

Public law
working group



Best practice guidance:
The application and case management

March 2021

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Glossary

ADCS	Association of Directors of Children's Services
ADSS	Association of Directors of Social Services Cymru
ASF	Adoption Support Fund
ASGLB	Adoption and Special Guardianship Leadership Board
ASP	assessment and support phase
BPG	best practice guidance
CA 1989	Children Act 1989
Cafcass	Child and Family Court Advisory and Support Service and Child and Family Court Advisory and Support Service Cymru
CG	children's guardian
CMH	case management hearing
CMO	case management order
DfE	Department for Education
DFC	designated family centre
DFJ	designated family judge
EPO	emergency protection order
FCMH	further case management hearing
FGC	family group conference
FJB	family justice board
FJYPB	Family Justice Young People's Board
FPR 2010	Family Procedure Rules 2010
FRG	Family Rights Group
HMCTS	Her Majesty's Courts and Tribunals Service
ICO	interim care order
IRH	issues resolution hearing
IRO	independent reviewing officer

ISW	independent social worker
LAA	Legal Aid Agency
LiP	litigant-in-person
LoI	letter of instruction
MoJ	Ministry of Justice
NFJO	Nuffield Family Justice Observatory
PLO	public law outline
S 20	section 20 of the Children Act 1989
S 76	section 76 of the Social Services and Well-being (Wales) Act 2014
SDO	standard directions on issue
SG	special guardian
SGO	special guardianship order
SGSP	special guardianship support plan
SSW-b(W)A 2014	Social Services and Well-being (Wales) Act 2014
SWET	social work evidence template

Introduction

1. In December 2018, the President of the Family Division asked me to chair this working group to address the operation of the child protection and family justice systems.
2. The steep rise in the issue of public law proceedings seen in 2016/17 and 2017/18 has to some degree eased more recently. But there are still a greater number of cases being issued than in earlier years. The far greater volume of cases is, as the President observed, dealt with by the same number of social workers, care professionals, CGs, lawyers and judges, if not fewer, given those who have decided to leave their chosen careers because of the incessant and overwhelming demands of the family justice system.
3. The reasons for this recent steep rise in the issue of public law proceedings are complex and multiple, as suggested by the recent work of the FRG's *Care Crisis Review: Options for Change* (June 2018)¹ and joint work done by the MoJ and DfE.
4. The various reasons for the increase in the number of public law proceedings issued are outside the remit of this working group. We are charged with considering how children and young people may:
 - i. safely be diverted from becoming the subject of public law proceedings;
 - ii. once they are subject to court proceedings, best have a fully informed decision about their future lives fairly and swiftly made.
5. The key themes of this best practice guidance are:

¹ Available online: https://www.frg.org.uk/images/Care_Crisis/CCR-FINAL.pdf

- i. a local authority should give prior notice to Cafcass of the issue of care proceedings;
 - ii. court listing of urgent applications with sufficient time for all parties to obtain advice/representation, other than in exceptional circumstances;
 - iii. the template agendas, case summaries and position statements should be used as recommended in this BPG;
 - iv. each DFJ area should have a protocol on wellbeing;
 - v. short form orders, rather than the standard case management order, should be used after the first hearing;
 - vi. applications in respect of newborns and young infants should be the subject of strict case management and time limits;
 - vii. where further time is required to determine the plan or placement which is in the best welfare interests of the child, consideration should be given to extending the 26-week time limit;
 - viii. the court may only grant permission for the instruction of an expert if it is determined to be necessary for a just and fair determination of the proceedings;
 - ix. the number of hearings per case should be limited to those hearings which are necessary for a fair and just conclusion to the proceedings;
 - x. the final hearing should not be listed before an effective IRH; and,
 - xi. there must be exceptional reasons to make a care order on a care plan of the child remaining in or returning to the care of the parent(s).
6. All those involved in the child protection and family justice systems worked under considerable pressure before COVID-19. The recommendations set out in this

BPG were in large part formulated in a time before the pandemic. COVID-19 has required everyone to adapt to new ways of working. It has increased the workload and pressure upon us all. It has created new uncertainties and further challenges for many children and families. It was agreed that the time was right to recommend to the President that in early March 2021 he publish this guidance. The implementation of this BPG should result in an easing of the burden and pressures on all those involved, to the inestimable advantage of all children who are involved in the child protection and family justice systems and their families.

