

Courts Charter - Family Courts

This leaflet sets out the standard of service you can expect from any Family (County or Magistrates) Court in England and Wales. We have set these standards after talking to people who have used the court. We aim to provide an excellent, courteous service and when you come to court you can expect fair and equal treatment, no matter what your age, ethnic origin, sexual orientation, disability, gender or religious beliefs.

This Charter is about the administration of the court and not the decisions made by judges or magistrates. You may be able to appeal to a higher court if you are unhappy about the outcome of your case. If you want to do so you should get legal advice. Please note that court staff are unable to give legal advice to customers.

If you are coming to court

When you are first asked to come to court we will send you, or your solicitor:

- a map of how to get to court;
- details of public transport and any car parks near the court;
- details of the times the court is open;
- information on the availability of refreshments, telephones, separate waiting areas etc;
- the contact details of the Customer Service Officer or appropriate Court Officer.

Before the date of your hearing you can ask to see the type of room, or court, where your case will be heard. The use of video conferencing facilities is also available with the court's permission. A list of video conferencing sites is available on the HMCS website or from your local Care Centre.

If you have a disability and need help at your court hearing, please speak to the Customer Service or Disabled Persons Officer who will tell you how we can help you.

We can provide foreign language interpreters for some types of case but for others you will need to arrange and pay for this yourself. The court staff will provide further information on request.

The court building is normally open from 9am on days when there are hearings. The public counter or enquiry point is normally open from 10am to 4pm although locally some may be open for longer than this national minimum standard.

Please note that smoking is strictly prohibited in any part of our buildings.

When you come to court you will find:

- courteous, polite, helpful staff wearing identity badges;
- clear signs to help you find your way around;
- information leaflets on display;
- a notice giving the details of the Customer Service Officer or Courthouse Manager who will be pleased to help you with any special needs, suggestions or complaints.

When you go to the public counter or enquiry point we will:

- respect your privacy;
- talk to you out of the hearing of other members of the public, if you prefer;
- use simple clear language and ensure all technical terms are explained;
- attend to your enquiry within 10 minutes or explain the delay if you have to wait longer.

You can contact us by phone Monday to Friday between 9am and 5pm and we will:

- answer the phone promptly and helpfully;
- give the name of the person you are speaking to;
- give you a clear and helpful answer;
- ensure that if the office is closed for any reason an answerphone will take your message and we will return your call the next working day.

When you write to the court, and we need to reply, we will:

- write to you or phone you within 10 working days of receiving your letter;
- tell you who is writing and provide a phone number to contact them if you wish.

If you want to start a case we will:

- send out the documents relating to your case within 10 working days from receipt of your request;
- tell you the reference number of your case within 10 working days of your case being commenced;
- tell you the date you must come to court if this is appropriate.

We can give you forms and offer guidance on how to complete them but we cannot give you legal advice or tell you what to say. We won't be able to say if your case is likely to succeed, or tell you what the court will decide.

We can tell you how to get advice from a solicitor, the Citizens Advice Bureau or other relevant agencies.

Community Legal Service

CLS Direct, a free government funded service, will provide information on where you can obtain the type of legal advice you need.

Telephone: 0845 345 4345

website: www.clsdirect.org.uk

Citizens Advice Bureau

The CAB gives free, confidential, impartial and independent advice on a wide range of subjects. The phone number and address of the local office will be displayed in the court.

website: www.citizensadvice.org.uk

Your court hearing

Most family cases are heard in private. If you are worried or have any concerns about the arrangements we have made for your case, please speak to one of the court staff who can advise on the availability of special facilities.

If your case has to go to court, we cannot guarantee when it will be heard. However, we aim:

- to list a case for directions, a first appointment or mediation within 6 weeks from the first application;
- to have a case completed within 40 weeks from the first appointment to final order;
- to have a case for adoption completed within 20 weeks from the first appointment to final order;
- to list a case for the first ancillary relief hearing within 16 weeks from the application.

When you arrive at court we will:

- show on a notice board where your case will be heard;
- arrange for you to wait apart from the other side's witnesses if there is no separate area. Please ask the court staff if you would prefer this;
- deal with your case as soon as possible. However, delays can happen, for example if the case before yours takes longer than planned.

