

COVID-19 & the Family Courts in Northern Ireland - Practitioners' Questionnaire

Have you experienced family court proceedings during the COVID-19 crisis? We want to hear from you.

The measures put in place to tackle the spread of COVID-19 have resulted in rapid changes in family law courts in Northern Ireland. Many face-to-face hearings have been adjourned. This means that many hearings are now taking place via phone or video.

The School of Law at Ulster University, funded by the Nuffield Foundation, is conducting a survey on the impact of COVID-19 on family justice in Northern Ireland.

Survey responses will provide views and perspectives that can help court processes, recovery planning and the future use of remote technology in family justice.

The survey is live from Friday, 23 October to midnight Wednesday 11 November 2020.

It takes about 15-20 minutes to complete.

The survey is led by Principal Investigator Professor Gráinne McKeever, email: lipni@ulster.ac.uk (<mailto:lipni@ulster.ac.uk>).

* Required

Your consent to take part

The purpose of the survey is to understand the impact of COVID-19 on the family justice system in Northern Ireland. We want to understand the experiences and perceptions of people involved in family law cases.

This questionnaire is for individuals working in a professional capacity in family law cases: Judges and Lawyers, Lay Magistrates, Court Staff, Court Children's Officers (CCO), Guardians ad litem, Independent Experts, Intermediaries, Interpreters and McKenzie Friends.

Survey responses will be treated with confidence and no personal identifiers will be used in the reporting of the survey. If you wish to take part in an additional study you have the option to provide an email address with which we can reach you. Providing your email will not affect the confidentiality of your survey responses.

Use the BACK button, at the bottom of the page, if you wish to review your answers.

For more information on this survey please click here:

<https://www.ulster.ac.uk/research/topic/law/impact/litigants-in-person/covid-19-consultation>
(<https://www.ulster.ac.uk/research/topic/law/impact/litigants-in-person/covid-19-consultation>).

1. I understand the purpose of this survey and agree to participate. *

Yes

No

2. I confirm that I have been involved in family case proceedings since the end of March 2020 *

Yes

No

Involvement in Family Proceedings

3. What type of family case(s) have you been involved in since the end of March 2020?

*

PUBLIC cases involve a Health and Social Care Trust.

PRIVATE cases are between private individuals, e.g. a mother and a father.

- Private
- Public
- Both
- I don't know

4. Please select your role in family proceedings from the list below *

- Judge
- Lay Magistrate
- Barrister
- Solicitor
- Court Children's Officer (CCO)
- Social Worker (not CCO)
- Guardian ad litem
- Independent Expert
- Court Administrator/Clerk
- Intermediary
- McKenzie friend
- Interpreter
-
- Other

Keeping Up to Date with Courts' COVID-19 Response Measures

5. How are you keeping up to date with the Courts' COVID-19 response measures in Northern Ireland? Select all that apply: *

I am involved in developing the Courts' COVID-19 Response Measures

I check the Judiciary of Northern Ireland website

I check the NICTS website

I check the Bar Council of Northern Ireland website

I check the Law Society of Northern Ireland website

I receive email updates from the Judiciary of Northern Ireland

I receive email updates from the Bar Council of Northern Ireland

I receive email updates from the Law Society of Northern Ireland

I receive email updates from my work

My place of work holds update sessions

Other

Communication with the Courts Prior to Hearings since the end of March 2020

We want to understand how the COVID-19 social distancing requirements have had an impact on the administrative workings of the courts, as well as wide-scale migration from face-to-face hearings to the use of remote and hybrid hearings.

A remote hearing is defined here as a hearing where all people join by phone or video.

A hybrid hearing is when some people attend face-to-face in court and others join remotely.

6. How are you informed of when the hearing(s) is going ahead? Select all that apply: *

- I decide the dates
- I prepare the lists
- Letter from the Court
- Email from the Court
- Phone call from the Court
- I contact the Court
- I check on ICOS
- It hasn't come up yet
- The litigant informs me
-

Other

7. If you received information about the practicalities of the hearing, how did you receive it? Select all that apply:

- I attend information sessions
- The court directed me to it on the internet
- It came in an email / letter from the court
- Someone else gave it to me
- N/A

Other

8. What information have you received regarding the practicalities of the hearings? Select all that apply: *

- How the hearing would be conducted - phone, video or in person
- Guidance on how to join /attend
- Guidance on how to use technology
- Information on who would be present
- Specific information for people with disabilities, vulnerabilities, not familiar with technology
- N/A
- None

Other

9. How useful have you found this information?

- Not useful at all 1 2 3 4 5 Very useful
-

10. On average, how much notice have you been given that the hearing will be remote or hybrid? *

- One month before
- Over two weeks before the hearing
- Over one week before the hearing
- One day to one week before the hearing
- Less than one day before the hearing
- N/A