7. Uniquely, all stakeholders² in the child protection and family justice systems are agreed on the need for reform and on the direction of travel. All are agreed that the reforms and recommendations set out in this guidance will improve the outcomes for children and young people and their families.
8. The President has issued this BPG to improve the ability of social workers, senior managers, children’s guardians, the legal professions and the judiciary to promote the welfare and protection of children by working in partnership with families to achieve the best outcomes, in a fair and timely manner, for children and young people. The aim is to assist families to be able to make decisions that, wherever possible, enable children to be safely raised within their family network and avoid the need for more intrusive state intervention, including court proceedings. The BPG will help families to know what they should be able to expect from children’s services departments, the legal professionals and the Family Court when court proceedings are issued.

The Honourable Mr. Justice Keehan

March 2021

² The ‘stakeholders’ are social workers and social work managers, children’s guardians, family lawyers, family judges and groups supporting families and kinship carers.

Appendix F: best practice guidance for the application and case management

F1. The application

Issuing

1. Pending national rollout of the online C110A application:
 - i. the “grounds for the application” should be completed by way of numbered paragraphs, setting out the threshold findings sought by the local authority and other grounds for making the application;
 - ii. in every case in which the local authority seeks an emergency/urgent hearing, the template “urgent application information sheet”, [appendix F3](#), should be filed with the completed application.
2. The local authority shall provide Cafcass with advance notification of the proposed issue of proceedings at the time the decision to issue is taken.

Core documentation

3. The child’s birth certificate (where available) shall be included as a core document in the court bundle at issue or, where it is not available at issue, in the court bundle for the first CMH. In the case of foreign national children without a birth certificate, a copy of the biometric page of their passport(s) or their identity documentation should be included.

Listing of urgent applications / CMHs

4. To avoid reducing the time available for the parties to obtain legal advice and representation, urgent applications are only to be listed for hearing by the court on shorter notice than requested in exceptional circumstances.

5. First CMHs are to be listed within the CMH window with sufficient time for effective preparation for the hearing in each case (and not, therefore, necessarily on the earliest available date).

Case management

6. Use of the advocates' meeting template agendas for urgent and non-urgent hearings is recommended, [appendix F4 – F6](#).
7. An agreed minute of the advocates' meeting shall be filed as part of the case management documentation in advance of the CMH.
8. The template case summary/position statements are adopted as approved standard documents for use in all cases and at all hearings, unless otherwise directed, [appendix H1 – H3](#).
9. Early case management directions are considered and, where appropriate, given at all urgent hearings, [appendix F7](#).

Wellbeing

10. A continuing focus on the wellbeing of those involved in the family justice system is required. Every DFJ area is encouraged to formulate a protocol of the reasonable expectations of those operating in that area.

F2. Case management

Case management orders; advocates' meetings; case summaries and position statements

11. The CMO should be drawn and approved for the first hearing, thereafter a short-form order should be used which, in the main body of the order, consists of:

- i. the name of the judge, time and place of the hearing;
- ii. who appeared for each party or that they were a LiP;
- iii. if required, a penal notice (which must appear on the first page of the order);
- iv. the basis of the court's jurisdiction;
- v. the recitals relevant to the hearing;
- vi. the directions and orders at the hearing.

12. These changes are especially important to enable LiPs to understand the orders made against and requiring action by them.

13. Further, whilst the direction for the instruction of an expert and the date for filing the report should appear in the order, the remainder of the directions for an expert (for example, letters of instruction and division of cost etc.) should appear in an annexe/schedule.

14. The short-form orders, if not drafted before or after the hearing, should be drafted within 24 hours of the hearing with heads of agreement being noted at court.

15. The case summary, respondent's position statements and the CG's position statement should be in the form of the templates set out in [appendix H1 – H3](#).

Where an advocates' meeting has taken place before a hearing and the parties are agreed on the way forward and the orders the court will be invited to make, a composite document setting out the core reading for the judge, the draft orders proposed, and a summary of the parties' positions and issues shall be provided to the court by the local authority by no later than 4pm the working day before the hearing.

16. Local authority case summaries should not repeat all of the background information. A short updating position statement with issues clearly identified should be lodged by no later than 4pm on the working day before the hearing.
17. Cases should not be adjourned for want of position statements: it is rarely, if ever, in the child's welfare best interests.

