

Supplementary evidence submitted by Resolution

Court modernisation programme: Resolution survey results

Executive Summary

June 2018

1. Introduction

1.1 Resolution's 6,500 members are family justice professionals, with solicitors comprising over 80% of all members. In response to the Public Accounts Committee's Transforming Courts and Tribunals Inquiry, we invited members to provide their feedback on how their local courts are operating.

1.2 The survey was carried out online and ran for 6 days, from 30th May to 4th June 2018 (4 working days). 168 Resolution members responded, and the results are summarised here. More detailed results are included in Appendix 1.

2. Headline results

2.1 Since the Court Modernisation programme began, **one in two (50%) Resolution members surveyed reported a closure of a court they have used historically**. Of those who did not report court closures, many have noted that a local court is scheduled to close.

2.2 Court closures have led to increased travel time for professionals and clients, with increased difficulties faced by those using public transport. 88% of members who had seen their local court close reported increased travel times for them and their clients.

2.3 Speed of processing: compared with pre-modernisation, 4 in 5 members on average reported slower processing of applications, orders and other court documents:

- 91% said **finance consent orders** were processed more slowly (75% 'much slower')
- 91% said **processing and sealing orders** was slower (71% 'much slower')
- 86% said **divorce petitions** were processed more slowly (66% 'much slower')
- 84% said processing **financial remedy applications** or transferring finance matters to another court for hearing was slower, (58% 'much slower')
- 61% said **private children applications** were processed more slowly (30% 'much slower')

2.4 Other interactions with the court: compared with pre-modernisation:

- 79% say the **clarity and relevance of communications from court** are worse.

- 80% say **listing and availability of hearing dates/judges** has worsened and half (50%) are experiencing **more frequent vacations of hearings by the court**.
- 74% say that **access to information (via telephone, email or in person)** has worsened.
- 70% say courts have gotten worse at **dealing with urgent applications, correspondence and order preparation and sealing**.
- 58% noted a **decline in legal knowledge amongst court administrative staff** (24% say much worse), with 36% saying there had been no change.
- Just over half (52%) have noted a decrease in **quality of court documentation** (41% said no change).

3. Summary of comments

3.1 Increased travel time. Members provided examples of how the travel time to their nearest court had increased for them and their clients:

- “Reigate Court was a 15 minute car journey from the firm's office. Most cases are now heard at Guildford which takes 40 minutes by car and can take 90 minutes if you do not leave before 7am.”
- “Chippenham Family Court is closing this summer. There are only two courts now in the whole of Wiltshire, Swindon and Salisbury. Swindon is quite well served with public transport, but Salisbury is very difficult to access by public transport.”
- “We used to have courts in Camborne, Penzance and Liskeard. Those clients in the west of the county now have to travel to Truro and those to north to Devon.”
- “This is a rural area and the closure of a court results in considerable additional travel for clients to the next nearest court. Public transport is not always available or convenient for such journeys.”

3.2 Impact on clients. Members gave specific examples of how the current court facilities were having a detrimental impact on their clients:

- **Transferring cases without regard for vulnerable person.** “My elderly client has both cancer and impaired mobility. She was initially at Preston – which is all on one level and has lifts. The night before the hearing I was notified that we were transferred to Reedley, which has no lift and the waiting room and court are upstairs. I rang to explain the difficulty and they said a downstairs room would be made available. However on the day it was not, and she had to climb up a steep windy staircase on her crutches. This happens all the time.”
- **Impact of lack of facilities for vulnerable people.** “I requested a private meeting room for a client who was the victim of domestic violence. Court staff assured me on the telephone that adequate facilities would be provided. Upon arrival at court, no one had been notified and the client came face to face with her abuser.”

3.3 What some courts do well – and could be replicated elsewhere. Our members praised courts who took initiative to help, for example:

- Responding to queries by email or phone, helping manage client expectations
- Getting in touch to correct small mistakes or issues (ie, clarification or payment issue) rather than reject applications outright – saving time for all involved.
- Having someone available and knowledgeable in court to answer queries and resolve matters on the day.