11. In general, how good has your communication with the courts been since the end of March 2020? *

- Very good
- Good
- Satisfactory
- Not good
- Not good at all
- N/A

12. If you use a HR1 form to request a particular format for a hearing (in court, remote, phone or video, or hybrid) how often is your request granted? *

- Mostly
- Sometimes
- Hardly ever
- N/A

13. Are reasons provided when your request for a format of hearing is not granted? *

Yes

No

N/A

14. When reasons are provided, what are they?

Remote and Hybrid Hearings

We want to understand your experiences of the different formats being used for hearings. Phone, video, face-to-face and a mixture of these formats are in operation.

A remote hearing is defined here as a hearing where all people join by phone or video.

A hybrid hearing is when some people attend face-to-face in court and others join remotely.

15. Approximately what proportion of the hearings in your family law cases have shifted from face-to-face to remote or hybrid since the end of March 2020? *

- All
- Almost All
- Majority, Approx. 3/4
- About 1/2
- Minority, Approx. 1/4
- Hardly Any
- None: all my hearings have been in court
- None: all my hearings have been adjourned and are not yet relisted for hearing

16. Approximately how many of these remote hearings have been by phone only? *

17. Approximately how many of these remote hearings have been by video only? *

18. Approximately how many of these remote hearings have been by both phone and video? *

19. Approximately how many of these hearings have been hybrid - i.e. some people in court and other people joining by phone and/or video? *

20. Approximately how many of the hearings you have participated since the end of March have been in court, i.e. all participants physically in the courtroom? *

21. What types of hearings have you participated in since the end of March 2020? Select all that apply: *

Case Management

Review

Fact-Finding

Final

I'm not sure

Other

22. For the Case Management/Directions hearings you have participated in, how are they MAINLY being conducted? *

- Remotely by phone
- Remotely by video
- Remotely by both phone and video
- Hybrid - some people present in court and others joining by phone and/or video
- All participants in court
- N/A

23. For the Review hearings you have participated in, how are they MAINLY being conducted? *

- Remotely by phone
- Remotely by video
- Remotely by both phone and video
- Hybrid - some people present in court and others joining by phone and/or video
- All participants in court
- N/A

24. For the Fact-finding hearings you have participated in, how are they MAINLY being conducted? *

- Remotely by phone
- Remotely by video
- Remotely by both phone and video
- Hybrid - some people present in court and others joining by phone and/or video
- All participants in court
- N/A

25. For the Final hearings you have participated in, how are they MAINLY being conducted? *

- Remotely by phone
- Remotely by video
- Remotely by both phone and video
- Hybrid - some people present in court and others joining by phone and/or video
- All participants in court
- N/A

26. Generally, in the hearings you have participated in, how are the following people participating?

	in court	by video	by phone	not present	don't know	n/a
Judge	<input type="radio"/>					
Lay Magistrates	<input type="radio"/>					
Court Clerk	<input type="radio"/>					
Legal Representatives	<input type="radio"/>					
Litigants with Representation	<input type="radio"/>					
Unrepresented Litigants	<input type="radio"/>					
McKenzie Friends	<input type="radio"/>					
Expert/Witness	<input type="radio"/>					
Court Children's Officer	<input type="radio"/>					
Intermediary	<input type="radio"/>					
Interpreter	<input type="radio"/>					

Special Adjustments for Hearings

27. Did any of the parties involved require any reasonable adjustments in order to participate in the hearing? *

- Yes
- No
- I don't know

28. What reasonable adjustments were requested?

- Separate waiting room
- Separate exits and entrances
- Screens
- Advance viewing of the court
- A disability which required special assistance or special facilities
- An interpreter
- A sign language signer
- Video links
- I don't know

Other

29. Were these reasonable adjustments made? *

- All reasonable adjustments were made
- Most reasonable adjustments were made
- Some reasonable adjustments were made
- No, the adjustments were not made
- I don't know

30. If reasonable adjustments were not made, do you know why?

Unrepresented Litigants

31. Were all parties in hearings you participated in since the end of March 2020 legally represented? *

Yes

No

32. If no, approximately how many remote or hybrid hearings had an unrepresented litigant? *

33. When a party has not been represented, were they mainly... *

The Applicant

The Respondent

A mix of both

I don't know

34. For remote or hybrid hearings, have any special arrangements been put in place for unrepresented litigants since the end of March? *

Yes

No

I don't know

35. If you answered yes, please tell us what you know about the special arrangements put in place for unrepresented litigants.

Communication between Legal Representatives and their Clients

We would like to know how legal representatives have managed to communicate with their clients in remote and/or hybrid hearings.

