



SHERIFFDOM OF TAYSIDE CENTRAL AND FIFE

GUIDANCE ON WEBEX CHILD WELFARE HEARINGS

Introduction

Due to the restrictions in Part 1 of Schedule 4 to the Coronavirus (Scotland) Act 2020 child welfare hearings across Tayside, Central and Fife have, since March 2020, been conducted remotely by way of written submissions or telephone conference or a combination of both. A very small number of child welfare hearings have taken place with parties physically attending under the direction of the court having regard to the circumstances specified in the 2020 Act apply.

To facilitate participation in child welfare hearings and to improve efficiency on 07 December 2020 a pilot was introduced in Forfar and Stirling Sheriff Courts. The pilot permits both parties and their solicitors to appear virtually before the presiding sheriff court using Cisco Webex. An evaluation of the effectiveness of the pilot was carried out by the Sheriffdom Business Manager, and as a result I have decided to continue the pilot in those courts and to extend it to the other courts in the sheriffdom on a phased basis: the pilot will commence in Dunfermline, Falkirk and Perth Sheriff Courts with effect from 01 March 2021; and in Alloa, Dundee and Kirkcaldy Sheriff Courts with effect from 01 April 2021.

For the avoidance of doubt this guidance is intended to supplement, not to replace the Guidance in Respect of Civil Business No. 3.

<http://www.scotcourts.gov.uk/docs/default-source/rules-and-practice/coronavirus-temp-orders/tayside-orders/coronavirus-civil-business-no-3.pdf?sfvrsn=2>

Procedure

Parties must lodge written submissions with the Court a minimum of two clear days before the child welfare hearing to the email address specified in Appendix 1 of Guidance No.3. Once lodged the sheriff may determine the matter on the written submissions (together with any further information required) and discharge the child welfare hearing.

If the child welfare hearing is not so discharged, it will be conducted by Webex. The time and link to the virtual child welfare hearing will be intimated to the parties by the Sheriff Clerk by 1pm on the day prior to the court calling along with a Webex User's Guide. Solicitors are responsible for intimating the time and link of said hearing to their client to allow for participation.

If parties are unable to join the child welfare hearing by webex, arrangements will be made via the sheriff clerk to conduct the hearing by telephone conference

Solicitors and parties should test their equipment in advance and make themselves available for a test run if requested to do so.

Each child welfare hearing will be allocated a 30 minute slot. If parties or their solicitors consider that more time is required, a double slot may be allocated. To avoid timetabling difficulties, this matter requires careful consideration by the legal advisors and should be discussed in advance with the Sheriff Clerk.

All productions or list of authorities which are to be referred to must be lodged with the Court by email, in PDF electronic format, no later than 2 clear days before the court calling.

The Child Welfare Hearing

Any party attending such a hearing is expected to behave as if they were attending court physically. They must participate in the hearing from a quiet and secure place.

Recording the hearing without the consent of the court is prohibited.

If in the course of the hearing a matter arises upon which the solicitor requires to take instructions a private virtual consultation will be facilitated.

Webex

The relevant software can be downloaded to any smart device. Separate guidance will be issued to the parties to assist them in utilising the software.

The pilot will terminate on 28 May 2021 or on such other date as may be separately intimated.

Appendix 1-

Timeline for a virtual child welfare hearing

Electronic submissions to be lodged by email to Sheriff Clerks office by close of business a minimum of two clear working days before hearing i.e. if the hearing is on a Wednesday submission should be lodged by COB Friday

By 1pm the day before the court calling, the Clerk will email solicitors or unrepresented parties who are required to attend a virtual webex child welfare hearing and will supply a time and link to the hearing along with the webex user guide.

Solicitors will intimate the time and link for the virtual webex child welfare hearing along with the webex user guide to their clients.

Before the hearing parties should ensure they have access to webex