Newborn babies

18. Planning in advance of a birth where proceedings are determined as required is essential. In addition, where proceedings are planned in advance of that birth, local authorities need to make provision for the drafting of the application and supporting documents in advance, so that short notice is not required by default as a result of avoidable delay in lodging the documents for issue.
19. Applications in respect of newborn babies and young infants should be the subject of strict case management directions and time limits. It is especially important that proceedings in respect of these children have the developmental timetable of the child in mind and are concluded, wherever possible, within the 26-week time limit.
20. One of the recommendations of the Nuffield Family Justice Observatory report, *Born into Care* (October 2018),³ was the need for practice guidance to be issued to maternity staff, social workers and legal professionals. This is currently being developed and once issued should be considered.

The 26-week limit

21. Where the way forward for the child is clear (for example, a return to the care of the parents has been excluded by the court) but further time is required to determine the plan or placement which in the best welfare interests of the child,

³ Available online: <https://www.nuffieldfjo.org.uk/report/born-into-care-newborns-in-care-proceedings-in-england-summary-report-oct-2018>

consideration should be given to extending the 26-week time limit, using the flexibility in the legislation.

Experts

22. The court may only grant permission for the instruction of an expert if it is determined to be necessary for a just and fair determination of the proceedings.

23. There are certain categories of expert evidence where the court may more readily find that expert evidence is necessary to ensure the just and fair conduct and determination of the proceedings:

- i. DNA tests and evidence to establish paternity;
- ii. hair-strand and blood tests and evidence to determine alcohol consumption and/or drug use;
- iii. cognitive assessments to advise on the capacity of a parent to (a) conduct litigation; and (b) participate effectively in the proceedings (i.e. the need to instruct an intermediary);
- iv. in a case of alleged non-accidental injury, forensic medical experts on causation.

24. In all other applications for permission to instruct any expert (for example, an ISW or a psychologist) the court should scrutinise the application with rigour to assess whether or not the expert assessment is necessary, including where the parties are agreed on the instruction of an expert.

Hearings; fact-finding hearings; attendance of CGs

25. A CG, as opposed, perhaps, to the lawyers representing the child, has a limited role in fact-finding hearings. Accordingly, save for exceptional cases, CGs should be excused from attending these hearings in whole or in part (to hear the evidence of a particular witness which may be advantageous to the resolution of any welfare hearing). Also, for the purposes of standard case management hearings it should be usual practice for a CG to file a position statement rather than a case analysis.

26. Only those issues which inform the ultimate welfare outcome for the child need to be and should be the subject of a fact-finding hearing by the court. It should be rare for more than six issues to be relevant.
27. The judiciary and practitioners need to be more acutely aware of: (a) whether a further hearing is necessary and, if so, why; and (b) if the directions proposed to be made are necessary for the fair conduct of the proceedings and are proportionate to the identified issues in the case. Mere inactivity, oversight or delay is never a just cause for a further hearing and a concomitant delay in concluding proceedings.
28. In order to reduce the number of hearings and to ensure compliance with the 26-week limit it is important that the following issues are addressed at the earliest possible stage of the proceedings:
 29. the identity and whereabouts of the father and whether he has parental responsibility for the child, including the potential need for DNA testing;
 30. the obtaining of DBS checks;
 31. the disclosure of a limited number of documents from the court bundle to family and friends who are to be the subject of viability assessments in order to ensure the same are undertaken on an informed basis;
 32. the need to identify at an early stage those family or friend carers who are a realistic option to care for the child (thus avoiding scenarios where significant resources are devoted to lengthy assessment of numerous individuals who are not a realistic option for the child).
29. It is vital for the effective case management of a matter that there is judicial continuity. The full-time judiciary and HMCTS should give a high priority to ensuring that a case is dealt with by one identified judge and, at most, by two identified judges (for the avoidance of any doubt, this recommendation is not intended to apply to nor affect the current practices for Tier 1 judges in the Family Court (namely, lay justices)).

