

This Cumbrian Local Practice Direction may be referred to in orders and other documents by the short form name CLPD5/2023

CUMBRIAN LOCAL PRACTICE DIRECTION 5/2023

Attendance by Social Work Professionals at Hearings

APPLICATION

1. This Cumbria Local Practice Direction applies to Public Law Family Court Hearings taking place in Cumbria.
2. It is subject to any contrary order made in a specific set of proceedings.

AIM OF THIS CLPD

3. This aim of the Local Practice Direction is to specify circumstances and pre-conditions that allow social work professionals in family cases to avoid unnecessarily attending court hearings and thereby save valuable professional time whilst balancing the needs of the court and other court users to ensure that hearings are effective.

ATTENDANCE AT THE CASE MANAGEMENT HEARING

4. Providing all of the conditions paragraphs 6 below are met, the Children's Guardian and/or the Key Social Worker may, at their individual discretion, choose not to attend the Case Management Hearing.
5. The conditions are:
 - a. That the children's guardian has filed an initial case analysis or a Position Statement prepared by the Children's Solicitor.
 - b. That the children's guardian has previously met the respondents (save for any infant child) in person.
 - c. That the key social worker has previously met the respondents (save for any infant child) in person.
 - d. That the local authority has complied with the Allocation Order.
 - e. That an advocates meeting has taken place.
 - f. That the relevant professional has given full instructions to their legal representative on any issues that have been raised at the Advocates meeting or are anticipated.
 - g. That there is no contested issue about placement of the child(ren) to be determined at the Case Management Hearing.
 - h. That the non-attending professional will be available by telephone, text and/or email to give instructions before and during the hearing in an unincumbered way.
6. Parties should note that if the matter is listed as an attended Case Management Hearing and a professional chooses not to attend in accordance with this paragraph, the hearing will not be arranged as a hybrid hearing.

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ATTENDANCE AT FURTHER CASE MANAGEMENT HEARINGS

7. Providing the conditions paragraphs 8 below are met, the Children's Guardian and/or the Key Social Worker may, at their individual discretion, choose not to attend a Further Case Management Hearing.
8. The conditions are:
 - a. That the relevant professional has given full instructions to their legal representative on any issues that have been raised at an Advocates meeting (if any) or are anticipated.
 - b. That there is no contested issue about placement of the child(ren) to be determined at the Further Case Management Hearing.
 - c. That the non-attending professional will be available by telephone, text and/or email to give instructions before and during the hearing in an unincumbered way.
 - d. That the other parties legal representatives (any unrepresented parties) have agreed with the proposed non-attendance.

ADVOCATES MEETING PRIOR TO A FURTHER CASE MANAGEMENT HEARING

9. In the event that the parties consider that an Advocates' Meeting would be of assistance to the issues to be determined at an unscheduled Further Case Management Hearing, a consent order may be submitted to the Court via FPL directing the same.
10. The parties are encouraged to hold an advocates meeting prior to any unscheduled Further Case Management Hearing unless the same would serve no purpose.

ATTENDANCE AT ISSUES RESOLUTIONS HEARINGS

11. By default all Issues Resolutions Hearings shall be fully attended (including by relevant professionals) unless contrary order is made by the Court in a specific case.

GENERAL MATTERS

12. Hearings are likely to be listed concurrently with other matters so as to maximise the use of court time. Accordingly, whilst the court will use its' best endeavours to ensure that the matter is dealt with in the window provided for the hearing, the court cannot guarantee that such will always be achievable and parties and advocates should bear this in mind when making plans for other matters during the day of the court hearing.
13. If the matter is listed as an attended hearing and a professional chooses not to attend in accordance with these provisions, the hearing will not be arranged as a hybrid hearing.
14. If the stipulations in this Local Practice Direction are satisfied, separate applications for 'permission' not to attend will not be necessary.

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15. Any request for (i) a change of the mode of hearing (attended / hybrid / remote) (ii) the ground rules (set out in CLPD6/2023) or (iii) seeking non-attendance in circumstances where the above stipulations are not satisfied shall be made via a C2 application with a supporting statement setting out the reasons for the inability to attend or comply with the ground rules for the hearing.

HHJ C Baker

Designated Family Judge for Cumbria

30th January 2023