36. Are legal representatives able to communicate with their clients IMMEDIATELY BEFORE & AFTER remote or hybrid hearings? *

- Yes
- No
- I don't know

37. If yes, how do legal representatives communicate with their clients IMMEDIATELY BEFORE & AFTER remote or hybrid hearings? Select all that apply: *

- By text - e.g. SMS, WhatsApp
 - By phone
 - By email
 - Talk privately using the hearing platform - e.g. breakout room
 - Legal representatives and their clients are in the same room
 - I don't know
 -
- Other

38. LEGAL REPRESENTATIVES – how easy is it to communicate with your clients immediately before & after remote or hybrid hearings?

- Very Difficult 1 2 3 4 5 Very Easy
-

39. Are legal representatives able to communicate with their clients DURING remote or hybrid hearings? *

- Yes
- No
- I don't know

40. If yes, how do legal representatives communicate with their clients DURING remote or hybrid hearings? Select all that apply: *

- By text - e.g. SMS, WhatsApp
 - By phone
 - By email
 - Talk privately using the hearing platform - e.g. breakout room
 - Legal representatives and their clients are in the same room
 - I don't know
 -
- Other

41. LEGAL REPRESENTATIVES – how easy is it to communicate with your clients during remote or hybrid hearings?

- Very Difficult 1 2 3 4 5 Very Easy
-

42. If there were communication difficulties between legal representatives and their clients, immediately before, during and after the remote or hybrid hearing, what were they? Select all that apply: *

- Lack of privacy
- Legal representative could not reach their client
- There was no opportunity to communicate
- There was nothing to communicate
- Litigants were absent
- I don't know
- N/A

Other

McKenzie Friends, Interpreters and Intermediaries

We would like to understand how the use of remote hearings has affected communications between litigants and third parties who provide assistance to them in their hearing.

A McKenzie Friend is a non-professional helper or adviser to a party who does not have legal representation.

Interpreters provide translation for parties who do not understand English, or who have a hearing impairment.

Intermediaries are appointed by the court to help vulnerable witnesses or parties to make sure that they can fully take part in court proceedings.

43. Have you participated in any hearings since the end of March where a McKenzie Friend, an Intermediary or an interpreter has attended? *

- Yes
- No
- I don't know

44. If yes, please tell us which of these people have been in attendance.

	Yes	No	Not sure
Interpreter	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Intermediary	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
McKenzie Friend	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

45. Are McKenzie Friends and/or Intermediaries and/or Interpreters able to communicate with litigants IMMEDIATELY BEFORE & AFTER remote or hybrid hearings? *

- Yes
- No
- I don't know

46. If yes, how do McKenzie Friends and/or Intermediaries and/or Interpreters communicate with litigants IMMEDIATELY BEFORE & AFTER remote or hybrid hearings? Select all that apply: *

By text - e.g. SMS, WhatsApp

By phone

By email

They are in the same room as the litigant

Talk privately using the hearing platform - e.g. breakout room

I don't know

Other

47. McKENZIE FRIENDS, AND/OR INTERMEDIARIES, AND/OR INTERPRETERS - how easy is it to communicate with litigants immediately before and after remote or hybrid hearings?

Very Difficult 1 2 3 4 5 Very Easy

48. Are McKenzie Friends and/or Intermediaries and/or Interpreters able to communicate with litigants DURING remote or hybrid hearings? *

Yes

No

I don't know

49. If yes, how do McKenzie Friends and/or Intermediaries and/or Interpreters communicate with litigants DURING remote or hybrid hearings? Select all that apply:

*

By text (including WhatsApp)

By phone

By email

They are in the same room as the litigant

Talk privately using the hearing platform - e.g. breakout room

I don't know

Other

50. McKENZIE FRIENDS, AND/OR INTERMEDIARIES, AND/OR INTERPRETERS - how easy is it to communicate with litigants during remote or hybrid hearings?

Very Difficult 1 2 3 4 5 Very Easy

51. What were the difficulties for McKenzie Friends, and/or Intermediaries, and/or Interpreters in communicating with litigants before, during and after remote or hybrid hearings. Select all that apply: *

Lack of privacy

The litigant could not be reached

There was no opportunity to communicate

There was nothing to communicate

N/A

I don't know

Other

Technology Used

52. How confident are you to use technology to access remote or hybrid hearings? *

Not at all 1 2 3 4 5 Very confident

53. What equipment have you used to attend the hearings? Select all that apply: *

Mobile phone

Landline

Computer/Laptop

Tablet

Other

54. What platforms have been used for remote participants in remote and/or hybrid hearings? Select all that apply:

Phone

Sightlink

SKYPE for business

Zoom

Microsoft Teams

I don't know

I was in court and I do not know what platforms the remote participants were using