30. The final hearing should not be listed before an effective IRH has taken place unless there are, unusually, cogent reasons in a particular case for departing from this practice.
31. An IRH needs to be allocated sufficient time. The timetabling for evidence in advance needs to provide for an advocates' meeting at least two days in advance, and the advocates need to be properly briefed with full instructions for that meeting.
32. For an IRH to be effective, the following is required:
- i. final evidence from the local authority, respondents and CG (exceptionally, an IRH may be held with a position statement setting out the CG's recommendation before the final analysis is completed);
 - ii. the parents/other respondent(s) attend the hearing;
 - iii. the position in relation to threshold/welfare findings is crystallised so the court is aware of the extent to which findings are in issue and determines which outstanding findings/issues are to be determined;
 - iv. the court determines any application for an expert to give oral evidence at the final hearing;
 - v. the court determines and the CMO records which witnesses are to give evidence at the final hearing (all current witness availability should be known);
 - vi. the court determines the time estimate;
 - vii. a final hearing date is set;
 - viii. where there is a delay before the final hearing date, directions are given for updating evidence and a further IRH before the final hearing.

Care order on a care plan of the child remaining at home

33. There may be good reason at the inception of care proceedings for a child to remain in the care of her parents/carers/family members and subject to an ICO pending the completion of assessments.

34. The making of a care order on the basis of a plan for the child to remain in the care of her parents/carers is a different matter. There should be exceptional reasons for a court to make a care order on the basis of such a plan.
35. If the making of a care order is intended to be used a vehicle for the provision of support and services, that is wrong. A means/route should be devised to provide these necessary support and services without the need to make a care order. Consideration should be given to the making of a supervision order, which may be an appropriate order to support the reunification of the family.
36. The risks of significant harm to the child are either adjudged to be such that the child should be removed from the care of her parents/carers or some lesser legal order and regime is required. Any placement with parents under an interim or final order should be evidenced to comply with the statutory regulations for placement at home.
37. It should be considered to be rare in the extreme that the risks of significant harm to the child are judged to be sufficient to merit the making of a care order but, nevertheless, the risks can be managed with a care order being made in favour of the local authority with the child remaining in the care of the parents/carers. A care order represents a serious intervention by the state in the life of the child and in the lives of the parents in terms of their respective ECHR, article 8 rights. This can only be justified if it is necessary and proportionate to the risks of harm of the child.

F3. Information sheet for emergency / urgent applications

This form should be completed by the local authority solicitor and sent to the court with any application in which the local authority seeks an emergency/urgent hearing.

1.	<u>Name/DOB of the child/children</u>	
2.	<u>Order sought – EPO/ICO/other</u>	
3	<u>Suggested tier of judiciary</u>	
4.	<u>How urgently is a hearing sought?</u> <ul style="list-style-type: none"> ○ <u>Same day</u> ○ <u>Within 24 hours</u> ○ <u>Within 48 hours</u> ○ <u>Other</u> 	
5.	<u>Time estimate for hearing</u>	
6.	<u>Notice to parents:</u> <ul style="list-style-type: none"> ○ <u>Have the parents been notified of the application?</u> ○ <u>If not, what attempts have been made to notify them?</u> ○ <u>Provide the reasons if a hearing without notice is sought</u> 	
6.	<u>Have the police exercised police protection powers? If so, when does the PPO expire?</u>	
7.	<u>Has s.20/s.76 accommodation been agreed? If so:</u> <ul style="list-style-type: none"> ○ <u>Is there a signed agreement?</u> ○ <u>Has agreement been withdrawn (either with immediate effect or at a date/time in the future)?</u> 	
8.	<u>Is the child in hospital?</u> <ul style="list-style-type: none"> ○ <u>If so, when is the child ready for discharge?</u> ○ <u>Is the hospital willing to keep the child beyond this date/time and, if so, for how long?</u> 	
9	<u>Is the mother in hospital? If so, when is she expected to be fit for discharge?</u>	
10.	<u>Are there any known/likely capacity issues?</u>	

<u>11.</u>	<u>Why is an emergency/urgent hearing required in the timescale requested?</u> <i>(set out the reasons in brief)</i>	

F4. Advocates' meeting minute: urgent / short-notice hearing

ADVOCATES' MEETING MINUTE URGENT/SHORT NOTICE HEARING

Case Number:

Name of child(ren):

Date of meeting:

Date of hearing:

In Attendance / By Telephone:

LA

Mother

Father

Child(ren)

The agenda items appear in bold and are numbered.