If you have to wait we will:

- tell you regularly how much longer you may have to wait;
- tell you as quickly as possible if your case cannot be heard that day.

If we have to change the date of your hearing we will let you know as soon as we can.

Court decisions and orders

The judge or magistrate may hear your case in court or make a decision based on the documents relating to your case. We will send you an order setting out the courts decision within 10 working days from the date the decision was made.

If you and the other people involved in your case prepare the order, we will send it out within 10 working days from the date we receive the documents.

Divorce / Dissolution

If you ask us to issue a *divorce / dissolution petition*, we will send a copy to your husband, wife or civil partner, and anyone else who should get a copy, within 10 working days.

If the court decides you should have a divorce / dissolution, we will send you, and your husband, wife or civil partner, a *decree nisi* (the court order leading to a divorce / dissolution). We will do this within 10 working days from the date the court makes the decision.

You can apply for your decree absolute 6 weeks and one day from the date your decree nisi was pronounced. We will then:

- send out a *decree absolute* (divorce / dissolution court order) on the day we get your application and fee;
- hand you the decree absolute if you come to the court to collect it.

Parental Responsibility Agreement

These forms can be obtained from any family court. Once you have taken your completed *parental responsibility agreement* to the family court it will be registered within 7 working days from when it is received.

How to get more information

If you want to find out about the Children Act 1989 and other children's issues, you can get information from the

Department of Health,
PO Box 777,
London SE1 6XH

website: www.doh.gov.uk

Leaflets on various aspects of family cases are available from any family court. We will send you the leaflets you ask for within 10 days. They are also available on our website:

www.hmcourts-service.gov.uk

Listening to you

We welcome your comments and suggestions on how we could improve our service to you. We do this by:

- inviting you to fill in comment cards;
- carrying out local surveys;
- paying attention to all comments, complaints and suggestions;
- displaying information about our performance;
- displaying details in court waiting areas of complaints and suggestions and what we have done to make improvements as a result of your feedback;
- displaying results of local surveys and changes we have made because of them.

If you have a complaint, please tell us as soon as possible and we will do our best to sort out the problem there and then. If you're still not happy, you can speak to the Customer Service Officer or Family Manager. If you prefer, you can write to the Court Manager of the court in question.

We aim to resolve and respond to the complaint, giving you a full answer within 5 working days of receipt.

A leaflet called "I want to complain – what should I do" is available in every court. For more information please ask one of the court staff or visit our website at:

www.hmcourts-service.gov.uk

We welcome suggestions and compliments too.

Whilst we can investigate complaints about how a magistrate or judge behaved in court we cannot investigate anything to do with their judgment, their assessment of a case or overturn any of their decisions. Information about how to make a complaint about the personal conduct of magistrates and judges is available on the web:

www.judicialcomplaints.gov.uk

Such complaints about the personal conduct of judges in the County Court should be sent to:

Office for Judicial Complaints (OJC),
4th Floor, Clive House,
70 Petty France,
London SW1H 9HD

Telephone: 020 7189 2937

Fax: 020 7189 2936

Complaints about the personal conduct of magistrates in the Family Proceedings Court should be sent in writing to your local Advisory Committee. You can find details of your local Advisory Committee by asking at the court office or by visiting the website on:

www.dca.gov.uk/magistrates/docs/advisorycomslist.pdf

Your letter to the OJC or the Advisory Committee should include the name of the judge or magistrate and court, your case number and hearing date together with the specific details of the conduct about which you are complaining.

Although we cannot look into complaints about solicitors, barristers or any other organisation, you may find the following addresses useful:

Solicitors

Consumer Complaints Service,
The Law Society,
Victoria Court,
8 Dormer Place,
Leamington Spa,
Warwickshire CV32 5AE

Helpline: 0845 608 6565
Textphone: 0845 601 1682
Fax: 01926 431435
email: enquiries@lawsociety.org.uk
website: www.oss.lawsociety.org.uk

Barristers

If you would like a complaint form please write to:

The Complaints Department,
The General Council of the Bar,
Northumberland House,
289-293 High Holborn,
London WC1V 7HZ

Telephone: 020 7242 0082
Fax: 020 7611 1342
email: complaints@barcouncil.org.uk
website: www.barcouncil.org.uk