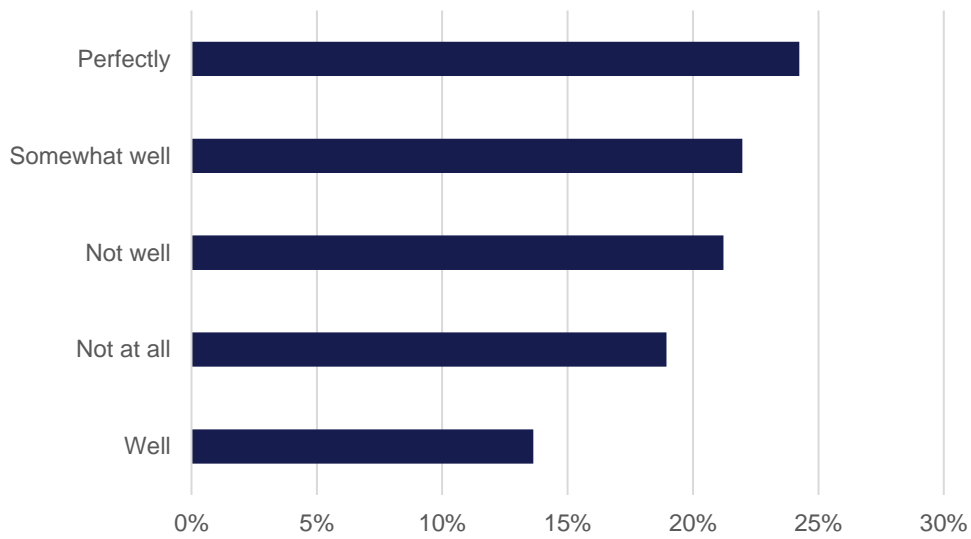
If your baby was removed from your care, were you able to see them face-to-face? (n=24)



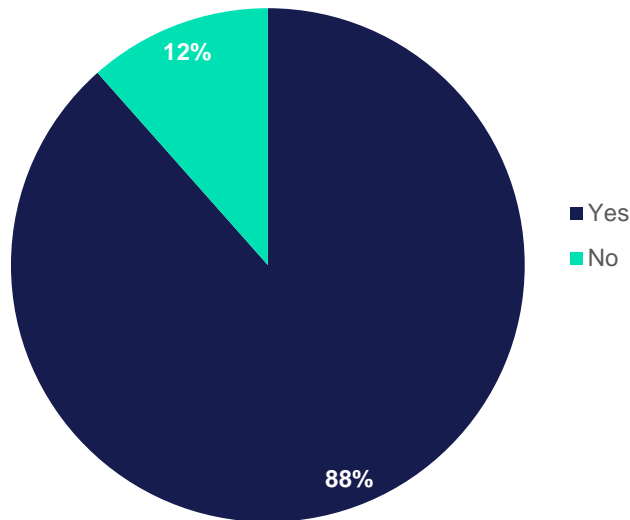
How did you feel your case was dealt with? (n=132)



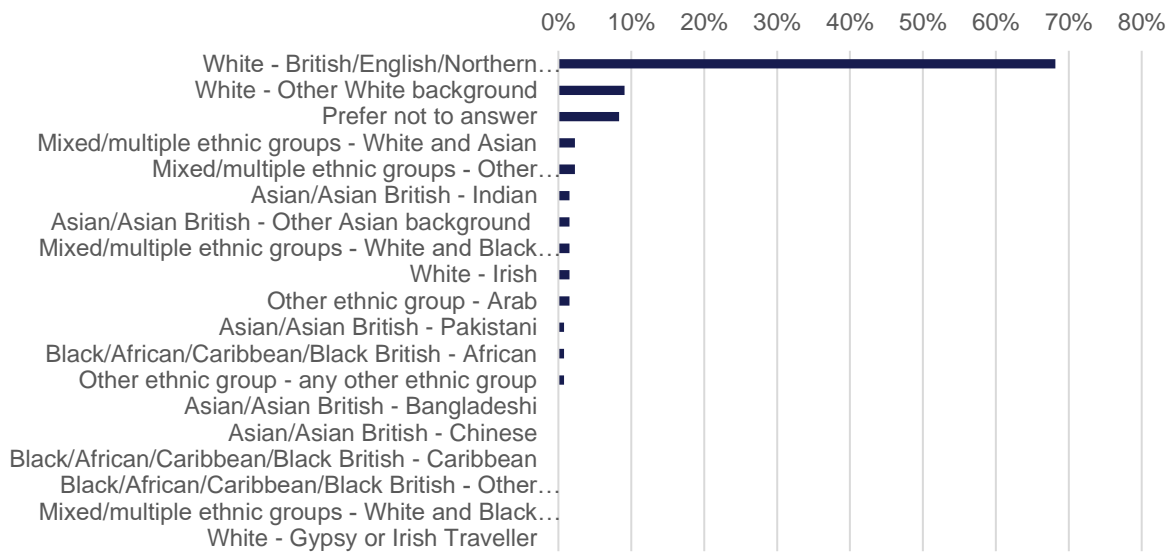
Did you understand what happened at the hearing? (n=132)



Did you have any worries or concerns about the way the case was dealt with? (n=130)

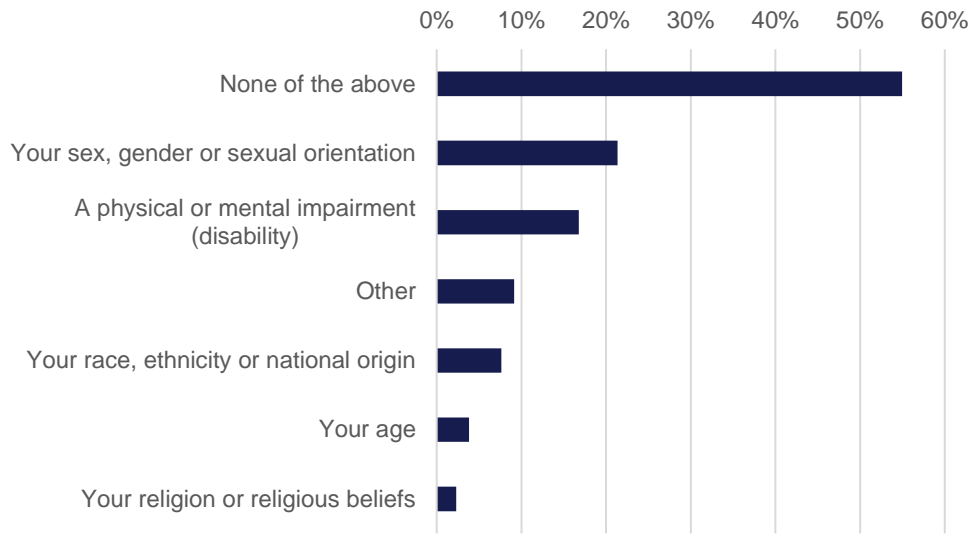


How do you identify your ethnicity? (n=132)



Note: Categories and descriptions are based on the 2011 England Census.

Did any of the following protected characteristics affect your experience of the hearing? (n=131)



Note: Respondents were asked to select all relevant options, so responses do not total 100%.