



Client Service in the Family Court of Australia and the Federal Magistrates Court

Progress Report

Submitted by the Family Court of Australia

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Background

Subsequent to the ANAO Audit Report No. 46, 2003-2004, the Joint Standing Committee on Public Accounts and Audit held a public hearing during April 2005 to review progress made against the recommendations from the audit report. *Report 404 Review of Auditor-General's Reports 2003-2004 Third & Fourth Quarters; and First & Second Quarters of 2004-2005* was subsequently tabled on 7 November 2005, to which the Court responded with a progress report against the recommendations on 21 November 2005 and again during May 2006.

The purpose of this report is to update the Committee on further progress that the Family Court of Australia (FCoA) has made against the ANAO's original recommendations and the Committee's review recommendations since the conduct of the Committee's review.

Recommendation 10: *The Committee recommends that as a matter of urgency, the Family Court of Australia introduce toll-free phone numbers for each of its registries.*

The Family Court has established the National Enquiry Centre, which has been operating since 3 April 2006. Stage 1 of the Telephony Project, the implementation of a toll-free 1300 number, was implemented on 31 October 2005. The management of the Federal Magistrates Court's 1300 number was also taken over on 31 October. Stage 2 of the project involved the introduction of the National Enquiry Centre (NEC) situated at the Parramatta Registry, which has been operating since 3 April 2006. The NEC answers all calls to both the Family Law Courts 1300 number and the Federal Magistrates Court 1300 number until such time as the FMC number is disconnected in late 2006.

The introduction of the NEC has been very effective in efficiently dealing with clients enquiries at the initial point of contact. During September 2006, the NEC answered on average 1139 calls per day, only 8% of which were required to be referred to the Court's registry staff. Over 70% of calls were answered within 90 seconds, with an average

waiting time of less than one minute. Additionally, the NEC responded to 100% of e-mail inquiries within seven days.

Recommendation 11: *The Committee recommends that both the Family Court of Australia and the Federal Magistrates Court:*

- *Investigate best practice initiatives in client service which have worked successfully in individual court registries and implement these across all registries;*
- *Investigate the appointment of Federal Magistrates specializing in family law in the Sydney Central Business District in order to alleviate work pressures;*
- *Conduct more frequent surveys of client satisfaction to further enhance processes and levels of service;*
- *Investigate methods of further assisting clients who are in positions of disadvantage in their dealings with the courts; and*
- *Progress the initiative to identify and support clients with mental illness.*

The Court has continued to develop and implement numerous best practice initiatives in the provision of client services.

Client Services Integration Project

The court has established a number of successful client service initiatives to better understand and meet the needs of clients.

The Family Violence Screening Pilot (for clients of both the FCoA and FMC) was conducted in the Brisbane Registry, concluded in April 2006, and external evaluation completed during May 2006. The initiative, which involves the active management of matters involving violence and the protection of clients, will now be rolled out nationally across all Family Law registries.

The Mental Health Support Project was conducted to develop a means of ensuring that the staff of the FCoA / FMC are capable, competent and confident to support the mental

health and emotional wellbeing of clients by promoting awareness, providing skills and putting in place supporting infrastructure. The Department of Health and Ageing will contribute \$950,000 over the next three financial years for the national implementation of the Mental Health Support Initiative.

To further advance the quality of client service delivery and to meet the rising community expectations of the Court, the Court is focusing on integrating the following areas during 2006-07 through the Client Services Integration Project:

- Client-Focused Service Delivery - by building on from the success of the above pilots (the Family Violence Screening Pilot and the Mental Health Pilot) and rolling these projects out nationally;
- Increasing Staff Awareness - by delivering specific education and training in the areas of cultural diversity, Indigenous clients and men issues;
- Reinforcement of Behaviours that Support Clients – by focusing on the development of core competencies and the implementation of client service protocols responsive to clients who: are experiencing family violence; suffer mental health issues; come from culturally or linguistically diverse communities; are indigenous Australians; and/or are men who are seeking particular support at and after separation; and
- Build on Organisational Culture and Capabilities – by ensuring that staff see themselves as part of a broader public service, enabling them to respond to clients with a holistic approach, think and act across agency boundaries and refer to other government or non-government agencies.