1. **Current placement(s) / contact arrangements**

2. **LA's interim plan**

3. **Position of the parents**
 - **Paternity**
 - **HMRC/DWP orders**
 - **Immigration issues**
 - **Capacity/cognitive functioning**
 - **Drug/alcohol testing**
 - **Assessments**
 - **Participation directions**
 - **Connected persons, current relationship with the child**

4. **Position of the CG**
 - **Separate representation required?**

5. Contested interim hearing (if sought upon issue)

- i. All parties served as required/notice provided
- ii. Is contested hearing still required?
- iii. To be dealt with on submissions/witness requirements
- iv. Issues for the hearing
- v. Interim threshold

6. Allocation

7. Threshold

8. Timetable for the child

9. International elements – jurisdiction; assessments out of the jurisdiction

10. Part 25 applications

11. Additional disclosure sought by parties

12. Checklist documents to be filed within proceedings

13. Further case management directions

14. Required reading

Representation for the parties at the hearing will be:

F5. Advocates' meeting minute: CMH / FCMH

ADVOCATES' MEETING MINUTE CMH/FCMH

Case Number:

Name of child(ren):

Date of meeting:

Date of hearing:

In Attendance / By Telephone:

LA

Mother

Father

Other parties

Child(ren)

Interveners

The agenda items appear in bold and are numbered.

- 1. Confirmation from LA of interim care plan e.g placements/contact/child(ren)'s progress**

Issues in the case

Under each heading set out what is agreed and not agreed and the position of the party who is in disagreement.

If a party's position is unknown please state the reason why.

- 2. Orders sought by the LA and Interim Care Plan**

3. Does any party raise issue with LA assessments and seek further assessment? If yes, state reason why.
4. Do the issues in the case deem an expert assessment necessary? If yes, state reason why.
5. What family assessments/connected persons are to be completed and by when?
6. Do any of the following issues feature in this case?
 - Paternity
 - HMRC/DWP orders
 - Immigration issues
 - Capacity/cognitive functioning
 - International elements
 - Separate representation for the child

Case management Order

7. Timetable of the case
8. Disclosure
9. Evidence
10. Assessments
11. Compliance with previous CMO orders
12. Required reading

Representation for the parties at the hearing will be:

F6. Advocates' meeting minute: IRH

ADVOCATES' MEETING MINUTE IRH

Case Number:

Name of child(ren):

Date of meeting:

Date of hearing:

In Attendance / By Telephone:

LA

Mother

Father

Other parties

Child(ren)

Interveners

The agenda items appear in bold and are numbered.

Issues in the case

Under each heading set out what is agreed and not agreed and the position of the party who is in disagreement.

If a party's position is unknown please state the reason why.

1. **Threshold**

2. **LA's plan**

3. **Expert evidence**

4. Assessments of family members

Housekeeping for final hearing

5. Compliance with previous CMOs

6. Outstanding disclosure (medical/police/other)

7. Timing of any further evidence

8. Witness template

9. Time estimate for final hearing

10. Bundle content and size

11. Required reading

Representation for the parties at the hearing will be:

F7. ICO / case management checklist

THE INTERIM CARE DECISION	
JURISDICTION	
<p>Is there any issue about jurisdiction (based on HR)?</p> <p>If so, the court can make emergency orders under Art 20 BIIA.</p>	
URGENCY	
<p>Is the ICO sought on the day of issue/short notice?</p> <p>If so, has the LA provided evidence of the urgency?</p> <p>Can the hearing safely be delayed to give the parties more time?</p> <p>If an ICO is made, should the order be short term (with a further hearing)?</p>	
ISSUES RELATING TO PARTIES	
<p>The parents:</p> <ul style="list-style-type: none"> • Does the LA know who has PR for the child? • Have parents/others with PR been served with the proceedings? • Has a parent without PR been notified of the proceedings? • If not, is it appropriate to proceed without service/notice? • Are the respondents (parents/others with PR) present at court and represented? 	

<ul style="list-style-type: none"> • If not, is it appropriate to proceed? 	
<p>Representation of the child:</p> <ul style="list-style-type: none"> • Has a children's guardian/solicitor been allocated? • If a CG has not yet been appointed, does the child's solicitor have instructions from a duty CG/Cafcass management? 	
FORM OF HEARING	
<p>Can the hearing proceed on submissions or is oral evidence required?</p> <p><i>NB: see CA in <u>Re G (Children: Fair Hearing)</u> [2019] EWCA Civ 126</i></p>	
THRESHOLD	
<ul style="list-style-type: none"> • Has the LA provided a schedule of threshold findings? • Do the respondents make any concessions? • If not, are there 'reasonable grounds' in accordance with s.38(1)? <p><i>NB – findings of fact should rarely be made at an ICO hearing (<u>Re G</u> above)</i></p>	
WELFARE DETERMINATION	
<p>If interim threshold is established, applying s.1 (including s.1(3)):</p> <ul style="list-style-type: none"> • What order, if any, is required? 	