3.4 Specific comments and suggestions. Our members had some suggestions as to improvements which could help improve services provided by courts:

- “A digital portal to track the progress of an application – this would cut court staff costs and time, and go a long way to reassuring clients.”
- “The court should always have someone on hand with sufficient knowledge to be able to help resolve issues or provide information on the day. We want to be able to speak with someone at the court who can help.”
- “We want to speak with someone on the phone who can help. Often calls are urgent, with solicitors calling because they’ve failed to get a response from email or by post. Call centre staff generally do not have the technical knowledge or the specific knowledge of the case to be able to assist.”
- Many highlighted the importance of cafés, children’s facilities and suitable waiting areas in helping manage emotions and stress. One member summed it up:
“The café is a resource for clients to relax, discuss matters and remove themselves temporarily from the stress of the court process. This is not matched by a vending machine. Over the several decades of court work I have noticed that the presence of a café, staffed by a friendly "human" has a beneficial effect on the behaviour of those attending court. It calms, and neutralises stress. When we lose the café, we don't just lose the cup of tea. “

APPENDIX 1 – FULL RESULTS

The following provides more detailed results and comments provided in response to our survey. We have not provided every single comment provided but have highlighted those which best illustrate the responses members gave.

1 Have any of the courts you have used historically been closed as a result of the court closure consultation?



1.2 If yes, has this increased your/your client's travel time? If so, by how much? (comments):

- “Reigate Court was a 15 minute car journey from the firm's office. Most cases are now heard at Guildford which takes 40 minutes by car and can take 90 minutes if you do not leave before 7am.”
- “Chippenham Family Court is closing this summer. There are only two courts now in the whole of Wiltshire, Swindon and Salisbury. Swindon is quite well served with public transport, but Salisbury is very difficult to access by public transport.”
- “We used to have courts in Camborne, Penzance and Liskeard. Those clients in the west of the county now have to travel to Truro and those to north to Devon.”
- “This is a rural area and the closure of a court results in considerable additional travel for clients to the next nearest court. Public transport is not always available or convenient for such journeys.”
- “Nearest divorce court was within 5 miles now 85!”
- “Bury St Edmunds FPC: centralisation of administration throughout Suffolk and Essex means that cases can be listed anywhere in Suffolk or Essex. This can increase travel times by at least 2 hours, more if by public transport.”
- “In some cases clients who would have had hearings in local courts such as Altrincham or in areas of North Manchester they now have to travel into Manchester City Centre. However, this is balanced against better court facilities in Manchester with a greater

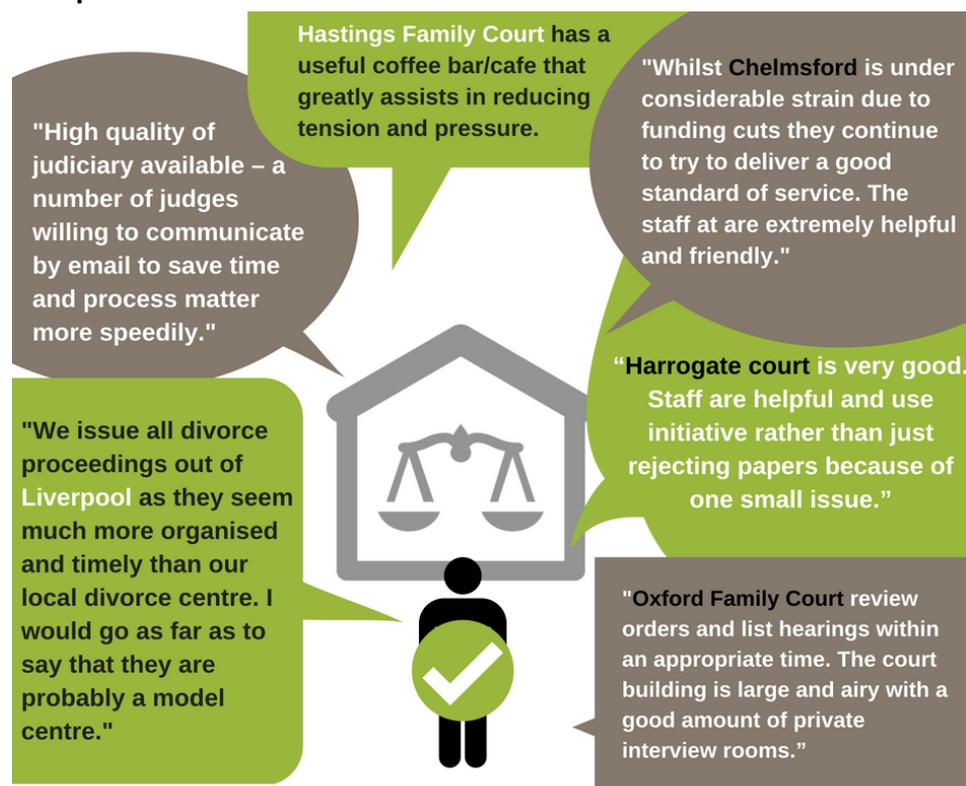
number of judges than the smaller courts and less travel for the lawyers (reducing client's costs)."