Other

55. Generally, who controlled the technical aspects of the hearing(s)? For example, unmuting microphones, allowing access to participants, controlling the documents on screen. *

- Court staff
- The Judge herself/himself
- Solicitor or barrister
- N/A - No technical support was provided
- I don't know

Other

56. In the majority of the hearings, how satisfied were you with the technical support provided? *

- Satisfied
- Mixed experience
- Dissatisfied

57. When you participated remotely what equipment did you use to view the relevant documents? Select all that apply: *

- Mobile phone
- Computer/Laptop
- Tablet
- N/A: I used paper documents
- N/A: The relevant documents were not available to me

Other

58. Has any support been provided by the NICTS for represented litigants to help them access remote hearings? *

- Yes
- No
- I don't know

59. Has any support been provided by the NICTS for unrepresented litigants to help them access remote hearings? *

- Yes
- No
- I don't know

60. Have you experienced difficulties with remote hearings? Select all that apply: *

- Phone / Wifi connection problems
- No or low phone credit / data allowance
- No suitable device
- No quiet/private space for the hearing
- Problems with sound or picture
- Couldn't tell who was speaking
- Someone not in my case joined my hearing
- None

Other

Overall Perceptions of Remote and Hybrid Hearings

61. Are phone hearings effective in allowing both parties to participate and put their case forward?

Not at all effective 1 2 3 4 Very effective

62. Are video hearings effective in allowing both parties to participate and put their case forward?

Not at all effective 1 2 3 4 Very effective

63. What has worked well with remote or hybrid hearings?

64. What has not worked well with remote or hybrid hearings?

65. How satisfied are you that case(s) have been dealt with fairly by remote or hybrid hearings? *

Very Unsatisfied 1 2 3 4 Very Satisfied

66. Please explain your reasons

Judges' Case Management by Phone

It has been reported that some cases are being dealt with by judges talking directly to one party on the phone or via video.

67. Since the end of March 2020, approximately how many case managements have you conducted by phone? *

68. Approximately how many of these case managements involved unrepresented litigants?

69. What do you think of this practice?

General Comments on the Impact of COVID-19 Response Measures

70. Do you believe the COVID-19 social distancing requirements and use of remote hearings has had an impact on out-of-court negotiations and settlements? *

- Yes
- No
- I don't know

71. If yes, please tell us how it has had an impact.

72. Can you identify any current court measures, excluding remote and/or hybrid hearings, to accommodate for COVID-19 that are working well?

73. Can you identify any current court measures or practice, excluding remote and/or hybrid hearings, to accommodate for COVID-19 that you find particularly problematic?

74. How could things be improved?

75. Are you happy for us to contact you for further insights on your experience of the courts responses to COVID-19 and/or remote hearings? *

Yes

No

76. If you are happy to be contacted for further insights, please provide your email address below. Note, that your survey responses will remain confidential.

Equality Monitoring

You are not required to answer this section but your answers will help us understand whether remote hearings affect people differently depending on their backgrounds and circumstances.

77. Your Age group is ...

- 18-25
- 26-35
- 36-45
- 46-55
- 56-65
- 66 or older
- Prefer not to say

78. Your Sex is ...

- Female
- Male
- Prefer not to say

Other

79. Your Ethnicity is ...

- White - British
- White - Irish
- White - Other
- Irish Traveller
- Asian - East Asian (including South East Asian)
- Asian - South Asian
- Black - African
- Black - Caribbean
- Arab
- Mixed
- Prefer not to say

Other

80. Your Sexual Orientation is ...

- Straight
- Gay or Lesbian
- Bisexual
- Prefer not to say

Other

81. Your Community Background is ...

Roman Catholic

Protestant

Neither

Prefer not to say

Other

82. Your Political Background is ...

Nationalist

Unionist

None

Prefer not to say

Other

83. Do you consider that you are a disabled person?

Yes

No

Prefer not to say

84. Are you ...

- Married
- In a Civil Partnership
- Neither
- Prefer not to say

85. Are you in the process of, or have you transitioned from one gender to another?

- Yes
- No
- Prefer not to say

86. Do you have dependents or caring responsibilities?

- Yes
- No
- Prefer not to say

87. Are you pregnant, on maternity leave or returning from maternity leave?

- Yes
- No
- Not applicable
- Prefer not to say

88. Where do you live?

In a city or town

In a village

In a rural area

Prefer not to say

THANK YOU for your interest in the survey.

We appreciate the time you have taken to complete it.

THANK YOU for your interest in the survey.

We can only accept responses if you understand the purpose of the survey and agree to take part.

THANK YOU for your interest in the survey.

The scope of this survey is limited to on-going or new family proceedings cases in Northern Ireland since the end of March 2020.

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