<ul style="list-style-type: none"> Has the LA met the test for immediate removal of the child? 	
INTERIM CARE PLAN	
Does this reflect the order made/arrangements approved – direct further CP if required.	
CASE MANAGEMENT DIRECTIONS TO CONSIDER AT ICO HEARING	
JURISDICTION	
<p>If there is/may be an issue about jurisdiction:</p> <ul style="list-style-type: none"> Direct statements and skeleton arguments; If the case is allocated to magistrates/DJ, refer the issue to the DFJ. 	
ALLOCATION	
Cases should not be reallocated at the ICO hearing without good reason.	
PARENTAGE	
<p>Is the birth certificate available? If not, direct it to be filed.</p> <p>Is the identity/whereabouts of the child's parents known?</p> <p>Make an HMRC order if required.</p> <p>If paternity is in issue, direct DNA testing (with Pt. 25 application to follow if necessary) before joining a putative father.</p>	

APPOINTMENT OF CHILDREN'S GUARDIAN	
Can the name of the allocated CG be confirmed in the order?	
CAPACITY	
Consider whether a capacity assessment is required. If so, give directions ASAP (with Pt. 25 application to follow if required).	
INTERNATIONAL ISSUES	
Where any party is a foreign national: <ul style="list-style-type: none"> • Direct the LA to give notice of the proceedings/CMH date to the relevant Embassy (provided it is safe to do so); • Make an EX660 order where immigration status is unclear. 	
NARRATIVE STATEMENTS	
Direct statements relating to significant factual issues (eg circumstances surrounding alleged NAI) ASAP – 7 days generally appropriate.	
VIABILITY ASSESSMENTS	
Can directions be given (whether for short term/long term carers)?	
PART 25 APPLICATIONS	
Direct date for filing in advance of CMH.	

POLICE DISCLOSURE	
Record whether the Protocol has been/will be invoked. Is a TPO required?	
MEDICAL RECORDS	
Ensure the relevant parent(s) have given written consent (and record that they have done so). Record who is to obtain the records. Consider whether a TPO is required.	
CASE MANAGEMENT HEARING	
Has a date been fixed in the standard directions? Is this the most appropriate date for the CMH (confirm/re-list accordingly); Confirm dates for filing of parental responses/CG initial analysis.	
PARTICIPATION DIRECTIONS	
Are any required?	

Appendix H: template case summaries and position statements

H1. Case summary on behalf of the local authority

<u>Case No. [.....]</u>
CASE SUMMARY NUMBER [No.] ON BEHALF OF THE APPLICANT LOCAL AUTHORITY FOR THE HEARING ON [DATE] <u>Re ...</u> [Insert the abbreviated case title such as Re A]

THE CHILD(REN)

Name	Age & DOB	Living arrangements	Orders/S20 including the date

THE RESPONDENTS AND INTERVENERS

Party	Name	Relationship to the children
1 st Respondent		
2 nd Respondent		

TIMETABLE

Please do not delete the columns below. The dates should be filled in when the event has occurred.

Event	Date of the event or date by which the event should be listed including any relevant summary
Application	
26 weeks from issue of application. Please include dates of any extension.	
EPO	
ICO	
PCMH (6 days from issue)	
CMH (12-18 days from issue)	
IRH (no later than week 20)	
Final hearing (completed by no later than week 26)	

PLO

Has PLO taken place	Yes/No
If so, please confirm; 1. The length of the PLO, and 2. The summary outcome of any assessments.	

FAMILY GROUP CONFERENCE

Has a FGC taken place	Yes/No
If so, please confirm; 1. The outcome(s) of the conference 2. Any agreed plan	

THRESHOLD & FINDINGS

Date of the threshold/findings document	1. Interim: 2. Final:
Date of responses by the relevant parties/interveners	1. 1 st Respondent mother: 2. 2 nd Respondent father: 3.
Please confirm that the Applicant has all the evidence it requires in support of the threshold findings sought. (If there is any outstanding evidence please identify each outstanding evidence and the date by which it will be filed and served)	
Are threshold/findings agreed?	
If not agreed, please set out a summary of the	

main areas of dispute.	
------------------------	--

COMPLIANCE

Have previous court orders been complied with	Yes/No
If not please identify the order not complied with and suggested directions sought	

LINKED OR PAST PROCEEDINGS

Are there linked or past proceedings involving members of this family	Yes/No
If so, please confirm; 1. The identity of the same; and 2. The outcome of those proceedings.	