2. In your experience, what would you say the court or divorce centre that you use most frequently does well?

2.1 Key themes:

- Some centres are responding to queries by email or phone which is useful to manage client expectations. Others take initiative to get in touch and correct small mistakes or ask for clarification, rather than rejecting documentation (saving time for all involved)
- Cafés and children's facilities and suitable waiting areas make a positive difference in the court experience of professionals and their clients, helping to manage emotions and stress.
- It's very important to our members and their clients to have someone available in court who can answer queries and help resolve matters on the day.

2.2 Specific comments:



2.3 Many members struggled to name anything positive:

- "Very hard to think of anything. There are huge delays in response to any correspondence, and telephone enquiries are very difficult indeed. Matters have been listed but the court has not informed us. Matters are adjourned at the last minute."
- "It's less worse than some of them. There are interview rooms, a café. It's scruffy but the bar is low."
- "They issue Petitions quickly but it goes downhill from then on."

- “Bury St Edmunds Divorce Centre is grinding to a halt. It is taking far longer for simple divorces to progress than before. The delays at each stage are getting worse. It is frustrating when you send typed orders as required for there to be a delay of 6-8 weeks simply for the order to be re-typed. That is a complete waste of money.”
- “The ushers are very helpful but it seems the burden of doing the work of the previous Court staff that have now vanished has fallen on them.”
- “Emails are rarely answered and telephone calls can take the best part of an hour to be answered, if indeed the call is not simply cut off before being answered.”
- “The service that we are currently receiving from Liverpool divorce centre is appalling. Eg on a recent case I received a notice of decree nisi that had been issued at the beginning of the month received at our office on the 22.05.2018 with Decree Nisi listed on 23.05.2018. During the last two days we have tried to telephone the divorce centre and on each occasion have been 20+ in the list holding. We held and when we were put through the phone was put down!!. Wigan Family Court has been experiencing significant problems with CAFCASS failing to comply with Directions including none attendance by CAFCASS at hearings, requests for additional time to complete their reports which inevitably delays the case.”
- “Delays are ridiculous. Both in terms of listing and in terms of receiving orders - eg directions orders received with time limits that are already historic, listing hearings delayed so that counsel's dates to avoid are long immaterial. In a recent final hearing in the CFC which concluded on 9 February we are still awaiting judgement as of 30 May, and chasing the court frequently has just seemed like emailing a black hole.”
- “Since we have had to use Bury St Edmunds we have lost the helpful service from long standing court staff and have met with unacceptable delays - eg apply for decree nisi Feb, hearing June ! Also difficulties with nonsensical queries and no quick means of communication. Before we could ring eg Jackie in the Court office and have our query/problem resolved in minutes, now it is months – literally.”
- “Judges are generally v good. Staff are mainly friendly but under a lot of pressure.”

