

## **THE SINGLE FAMILY COURT**

### **A Joint Statement by the President of the Family Division and the HMCTS Family Business Authority**

The term 'single Family Court' is used in two distinct senses.<sup>1</sup>

In its first sense the single Family Court refers to the fact that, as in the case of the Crown Court, there is to be a Family Court for the whole of England and Wales. The four key features of the Family Court are that:

(1) The Family Court will deal with ALL family cases with the exception of two classes of case that are reserved for the Family Division (reserved work):

- (a) cases invoking the inherent jurisdiction of the High Court, whether in relation to children (wardship) or incapacitated or vulnerable adults;
- (b) international cases involving applications for relief under either the Hague Convention or Brussels IIR.

(2) As with the Crown Court, the judiciary of the Family Court will include High Court Judges, Circuit Judges and Recorders. Unlike the Crown Court the judiciary of the Family Court will also include District Judges (including District Judges of the Magistrates' Court) and Magistrates. Legal advisers (justices' clerks) will also be part of the Family Court.

(3) The Family Proceedings Court will no longer exist. All family work currently dealt with in the County Court will be dealt with in the Family Court. The Family Division will deal only with reserved work. Except for reserved work, cases that require to be heard by a High Court Judge will be heard in the Family Court by a High Court Judge. Cases will accordingly no longer be transferred to the High Court on the grounds of complexity. No transfer of a case from the Family Court to the High Court will be permitted unless ordered by the President of the Family Division or a High Court Judge (not a section 9 judge).

(4) England and Wales will continue to be divided into geographical areas judicially led and managed by the Designated Family Judge (subject as at present to the Family Division Liaison Judge and the President of the Family Division).

In its second sense the single Family Court refers to the fact that, within the area for which the Designated Family Judge is responsible, the overarching principle will be that all the locations at which hearings take place will be managed and operated as a single family court. There will no longer be 'care

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<sup>1</sup> The term 'single Family Court' is used as a convenient and informative shorthand. The proposed statutory title of the court is "the family court".

centres' and 'family hearing centres'. The three key features of the local single Family Court are that:

- (1) There will be one central location – the Designated Family Centre – where the Designated Family Judge will be based and which will be the principal location at which hearings take place. There may be one or more Hearing Centres attached to the Designated Family Centre at which hearings can also take place.
- (2) There will be a 'single point of entry', located at the Designated Family Centre, for the issue of process for the entire local single Family Court.
- (3) There will be a centralised and unified administration, principally based at the Designated Family Centre, for the entire local single Family Court. The key elements of this will be:
  - (a) a centralised 'back office';
  - (b) a centralised 'gate-keeping and allocation team' consisting of a legal adviser (justices' clerk) and a District Judge: every new case will on receipt be allocated by the team (i) to the appropriate level of judge (judge for this purpose including Magistrate) and (ii) to the appropriate Hearing Centre if the case is not to be heard at the Designated Family Centre;
  - (c) centralised listing: a single listing system covering all judges and all cases, whether listed at the Designated Family Centre or at a Hearing Centre.

The principles in (2) and (3) will be subject to local variation where circumstances require, *so long as the basic principles of the 'single point of entry' and a centralised and unified administration for the entire local single Family Court are not compromised*. Thus, for example, local circumstances may require:

- (i) that staff be located at places other than at the Designated Family Centre;
- (ii) a facility enabling litigants to lodge papers (including applications) at a location distant from the Designated Family Centre either at a manned counter or in a 'drop off box', even though the formal issue and processing will take place at the Designated Family Centre;
- (iii) that members of the 'gate-keeping and allocation team' be located at different places, communicating by means of IT shared drives, email or telephone;
- (iv) that the 'gate-keeping and allocation team' consists of more than two people if, for example, required by the size of the case load.

It will be the responsibility of the Designated Family Judge in conjunction with the Family Division Liaison Judge and in consultation with the Clerk to the Justices to agree with the HMCTS Head of Civil, Family and Tribunals a

draft Designated Family Centre Operating Model incorporating such adjustments, consistent with these principles, as may be required in the light of local circumstances. The draft Designated Family Centre Operating Model will take effect when approved by the President of the Family Division and the HMCTS Family Business Authority.

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**April 2013**