APPLICATIONS TO BE DETERMINED AT THIS HEARING (e.g. Part 25)

Application (identify the applicant)	Person(s) being assessed/subject to the application	Peron(s) undertaking the assessment	Proposed completion date

ISSUES TO BE DETERMINED AT THIS HEARING

Issue	Applicant's position	Mother's position	Father's position	Guardian's position	Other
1.					
2.					

SUMMARY OF THE PROPOSED DIRECTIONS/ORDERS

Number	Directions/Orders	Agreed/not agreed
1.		
2.		

SUMMARY OF THE RELEVANT BACKGROUND

...

ADDITIONAL INFORMATION OR FURTHER SUBMISSIONS

...

SUGGESTED READING LIST

Document	Date	Bundle ref
1.		
2.		
3.		
4.		

[Please insert advocate's or the author's details including the date]

H2. Case summary on behalf of the [1st / 2nd ...] respondent

Case No. [.....]
<p>CASE SUMMARY NUMBER [No.]</p> <p>ON BEHALF OF THE [1st, 2nd ...] RESPONDENT [OR OTHER] [NAME]</p> <p>FOR THE HEARING ON [DATE]</p> <p><u>Re ...</u></p> <p>[Insert the abbreviated case title such as Re A]</p>

THRESHOLD & FINDINGS

This part should be completed only in so far as it relates to the party on whose behalf this document is prepared.

Date of the threshold/findings document	<ol style="list-style-type: none"> 1. Interim: 2. Final: 3. Not applicable to this party
Date of responses by the Respondent/Intervener	
Are threshold/findings agreed? (If part agreed please identify what is agreed)	
If not agreed, please set out a summary of the main areas of dispute.	

PROPOSED ALTERNATIVE CARERS TO BE ASSESSED

(THIS INFORMATION SHOULD BE PROVIDED PRIOR TO THE CMH)

Name	Identify which of the children is this person to be assessed for	Relationship to the child or parents	Assessed as carer, support for the parent(s) or both

COMPLIANCE

Have previous court orders been complied with	Yes/No
If not please identify the order not complied with and suggested directions sought	

APPLICATIONS (OR ISSUES RAISED) BY THE RESPONDENT/INTERVENER TO BE DETERMINED AT THIS HEARING

Application	Date	Identify other parties' position as agreed, opposed or neutral	Date the work will be completed
1.			
2.			

SUMMARY OF ANY PROPOSED DIRECTIONS/ORDERS SOUGHT BY THE RESPONDENT/INTERVENER

Number	Directions/Orders	Agreed/not agreed
1.		
2.		

ADDITIONAL INFORMATION OR FURTHER SUBMISSIONS

[Please insert advocate's or the author's details including the date]

H3. Case summary on behalf of the child

Case No. [.....]
<p>CASE SUMMARY NUMBER [No.] ON BEHALF OF THE CHILD(REN) THROUGH THE GUARDIAN [NAME] FOR THE HEARING ON [DATE] Re ... [Insert the abbreviated case title such as Re A]</p>

IMPORTANT RELEVANT DATES FOR THE CHILDREN

Child	Date	Event

COMPLIANCE

Have previous court orders been complied with	Yes/No
If not please identify the order not complied with and suggested directions sought	

APPLICATIONS OR ISSUES IDENTIFIED BY THE GUARDIAN TO BE DETERMINED AT THIS HEARING

Application (include the date of the application)	Date it will be completed	Agreed by	Opposed by	Neutral
1.				
2.				

SUMMARY OF THE ORDERS SOUGHT BY THE GUARDIAN

Number	Directions/Orders	Agreed/not agreed
1.		
2.		

SUMMARY OF THE GUARDIAN'S RECOMMENDATION FOR EACH CHILD

(this will only have to be updated at the IRH, final hearing or if there has been a change in the circumstances)

Child	Recommended placement and order	Recommended contact

ADDITIONAL INFORMATION OR FURTHER SUBMISSIONS

...

[Please insert advocate's or the author's details including the date]

Public Law Working Group

Best practice guidance:

The application and case management

March 2021

To contact us: pfd.office@judiciary.uk