This initiative will assist registry management teams to establish and maintain relationships with key external agencies in order to develop referral points for clients who require further support, and will provide FCoA staff with education and training to effectively assist clients and to make appropriate referrals to community-based and government organisations that provide support services in the key areas of mental health,

family violence, cultural diversity and issues pertaining to men facing separation and marital breakdown.

Engagement with Specific Client Groups

The Court remains committed to contributing to constructive discussion with all client groups when opportunities arise, and canvassing client experiences and broader community expectations. The Court continues to action the findings from its comprehensive client and stakeholder satisfaction survey during 2004 and 2005 through the design of the Combined Registry initiative, implementation of the less adversarial approach to hearing cases, development of the Child Responsive Model, and the abovementioned initiatives.

Magellan

Magellan is primarily a case management system, designed to ensure that the cases which are the most resource intensive, involving the most vulnerable children, are dealt with as effectively and efficiently as possible. Magellan relates only to cases involving serious allegations of child sexual or physical abuse. The principles underlying Magellan are:

- An inter-organisational approach;
- A focus on children in disputes;
- A priority on early intervention so that resources are injected into the dispute from the outset;
- The use of a judge-led, tightly managed and time limited approach;
- The use of court ordered expert investigations and assessments from the state child protection service and the court family consultants;
- The use of a court ordered legal representative for every child funded by legal aid; and
- The use of a multidisciplinary team.

Magellan has been implemented nationally across the Court, and is being formally evaluated by the Australian Institute of Family Studies – final report expected during June 2007.

The Less Adversarial Trial and Child Responsive Model

The Court's pilot of a less adversarial approach to hearing children's cases is now complete. Data was collected on up to 200 cases finalised up to 31 December 2005. Final evaluation reports were prepared by Professor Rosemary Hunter of Griffith University and Dr Jennifer McIntosh. Evaluation findings included the following in favour of the less adversarial approach:

- More satisfaction with post court living arrangements (including for the children);
- Significantly less difficulty in managing conflict;
- A positive impact of the court process on parties themselves as parents;
- Significantly less damage to the parenting relationship post court and to the parent-child relationship; and
- Greater contentment and emotional stability in children after court.

The Child Responsive Model pilot was conducted at the Melbourne Registry, and was developed to compliment the less adversarial approach to hearing children's cases by more effectively preparing parties for trial, and to better integrate the work of the Family Relationship Centres in the family law system.

The pilot concluded during September 2006, and the external evaluation concluded that the model was successful in focussing parents on children's interests and enabling parents to better co-operate in achieving the best possible outcome for the children.

Client Feedback

The Family Court invested significant resources in conducting a client satisfaction survey during 2004, and follow up focus groups during 2005 – in both instances, the Court engaged the expertise of an external consultant. Additionally, the Court has engaged

external experts to access client feedback in evaluating major initiatives, such as the Children's Cases Program and Child Responsive Model.

Recommendation 12: *The Committee recommends that the Family Court of Australia and the Federal Magistrates Court continue to work towards minimising duplication in areas such as client processing, information available to the public via publications, websites and the like, and duplication of administration across the courts.*

The objectives of the joint FCoA and FMC Combined Registry initiative were very clear:

- To reduce confusion for clients by:
 - simplifying the path in the family courts system;
 - establishing a single point of filing for the Family Law Courts with a common application form;
 - effective streaming of applications to appropriate court and court events; and
 - producing shared family law information;
- To reduce the number of times clients need to attend court and ensure each event adds value and progresses the case towards a conclusion;
- To ensure earlier access to a judicial officer where appropriate; and
- To provide services which make the process more timely.

