

This Cumbrian Local Practice Direction may be referred to in orders and other documents by the short form name CLPD6/2023

CUMBRIAN LOCAL PRACTICE DIRECTION 6/2023

Ground Rules for any Remote or Hybrid Hearing

APPLICATION

1. This Cumbria Local Practice Direction applies to all Public Law Family Court Hearings taking place in Cumbria.

AIM OF THIS CLPD

2. This aim of the Local Practice Direction is to facilitate effective use of remote hearings in a way that does not disadvantage, in particular, lay parties.

GROUND RULES FOR A REMOTE OR HYBRID CASE MANAGEMENT HEARING

3. Unless varied by Court order, the following ground rules shall apply to any Case Management Hearing hearing listed as a remote or hybrid hearing:
 - a. Any lay party (save for the child(ren)) must be in the same venue as a legal representative during the pre-hearing discussion and the hearing itself (either at a solicitors' office, barristers' chambers or by a legal representative travelling to be with the lay party), if legally represented.
 - b. If the lay party requires the assistance of an intermediary or interpreter, the intermediary or interpreter must be in the same venue as the assisted party.
 - c. The lay party must have access to a computer or full-size tablet. Attendance at a Case Management Hearing by telephone (with or without video) is not adequate.
 - d. The parties and their legal representatives must be available one hour before the time listed for pre-hearing discussions.
 - e. The parties and their representatives shall provide their contact details (email address / telephone number) to the Applicant's solicitor no less than 48 hours before the hearing.
 - f. The Local Authority must confirm the details of the arrangements for the hearing to the other parties by no later than 24 hours prior to the hearing taking place.
 - g. No unauthorised person may be present at the hearing save with the express permission of the judge.
 - h. No party shall record the hearing in any way and to do so will be a contempt of court.
4. These ground rules are subject to the provisions set out in CLPD2/2023 (New-born babies and Urgent Hearings).

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ATTENDANCE AT FURTHER CASE MANAGEMENT HEARINGS

5. Unless varied by Court order, the following ground rules shall apply to any Further Case Management Hearing listed as a remote or hybrid hearing:
 - a. The lay party and a legal representative need not be in the same venue (i) providing the other conditions in this paragraph are satisfied and (ii) the lay party consents to the same.
 - b. Any lay party must be able to join by video in such a way as to enable the lay party to participate fully in the hearing and without interruption.
 - c. If the lay party requires the assistance of an intermediary, the intermediary must be in the same venue as the assisted party.
 - d. If the lay party require the assistance of an interpreter, the interpreter must either (i) be at the same venue as the lay party or (ii) arrangements should be made for the interpreter to be able to provide near simultaneous translation (e.g. by separate telephone) during the hearing.
 - e. The parties and their legal representatives must be available one hour before the time listed for pre-hearing discussions.
 - f. The parties and their representatives shall provide their contact details (email address / telephone number) to the Applicant's solicitor no less than 48 hours before the hearing.
 - g. The Local Authority must confirm the details of the arrangements for the hearing to the other parties by no later than 24 hours prior to the hearing taking place.
 - h. No unauthorised person may be present at the hearing save with the express permission of the judge.
 - i. No party shall record the hearing in any way and to do so will be a contempt of court.

ATTENDANCE AT ISSUES RESOLUTIONS HEARINGS

6. 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

7. 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 endeavors 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.

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8. Any request for a change of (i) the mode of hearing (attended / hybrid / remote) or (ii) the ground rules set out above or (iii) seeking non-attendance in circumstances where stipulations in CLPD5/2023 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