3. Compared to two years ago (before the court modernisation programme began), how quickly is the court processing the following:

5.1. Divorce petitions			Response Percent	Response Total
1	Much slower		65.9%	108
2	Somewhat slower		20.1%	33
3	No change		4.3%	7
4	Somewhat faster		4.9%	8
5	Much faster		0.6%	1
6	N/A		4.3%	7
			answered	164

5.2. Financial remedy applications/transferring finance matters to another court for hearing			Response Percent	Response Total
1	Much slower		57.9%	95
2	Somewhat slower		25.6%	42
3	No change		9.1%	15
4	Somewhat faster		3.0%	5
5	Much faster		1.2%	2
6	N/A		3.0%	5
			answered	164

5.3. Finance consent orders			Response Percent	Response Total
1	Much slower		75.2%	124
2	Somewhat slower		15.8%	26
3	No change		6.1%	10
4	Somewhat faster		0.6%	1
5	Much faster		0.6%	1
6	N/A		1.8%	3
			answered	165

5.4. Private children applications			Response Percent	Response Total
1	Much slower		29.5%	49
2	Somewhat slower		31.3%	52
3	No change		31.9%	53
4	Somewhat faster		3.0%	5
5	Much faster		1.8%	3
6	N/A		2.4%	4
			answered	166

5.5. Preparing and sealing orders			Response Percent	Response Total
1	Much slower		70.7%	118
2	Somewhat slower		20.4%	34
3	No change		6.6%	11
4	Somewhat faster		1.2%	2
5	Much faster		0.6%	1
6	N/A		0.6%	1
			answered	167

4. Compared with 2 years ago (before the Court Modernisation programme began) please rate your experience with the following:

	Much worse	Worse	No change	Better	Much better	N/A	Response Total
Listing and availability of hearing dates and judges	32.1% (54)	47.6% (80)	15.5% (26)	4.2% (7)	0.6% (1)	0.0% (0)	168
Frequency of hearings being vacated by the court	19.4% (32)	30.9% (51)	43.0% (71)	5.5% (9)	0.0% (0)	1.2% (2)	165
Clarity and relevance of communications from the court (are you receiving the information you require from the courts in a timely manner?)	36.6% (60)	42.7% (70)	15.9% (26)	4.3% (7)	0.0% (0)	0.6% (1)	164
Basic knowledge of legal processes among court staff (can administrative staff provide you with the answers you/your clients need?)	23.9% (39)	33.7% (55)	35.6% (58)	4.9% (8)	0.6% (1)	1.2% (2)	163
Access to information via email, telephone or in person at court (how easily can you get information from the right person at court?)	38.1% (64)	36.3% (61)	17.9% (30)	4.8% (8)	1.2% (2)	1.8% (3)	168
Dealing with urgent applications, correspondence and order preparation and sealing	31.0% (52)	39.3% (66)	21.4% (36)	5.4% (9)	1.2% (2)	1.8% (3)	168
Court documentation (how high quality is court documentation - comprehensive? typos? etc)	16.2% (27)	35.9% (60)	40.7% (68)	6.0% (10)	0.6% (1)	0.6% (1)	167

4.1 Specific comments:

4.1.1 Communications/Technology:

- “Last time I telephoned Bury St Edmunds I started as 32 in the queue!”
- “Centralisation of divorce telephone info frustrating as the sometimes the answer is needed from the physical file held at the home court.”
- “The most frustrating aspect of the changes has been the inability to speak directly with the court who is dealing with your application. There is no consistency in terms of who is dealing with your client's file and often the person with whom you speak has no legal knowledge at all. The standard response we seem to receive over the phone is that we should phone back in three weeks for an update.”
- “If you can speak to someone at the Court, they are usually knowledgeable but there is often no one available, or long waiting times.”
- “Court IT is lacking as is knowledge of how to use the IT from the court staff.”

4.1.2 Administration:

- “Have to book an appointment for urgent applications. No counter service available.”
- “A recent example being an urgent application for interim maintenance has been returned by the court saying we have provided the wrong fee (too much, but in actual fact is correct amount). Just returned instead of being issued and a refund provided if they thought that was right way to proceed.”

- “Papers have on several occasions been sent to the wrong parties. We have also had to wait 9 months for sealed consent order which put all parties in breach.”