The planning and implementation of the Combined Registry initiative has been managed as 16 discrete projects that address the key elements of the combined registry and constitute the Combined Registry Program.

National Enquiry Centre

Discussed above.

Shared Family Law Internet

Work on providing shared family law content via the Internet has focused on the development of a new Website for the FCoA and FMC to provide litigants and legal practitioners with a single Website access point to the services provided by the Family Law Courts.

The Website (www.familylawcourt.gov.au) went live on 1 July 2006. It provides a single point of entry to shared family law content including topic-based information, forms, brochures, and links to both Courts' individual Websites. The site also provides links to a number of other sites including Australian Law Online, Child Support Agency, and Family Relationships Online. The next stage of this project is to develop client-based 'entry points' to content - for example, an entry point tailored to the specific information needs of practitioners.

Common Application Form

The Courts are nearing completion on work to produce a common application form. This is a complex project. Some of the complicating factors include:

- the FCoA and FMC have different requirements for case management;
- the FCoA and FMC have different philosophies on whether the initiating application can contain applications for both final and interim orders or alternatively, that separate applications for each must be filed;
- the FCoA captures information on its application form that is not required by the FMC; and
- a change to either Court's or both Courts' application requires changes to both Rules.

It is crucial that any change to application forms be done correctly and only once, given the impact that form changes have on legal practices and software requirements.

Rules Harmonisation

The courts will have harmonised rules to deal with how applications are filed using one form and accommodate the move to streaming and other necessary matters.

The Courts will remain separate entities with their own case management approaches and procedures. Each court will continue to have its own set of Rules.

Transfers

The Courts aim to improve processes for matters transferred from State courts and between the FCoA and FMC. Specifically, the aims of this project are:

- to ensure that matters transferred from State courts have the information required to initiate the application in either the FCoA or FMC;
- to ensure that when matters are transferred between the FCoA and FMC parties are provided with:
 - date certainty for clients transferring between the courts; and
 - event certainty for clients transferring between the courts;
- significantly improved information being provided by the transferring court; and
- improved data collection and reporting.

In the past, matters have been transferred between the courts with parties and legal practitioners having to wait for written advice regarding the date of the next court event and the nature of that court event. In the future, litigants will have this information prior to leaving the court. This will assist parties and legal practitioners to prepare for the next court event and ensure that the event is meaningful and productive. Matters that are transferred will be listed to events in the other court that will be commensurate with the stage that the proceedings are at in the transferring court.

Single Casetrack System

Casetrack is the computerised case management system used by both the FCoA and FMC, although each jurisdiction is accessed separately. It is critical to develop the system to support the goals for Combined Registry, in particular ease of creation of a file in

either jurisdiction by client service officers, ease of transferring matters between the Courts, and the requirement for a 'single file', whilst still maintaining the capability to extract separate statistical information for each Court. New functionality has already been released to improve the ease and speed of switching between the Family Court and FMC family law jurisdictions.

On 1 January 2007 a single number regime will be introduced for each location. The numbering regime will be used for both Courts and will support the introduction of a single file. Parties should then only ever have one file number for a family law matter regardless of the number of applications they file or the court in which those applications are filed.

The Streaming Model

It is critical that the Combined Registry initiative improve the efficiency of dealing with family law matters by implementing an appropriate and effective case management pathway. The proposed streaming model was developed through extensive consultation. Full implementation of the proposed model will depend on the mix of judicial resources available at each location and may take some years before it can be fully operational in all locations.

The aim of streaming is to ensure that matters are listed to the most appropriate court event at the earliest point in time. The bulk of matters will commence with the FMC. Exceptions will include:

- matters that are certified by legal practitioners as appropriate for the Family Court of Australia - Work is being undertaken on criteria which can be applied by the profession in considering certification as well as the mechanisms for certification; and
- Hague and special medical procedures applications, as well as other complex or unusual application types as may be agreed between the courts.

