

MESSAGE FROM HHJ EDWARD HESS ABOUT
CHANGES TO THE OPERATION OF
THE LONDON FINANCIAL REMEDIES COURT
TO TAKE EFFECT IN JANUARY 2023

1. This message is targeted at legal practitioners working in the London FRC from January 2023 onwards.
2. It relates to the changes which will follow on from the consultation paper published in February 2022, the decision of Mr Justice Mike Keehan in May 2022 to invite the drawing up a detailed implementation plan for the changes and the approval of the detailed implementation plan in September 2022.

Centralised Administration at the CFC

3. From January 2023 the HMCTS administration of the London FRC, including arrangements for listing of FRC cases in all London courts, will be **centralised at the London FRC zone hub, i.e. at the Central Family Court**. The following email address should be used for communications between practitioners and the new central administration: frclondon@justice.gov.uk

Listing

4. An identified list of District Judges and ‘nested’ Deputy District Judges will continue to carry out London FRC work in the courts other than the CFC. Otherwise, work done by Recorders and Deputy District Judges will be carried out in the Central Family Court or the Royal Courts of Justice. A significant number of additional courts have been reserved in the Royal Courts of Justice for this purpose and it is expected that a significant number of cases will be brought from other courts into the CFC or the RCJ as a listing exercise to facilitate a more expedited service for court users and to clear some of the existing backlogs which have created long delays in some courts. In the initial tranche, more than 800 cases, many of which had exceptionally long waiting times, have been given earlier dates in the RCJ as part of this scheme. The salaried and fee-paid judges approved to sit in the London FRC are identified on the FRC Organogram (although sometimes approved FRC Judges from other zones will also sit in the London FRC).
5. Each case will have a ‘preferred venue’ – which will usually be the address of the applicant’s home or, where the case has been allocated as a complex case, the base court of the allocated judge. Wherever possible the case will be listed at the preferred venue. If there are no hearing slots available at the preferred venue within the desired

timescale then the case should be listed at another court within the London FRC. The first choice for an alternative court will be a listing in a 'twinned' court (Croydon + Bromley, Romford + East London, Kingston + Brentford, Uxbridge + Willesden, Barnet + Edmonton). Failing the availability of a hearing slot available at the twinned court then the case should be listed in the CFC or one of the new RCJ courts.

6. The overall aspiration of these reforms is that all London FRC cases, and not just those in the CFC, should be promptly offered hearing dates within a timescale which enable cases to be concluded at FDR, or if necessary at a final hearing, within a reasonable timetable. Whilst these timetables will have to be kept under review, and of course there will be reasons why it does not work in every case, my aspiration is that for all London FRC work:-
 - (i) **The date for the next hearing for any case will be fixed on the day of the current hearing.**
 - (ii) It will be the norm for a court-based **FDR to be offered within approximately four months of a First Appointment** and, where a final hearing is necessary after an unsuccessful FDR, **a date for a 1-2 final hearing will be offered within 4-5 months and a date for a 3 or more day final hearing will be offered within approximately 6 months.**
 - (iii) It will, I hope and expect, be a rare event for a listing to be pulled by the court once it has been fixed.

These principles will be known by London FRC Judges, but practitioners are invited to draw them to the attention of Judges at hearings when case management decisions are being made.

Filing documents and the digital portal

7. A large majority of contested London FRC cases are already issued on the digital portal (the Digital Contested Cases Scheme) – this is in addition to the 100% of consented cases which are already issued on the digital portal (the Digital Consent Orders scheme).
8. In the last few weeks there has been a communications exercise, both nationally and in London, to move practitioners towards the position where not only the issuing of proceedings, but also **the filing of all documents in the FRC (i.e. all hearing bundles, case summaries and position statements, Forms E, witness statements, reports – essentially everything) must be done on the portal.** The Family Procedure Rule committee has now approved a 'mandation' date for this which is included in a formal Practice Direction. **The mandation date is 31st January 2023. It will not be long before the hub administration refuse to receive these**

documents save by their being loaded on to the portal and practitioners must start to do this. It is not difficult to do and before long it will be second nature. That it is done is vital for the efficient operation of the London FRC and practitioners are strongly requested to begin filing things in this way.

The drawing up of orders in contested cases

9. The process for ensuring that London FRC orders are drawn up, approved by the judge, entered on to the portal, sealed and sent out to the parties from the start date will be overseen and administered from the CFC.

10. Disputes about the form of an order should ordinarily be dealt with in off the portal email communications with the judge. Once the judge has approved an order, the Judge will have the option of uploading an approved order to the portal himself or herself or sending it to a member of the administrative staff for uploading. Unless the FRC Judge specifically asks for a draft order to be uploaded to the portal, practitioners should not do this.

Allocation and Gatekeeping

11. Where a solicitor identifies a case as complex at the outset then a request for the case to be treated as such, and the reasons for it, should be part of the completion of the Form A.

12. Any case designated as ‘complex’ at the gatekeeping stage will be allocated to a judge on the complex cases list and that named judge will be expected to see the case through to completion (with any court-based FDR being dealt with by another judge on the complex list, although a lot of these cases have private FDRs).

Will the hearings be attended or remote?

13. In terms of the choice between remote and attended hearings, the listing will ordinarily follow the recommendations of the Farquhar 2 Report – that is to say that the default position (subject to a different judicial decision on the facts of a particular case) will be that FDRs and final hearings will be listed as attended hearings and First Appointments and other directions hearings not involving live evidence will be dealt with remotely. The hearing notice should make clear the venue of the hearing and the nature of the hearing (attended or remote).

14. A remote hearing should mean a hearing on a video platform (i.e. Teams or CVP), not on the telephone (save, very exceptionally, where there is really no other option). We

should strive very hard not to have telephone hearings, save where there is really no other option and hopefully infrequently.

15. I am aware that some courts have found it difficult to conduct video hearings and have made requests for all their cases to be listed as attended hearings. This applies to Willesden and Romford. This request will be accommodated, at least for the time being.

Appeals

16. All appeals from DJ level to CJ level should be issued at the administrative hub, i.e. at the CFC, and dealt with there for triaging and administration and allocation to a CJ within the London FRC.

Review

17. The effectiveness of all of these procedures will be kept under review and I will be pleased to receive any comments and observations from practitioners on how the new system is working.

Edward Hess,
Central Family Court,
January 2023