4.1.3 Knowledge of staff:

- “Lack of legal knowledge from call centre staff is a big barrier to accessing information – at the very least, they should be able to support with urgent issues.”
- “It appears that decisions previously taken by Judges or qualified personnel are now taken by unqualified personnel. Sometimes they are simply wrong and sometimes documents are lost.”
- “Until an actual person in the court office reaches out to you, you get nowhere through the helpdesk.”

5: Do you feel that HMCTS has given you the opportunity to be engaged in relation to the court modernisation programme?

			Response Percent	Response Total
1	Yes, nationally		1.21%	2
2	Yes, locally		15.15%	25
3	Yes, nationally and locally		0.61%	1
4	No		83.03%	137

- “We had one court user meeting in 2017 to explain court closure/ relocation from which it was clear that the MoJ would pursue its own agenda regardless of lack of fitness for purpose.”
- “The Judiciary have listened patiently to our problems and in the main share them with us but HMCTS has an agenda of its own run by people with no basic knowledge of the law or its processes and have certainly not sought the views of the users of its "services" and I use that word in its loosest sense! They seem to be intent on selling off what they view as prime property with no thought for how that impacts on those striving to maintain a justice system on the ground floor!”
- “I suspect that HMCTS say they will listen to ideas but have already decided what courts are going to be closed, what Judicial numbers will be and what court staff will be cut before any consultation takes place. The desire to push cases to Magistrates or DDJs means inconsistency for clients and erratic outcomes for all that are impossible to predict.”

5.1 How would you like HMCTS to engage you going forward?

- “More frequent and regular Court User meetings, as well as emails and roadshows keeping us in the loop. Half the time it seems the Court and Judges themselves have no clue what is happening.”
- “Ask us what is and isn't working.”
- “Ask all the court users for input rather than only the limited firms invited to the court user meetings at Cardiff”

- “All family users should be invited to attend and also for a survey to be sent with options so votes can be taken or to get user preference choices”
- “The availability to obtain daily bulletins from each divorce centre (as it possible from BSE) would be helpful, allowing us to compare Courts' performance and choose which one to use when issuing.”

6. Please share any additional comments on the impact of the court modernisation programme and whether you feel involved in it, both as to court closures and the move to digitisation. This can include examples of the experiences of you or your clients, anything else you would like to see as part of the modernisation programme or anything else to mention which is positive or detrimental to you or your clients.

- “The Family Court gives a terrible services and I advise all of my clients to give serious consideration to avoiding it and using alternative process options where possible. Divorce clients unfortunately have to engage with the court for the divorce process which should be straightforward, but the service is not acceptable, particularly bearing in mind the costs incurred by clients.”
- “Delays are unacceptable at the moment to client's detriment e.g. orders being received for hearings that have already passed, consent orders taking 10 weeks to receive approval, paperwork being considered by a judge but not being processed by admin staff for over 6 weeks.”
- “All in all very little has changed, or has become worse. Paperwork is processed much more slowly, phones ring and ring without being answered and lack of face to face contact with counter staff all impede the smooth running of client’s case, often increasing costs.”
- “It is hard for clients to have confidence in the court system. There are long delays when attending court, in a grim setting. There are no café facilities, which have a greater impact then just not providing food for clients. The café is a resource for clients to relax, to discuss matters and to remove themselves temporarily from the stress of the court process. This is not matched by a vending machine. Over the several decades of court work I have noticed that the presence of a café, staffed by a friendly "human" has a beneficial effect on the behaviour of those attending court. It calms, and neutralises the stress. When we lose the café, we don't just lose the cup of tea. “
- “Correspondence with the court is terrible. You cannot ever rely on getting a response. This also makes it hard for clients to have any confidence in the system.”
- “Modernisation is simply the wrong word for depriving the court service of resources. Everything involving the court system takes so much longer than it should, despite higher court fees. Mistakes are made by clerks refusing applications within the divorce process that take months to rectify. The wait for consent financial orders and decree nisi dates is unjustifiable to clients.”

