

FINANCIAL REMEDIES COURT

OVERALL STRUCTURE OF THE FINANCIAL REMEDIES COURT AND THE ROLE AND FUNCTION OF THE LEAD JUDGE

11 January 2022 Revision

Overall Structure of the Financial Remedies Court

1. The Financial Remedies Court (“FRC”) has been established as a subsidiary structure working within the Family Court. The President of the Family Division (PFD) formally announced on 24 February 2021 that the FRC is now to be regarded as “an established and permanent part of the Family Court”.
2. The FRC operates within the structure of powers delegated by the Lord Chief Justice to the President of the Family Division (“PFD”), who has in turn delegated powers to Family Division Liaison Judges (“FDLJs”).
3. The PFD has appointed a National Lead Judge of the Financial Remedies Courts (“NLJ”) to exercise the delegated powers in relation to financial remedies work in consultation with and alongside the FDLJs. The PFD has also appointed a Deputy National Lead Judge of the Financial Remedies Courts (“DNLJ”) to assist the NLJ.
4. For the operation of the FRC the PFD has established geographical zones across England and Wales. The zones are set out in the schedule below.
5. In each zone the PFD has appointed (in consultation with the relevant FDLJ and the NLJ) a Lead Judge (“LJ”).
6. The FRC operates within the overall structure of Her Majesty’s Courts and Tribunal System (“HMCTS”). HMCTS has appointed a Head of Service (“HoS”) and Deputy Head of Service (“DHoS”) to work with and for the NLJ and DNLJ on a national level in relation to FRCs. HMCTS has also appointed a Financial Remedies Court Single Point of Contact (“FRC SPOC”) for each zone who will work for and with the relevant LJ and also report to the HoS and DHoS.
7. This document has been designed as a working tool to assist the LJ of each designated zone of the FRC to fulfil the important role and functions described in the document. It is recognised that those who undertake this work will be individuals apt to impose their own solutions on issues as and when they arise, but in so far as it is possible it is suggested that LJs should follow the spirit and detail of this document and of other measures agreed and approved by the NLJ (avoiding local solutions which are contrary to national guidance) and should liaise with and answer to both the NLJ and the FDLJ covering the geographical area in which their zone is situated.

8. This document has been drawn up by the NLJ and the DNLJ and, after consultation with the FDLJs and the existing LJs, has been approved by the PFD.
9. It is anticipated that, whilst the individuals holding the positions of NLJ, DNLJ, LJ, HoS, DHoS and FRC SPOC may change from time to time, the posts will be filled by those appointed by the PFD and HMCTS respectively, as and when a vacancy arises.

The role of Lead Judge

10. Every LJ has a designated FRC zone which will cover an identified geographical area and a number of identified courts. The zones are set out in the schedule below.
11. The LJ will have overall responsibility for the efficient and effective administration of the financial remedies work conducted within that zone and, for these purposes, work with and for, and liaise with and answer to the NLJ and the relevant FDLJ, and will work with the relevant FRC SPOC.
12. In particular the LJ will have responsibility within and in relation to the relevant FRC zone for:-
 - (i) attending and contributing to meetings called by the NLJ to discuss matters pertinent to the operation of the FRC;
 - (ii) conducting a process of selection exercise of FRC Judges (including, where possible, individual Circuit Judges, Recorders, District Judges and Deputy District Judges) for inclusion in the list of those who may carry out financial remedies work in the zone;
 - (iii) ensuring that the list of FRC Judges is kept up to date, reporting to the NLJ (or DNLJ), HoS (or DHoS) and the SPOC, the identity and email addresses of these judges;
 - (iv) identifying FRC Judges who are suitable to carry out financial remedies work of a complex nature;
 - (v) ensuring that there are enough FRC Judges on the list to carry out the financial remedies work in the zone and that the work is listed in a sensible and timely manner with as much expedition as is possible in the context of overall resources;
 - (vi) ensuring that the allocations procedure within the zone is established and executed in a way which is appropriate, efficient and effective in the context of particular geographical and other considerations, and which utilises fairly and appropriately the skills and abilities, commitment and availability of all the FRC Judges in the zone;
 - (vii) providing leadership to, consultation with, and ensuring the exchange of all FRC relevant information to and from, the FRC judges in the zone;

- (viii) liaising and consulting with any relevant FDLJ, Designated Family Judge or Designated Civil Judge on the overall deployment of judicial resources;
- (ix) ensuring that, as far as is possible within the overall deployment of HMCTS resources, IT systems for the FRC, including the Digital Consent Order system and the Digital Contested Case system, are deployed and utilised for the more effective and efficient performance of the FRC, including the routine use of electronic bundles and the appropriate use of remote video courts for suitable cases.
- (x) ensuring that the Digital Consent Order system operates for the efficient and timely approval of financial remedies consent orders and is executed in a way which distributes the work fairly and with administrative convenience between FRC Judges;
- (xi) ensuring that (as and when the system for the recording of data in financial remedies cases is developed) a method for executing the system in the zone is designed and implemented;
- (xii) holding meetings between FRC Judges within the zone to ensure the dissemination and discussion of court performance data, to encourage consistent practices and to ensure information about national practices and policies approved by the NLJ are known about and being implemented;
- (xiii) ensuring the regular analysis and review of performance statistics within the zone and its comparison with comparable information from other zones;
- (xiv) maintaining regular contact and provide mentoring and pastoral support with other judges including any of those who are off sick, in liaison with the local DFJ or DCJ.
- (xv) dealing appropriately with any work or other problems which arise and in a case where another judge's performance gives cause for concern, meeting to discuss the issue and support the judge in identifying the difficulty and in finding ways to overcome it in liaison with the local DFJ or DCJ and, if necessary, bringing any issues to the attention of the NLJ and/or the FDLJ .
- (xvi) supporting effective arrangements for the mentoring and training of fee-paid judges in liaison with the local DFJ, DCJ and FDLJ/Presider.
- (xvii) ensuring as far as possible that any relevant guidance on effective case management is promulgated and put into effect in the zone;
- (xviii) where appropriate and necessary, and after consultation with the NLJ (and subject to his agreement) prescribing local practices and procedures designed to improve performance and to enable the courts to discharge business more promptly and effectively;
- (xix) ensuring a procedure for appeals within the zone which is in accordance with policies approved by the NLJ;

- (xx) ensuring that relevant changes in practice and procedure (whether through legislation, regulation, rule or change of practice directions) are brought to the attention of, and ensure that they are effectively implemented by, the judiciary, administration and practitioners in the zone;
 - (xxi) ensuring the maintenance and building of good relationships with those financial remedies practitioners (including lawyers, mediators, arbitrators etc) working in the zone;
 - (xxii) working with and maintaining close working relationships with the relevant FRC SPOC and all other court staff working in the FRC; and
 - (xxiii) acting as a liaison point with the NLJ, FDLJ and other members of the judiciary, recognising the importance of maintaining the key link between FRC judges in the zone, the NLJ and DNLJ, the relevant FDLJ, and through them to the President.
13. The tenure of each LJ shall ordinarily last for four years from appointment, but a LJ may be reappointed for another term.