It is difficult to quantify the percentage of applications that will commence in the FCoA. The courts are working towards a 75/25 split in filings with the greater portion being with the FMC. It is unlikely that certification, Hague and special medical procedure applications will constitute 25% of filings. The balance will be made up of matters streamed to the FCoA by federal magistrates - federal magistrates will identify complex matters and transfer those matters to the FCoA at the earliest possible point in time.

Accordingly, the Combined Registry Model will ultimately result in most family law applications commencing in the FMC. If such a shift in workload is to be managed efficiently, federal magistrates will require different registry support to that provided in the past. A number of strategies are being developed to assist federal magistrates in managing family law applications and the streaming of matters to the FCoA. Perhaps the most significant of these involve FCoA registrars directly supporting federal magistrates to manage high volume caseloads. Some alternative approaches for this support are presently being piloted and will be evaluated shortly. These pilots consist of the following variations:

- registrar's Callover Pilot – A callover is conducted by a Registrar of all matters with a first hearing date. The registrar's callover is designed to clear the duty list of matters not requiring the attention of a federal magistrate.
- registrar's Property Applications Pilot – Registrars prepare and conduct conciliation conferences on all property applications filed in the FMC prior to docket allocation. The Registrar's Property Applications Pilot is designed to provide litigants with financial applications an opportunity to resolve their application prior to it being allocated to the docket of a federal magistrate.
- registrar's Duty List Assistance Pilot – The pilot is designed to have registrars assist federal magistrates with the duty list workload. The registrars will undertake work referred by federal magistrates from the duty list.

Signage Project

The Signage Project will ensure a consistent package of Family Law Courts signs at each registry. New signage identifies registries as a 'Family Law Registry' rather than a Family Court of Australia Registry. Signage does not indicate 'ownership' of courtrooms.

Single File Cover

The Combined Registry initiative will integrate the FCoA and FMC hardcopy files into one Family Law Courts file cover. The single file cover will be introduced from 1 January 2007 for new files.

Family Reports

The Courts are working to develop an improved system for allocation of resources for production of family reports between the FCoA and FMC. A Working Group was formed, consisting of representatives from both Courts, and produced a report recommending, among other things, the piloting of a new style of preliminary report based around the new Child Responsive Model presently being piloted in the FCoA. The preliminary report is being trialed at the Sydney, Parramatta and Dubbo registries.

Intranet Project

The Combined Registry initiative has also resulted in a re-development of the Family Court intranet and the development of an intranet for the Federal Magistrates Court to enable sharing of family law content and a new search engine to improve ease of locating legal research materials, policies and procedures and other information. The Intranets will go live at the end of October. It is expected that the information that is available on both of these sites will continue to grow.

Communications

The Communications Project is intended to create a new, consistent visual theme for all Family Law Courts publications and web content to ensure that all Family Law Courts published content is as consistent as possible between the FCoA and FMC.

To date, the Communications Project has produced the following documents:

- combined Registry Style Guide;
- brochures and other publications;
- information Bulletins and other forms of communication; and
- combined Registry writing style guide.

Alignment Project

It is critical that registry client support services (in the form of staff, procedures and structures) are aligned to the new combined registry model. This work will be progressed after evaluation of the various registrar support pilots.

After Hours Support Project

The After Hours Support Project was intended to replicate the support provided by registrars to federal magistrates when they attend to after hours emergency calls from family law clients. This project was completed in late 2005.

Letters Project

The Letters Project is to standardise, where appropriate, the range of letters used by registries for clients of both Courts. All letters have been reviewed and finalisation of changes is nearing completion. To date, 46 letter formats have been discarded.

Procedural Manual Project

The Procedural Manual is an internal document to be available online to staff of both courts detailing operational procedures, and is critical to the smooth and efficient support of the judicial function of both Courts. The manual has been redesigned to include changes in process and to improve ease of use. It is anticipated this project will be completed by November 2006.

Recommendation 13: *Not applicable to FCoA.*

Recommendation 14: *Actioned and reported previously.*