- “The advent of the divorce centres has been little short of catastrophic. Delays are rife there, as are errors. Further, local courts have seen no improvement as a consequence of their inception. In fact the position is much worse because local courts now have effectively no assistance to offer with no public counters and log jammed phones. This means that simple administrative difficulties which they previously could have resolved now require a court hearing and a Judge's time to remedy.”
- “The delays are having a profound effect and causing a considerable limitation on the public's right to access justice. With each week that passes, they become worse and without significant investment, the situation seems only likely to deteriorate rather than improve.”
- “Twice I have had Consent Orders rejected asking for specific wording that (a) there is no legal requirement (either in the Rules or as drafted by Mr Justice Mostyn) for its incorporation, and (b) despite this, the wording has already been recorded. It took 3 months for both Consent Orders to receive a response and will now take a further 3 months to get another response, despite the error being the court's.”
- “I find myself apologising profoundly to clients at our first meeting for the state of our courts, in a hopeful attempt at managing their expectations in circumstances that are already extremely difficult for them, and they wish to draw to a timely conclusion but cannot do so because of the delays the court will subject them to. It is evidently clear that this is a funding issue, rather than a productivity issue. Our courts are in serious need of investment.”
- “I could go on and on. The bottom line is that my local court is in meltdown - as I am sure are many others.”

6.1 Specific examples of impact on clients:

- **Transferring cases without regard for vulnerable person:** My elderly client has both cancer and impaired mobility. She was initially at Preston – which is all on one level and has lifts. The night before the hearing I was notified that we were transferred to Reedley, which has no lift and the waiting room and court are upstairs. I rang to explain the difficulty and they said a downstairs room would be made available. However on the day it was not, and she had to climb up a steep windy staircase on her crutches. This happens all the time.
- **Impact of lack of facilities for vulnerable people:** I requested a private meeting room for a client who was the victim of domestic violence. Court staff assured me on the telephone that adequate facilities would be provided. Upon arrival at court, no one had been notified and the client came face to face with her abuser.
- **Problems with listings and re-listings:** Hearings are frequently listed and then removed at the last minute - in one case a final hearing was relisted the day before it was due to take place (as a three day final hearing there was significant prep) and it was relisted then twice more incurring significant counsels fees. The court had even confirmed it

would be listed as a primary and not a backup due to the original relisting and then eventually paid part of our clients' costs for relisting repeatedly and incurring counsels' refreshers and updating of the bundles and financials, etc.

- **Impact on families:** I had an email 15.54 last Tuesday adjourning a hearing the following day so briefs all paid and no one seems to care how emotional this is for clients who then have to wait nearly a month for the next hearing on a case involving prohibited steps, specific issues and internal relocation for a 3 year old.
- **Last-minute cancellations:** It's not unusual for hearings to be cancelled with less than 24 hours' notice and it's not just trials but first appointments re finances and children. Always seems to be that cannot get a judge presumably because judges don't want to travel hours to courts so less to call on than before
- **Impact on families – even amicable cases:** The vacating of hearings is the most frustrating issue. I now tell clients at first meeting how poor system is and even on amicable cases the fact the paperwork is so slow is very frustrating and adds unnecessarily to people's stress.
- **Judicial continuity:** The court service is not just about buildings, but also about Judges, There are insufficient numbers of CJ's and permanent DJ's to cover the public and private children and matrimonial finance case load, which has meant a reliance on Deputies (most of very high quality I must add). Even then, continuity of judiciary is not guaranteed.
- **Court closure impact in rural areas and on parents:** Rural crime and care clients have suffered with court closures as there are serious cost implications for them trying to get to court and also extended child care needed given the longer travel times. We are spending more time travelling to court and then waiting at court with poor/over listing.
- **Decline in quality of documentation:** The court has also refused an application for Decree Nisi, even when the Acknowledgement of Service form has been returned, on the basis that they have not yet processed that Acknowledgement. They asked me to resubmit the application once they had sent the sealed Acknowledgement to me, even though this was not signed by the Respondent so needn't have been exhibited to the statement in support of the divorce application. All efforts made to get a divorce processed quickly tend to fail.