

A summary of *The Remote Access Family Court* released on 23 March 2020

from Mr Justice MacDonald

THE REMOTE FAMILY COURT:

A Guide for ISWs giving evidence in court

1. For the duration of the current health emergency, the vast majority of hearings in the Family Court will take place as 'remote hearings' meaning that everyone will be attending by telephone or video. Where court buildings have been closed the judge may be conducting the hearing from a remote location. The advocates will be joining via laptops with webcams and the parties and witnesses will also be taking part electronically. Because of the social distancing requirements advocates will not be able to have their client sat next to them and sharing their screen.
2. Although this may initially seem close to impossible, hearings in this form have taken place successfully. Since 19 March 2020 several Family Court hearings with multiple parties and large numbers of expert and lay witnesses have taken place and have been successful. With social distancing rules making it very difficult to work face-to-face, practitioners will, in any event, need to come to grips with other ways of meeting with people, beyond the traditional home visit.
3. For court hearings, it is hoped that, very soon, the Ministry of Justice will introduce a centralised remote access system called the Cloud Video Platform ('CVP'). This system was already well advanced when the Covid-19 crisis broke and it is suggested that it should be available in 'days rather than weeks'. Anyone who needs to attend a remote hearing through CVP should be able to do so using any tablet or laptop with a webcam and no additional software should be required.
4. In his paper *The Remote Access Family Court* released on 23 March 2020, Mr Justice MacDonald identifies two requirements. (1) Systems to use until CVP becomes available and then (2) back-up systems to use as fail-safes whilst CVP is fully operational, tested and dependably reliable.
5. Currently, there are a range of options for remotely accessing a hearing and it will be for the court to determine which one to use. You need to be aware of the options so that you can inform the court and the lead solicitor which of the options are accessible to you as a witness. By doing this you can ensure that the method selected is one which will allow you to access the hearing.
6. The main options available to the court are these:
 - a. **Telephone conferencing.** The most 'low-tech' option. With this, the court will arrange the call, and dial out to all the parties and witnesses in a

conference call. If this is chosen all you will need is a telephone with 'hands-free' and somewhere private to take the call.

- b. **Skype for business.** This is part of the Microsoft Office suite and is already installed on judicial laptops. Whilst not without limitations, this is the software which has been most used for the hearings which have taken place to date. As a witness, you will not need to purchase a subscription to Skype for Business but you will need to have the free software. You will be provided with a link to join the hearing at the appropriate point.
 - c. **Microsoft Teams.** This is replacing Skype and is built into judicial laptops. You will need to download the free software to join a meeting via MS Teams
 - d. **Zoom.** Considered by some to be superior to other platforms in terms of sound and video quality, it has been used successfully as a platform for hearings. There are free subscriptions which allow one-to-one video calls but multiparty calls are limited to 40 minutes unless a subscription (£11.99pm) is purchased. It is an option which practitioners may wish to explore for video conferences with parties to an assessment. Only the free software is needed to join a meeting/hearing organised by someone else. It is suggested that the platform works best with Google Chrome as the browser.
 - e. **Lifesize.** This is a secure video-conferencing platform which is used by some barristers' chambers. As with other platforms, the subscribing organiser sends an invitation to other participants who can then join without cost.
 - f. **Facetime.** Limited to Apple products but allows video calling. It is not universally available to the judiciary.
7. Since work will have to be conducted remotely for a significant time, practitioners are urged to investigate and familiarise themselves with these platforms.
8. **Electronic bundles.** For remote access hearings where you are giving expert evidence, there will not be a paper bundle. Instead, you will receive a paginated electronic bundle in .pdf format. For the purposes of giving evidence as a witness, it should be sufficient for you to have the free Adobe Acrobat Reader installed. You will need to give some thought to how you will simultaneously access the bundle and the video conference. Either setting up a split-screen or having the bundle on a separate device may provide a solution.
9. **Conclusions.** One of the advantages at this stage is that most of us are unfamiliar with the different platforms and software because we have not needed to use them before. This makes it easier to admit to being uncertain how to manipulate these tools, because almost everyone will be in the same position. Generally, they are designed to be fairly intuitive so that if something 'looks right' it probably is. There are free, basic versions of most platforms and practitioners are urged to work together to master these in good time for the demands of practice.