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Ministry of
JUSTICE

The Public Law Outline

Guide to Case Management in
Public Law Proceedings

April 2008

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Foreword

The Protocol for Judicial Case Management in Public Law Children Act Cases came into operation in November 2003, distilling good practice and focusing on a new approach to case management. While the Protocol has become well-established as the framework for case management and has encouraged parties and the courts to tackle the causes of delay in resolving cases for children, both the Thematic Review published by the Judicial Review Team (JRT) in December 2005 and the Government Child Care Proceedings Review of May 2006 identified areas where it has not achieved its objective and in which practice needs improvement.

Analysis of the causes of delay has revealed a number of exacerbating features. For example, many cases have proved unwieldy through having been brought to court before local authority pre-proceedings work is complete. In others, lack of robust judicial case management has led to widespread failure to identify early, and concentrate upon resolving, the determinative issues in the case. It is also clear that children can suffer because parents and families are insufficiently engaged in the process both pre-proceedings and during the progress of the case. Acting on those findings, the JRT, in consultation with their colleagues and the other key agencies in the Family Justice System have formulated the streamlined and simplified case management procedures which are set out in the Public Law Outline (PLO), and supported by a detailed Practice Direction.

At the same time, the Department for Children, Schools and Families and Welsh Assembly Government have revised their statutory guidance for local authorities (The Children Act 1989 Guidance and Regulations) in liaison with the JRT so as to ensure that the PLO and the Guidance complement each other and the best use is made of resources. In all cases where it is safe and practicable to do so, courts will expect local authorities to have completed procedures and involved families in accordance with the pre-proceedings stage of the PLO.

The PLO has been tested in various centres across England and Wales, and the family magistrates and judiciary trying care cases have been trained to identify and remain focussed on the key issues in the case with the aim of making the best decisions within the timetable for the child.

I have been much encouraged throughout the process, in particular at the seminars and other training events organised or overseen by the trainers of the Judicial Studies Board, to see the enthusiasm with which judges and magistrates have applied themselves to mastering the details of the PLO, accepting the need for careful and decisive case management within its structure, identifying the essential issues, setting the timetable for their disposal, and eliminating unnecessary evidence or hearings in respect of non-determinative matters.

Particular thanks are due to those who have drafted the provisions of the PLO and its supporting documentation and to those who have devised and delivered the necessary training. Please may I urge all of you to put it into practice with your customary dedication.



Sir Mark Potter
President of the Family Division
April 2008

The Practice Direction below is made by the President of the Family Division under the powers delegated to him by the Lord Chief Justice under Schedule 2, Part 1, paragraph 2(2) of the Constitutional Reform Act 2005, and is approved by the Lord Chancellor.

Practice Direction

Guide to Case Management in Public Law Proceedings

Scope

- 1.1 This Practice Direction applies to care and supervision proceedings. In so far as practicable, it is to be applied to all other Public Law Proceedings.
- 1.2 This Practice Direction will come into effect on 1st April 2008. It does not apply to applications issued before 1st April 2008 but the court may direct in any individual case that the Case Management Tools and Case Management Documentation referred to in the Direction will apply either wholly or partly to those applications. This is subject to the overriding objective below and to the proviso that such a direction will neither cause further delay nor involve repetition of steps already taken or decisions already made in the case.
- 1.3 This Practice Direction is to be read with the Rules and is subject to them.
- 1.4 A Glossary of terms is at paragraph 25.

The overriding objective

- 2.1 This Practice Direction has the overriding objective of enabling the court to deal with cases justly, having regard to the welfare issues involved.

Dealing with a case justly includes, so far as is practicable –

- (1) ensuring that it is dealt with expeditiously and fairly;
- (2) dealing with the case in ways which are proportionate to the nature, importance and complexity of the issues;
- (3) ensuring that the parties are on an equal footing;
- (4) saving expense; and
- (5) allotting to it an appropriate share of the court's resources, while taking into account the need to allot resources to other cases.

Application by the court of the overriding objective

- 2.2 The court must seek to give effect to the overriding objective when it -
- (1) exercises the case management powers referred to in this Practice Direction; or
 - (2) interprets any provision of this Practice Direction.

Duty of the parties

- 2.3 The parties are required to help the court further the overriding objective.

Court case management

THE MAIN PRINCIPLES

- 3.1 The main principles underlying court case management in Public Law Proceedings are -
- (1) judicial continuity: each case will be allocated to one or not more than two case management judges (in the case of magistrates' courts, case managers), who will be responsible for every case management stage in the proceedings through to the Final Hearing and, in relation to the High Court or county court, one of whom may be - and where possible should be - the judge who will conduct the Final Hearing;
 - (2) main case management tools: each case will be managed by the court by using the appropriate main case management tools;
 - (3) active case management: each case will be actively case managed by the court with a view at all times to furthering the overriding objective;
 - (4) consistency: each case will, so far as compatible with the overriding objective, be managed in a consistent way and using the standardised steps provided for in this Direction.

THE MAIN CASE MANAGEMENT TOOLS

The Timetable for the Child

- 3.2 The court will set an appropriate Timetable for the Child who is the subject of the proceedings.
- 3.3 The Timetable for the Child will be set by the court to take account of all significant steps in the child's life that are likely to take place during the proceedings. Those steps include not only legal steps but also social, care, health and education steps.
- 3.4 Examples of the dates the court will record and take into account when setting the Timetable for the Child are the dates of -
- (1) any formal review by the Local Authority of the case of a looked after child (within the meaning of section 22(1) of the 1989 Act);
 - (2) the child taking up a place at a new school;
 - (3) any review by the Local Authority of any statement of the child's special educational needs;
 - (4) an assessment by a paediatrician or other specialist;

- (5) the outcome of any review of Local Authority plans for the child, for example, any plans for permanence through adoption, Special Guardianship or placement with parents or relatives;
- (6) a change or proposed change of the child's placement.

Case Management Documentation

3.5 The case management documents include the -

- (1) Application form;
- (2) Supplementary Form PLO1;
- (3) Schedule of Proposed Findings;
- (4) Allocation Record and the Timetable for the Child;
- (5) Case Analysis and Recommendations provided by Cafcass or Cafcass Cymru;
- (6) Local Authority Case Summary;
- (7) Other Parties' Case Summaries;
- (8) Draft Case Management Orders.

3.6 The court will encourage the use of those case management documents which are not prescribed by the Rules.

The Case Management Record

3.7 The court's filing system for the case will be known as the Case Management Record and will include the following main documents -

- (1) the Supplementary Form PLO1 which will be the index of documents on the Record;
- (2) in care and supervision proceedings, any Letter Before Proceedings and any related subsequent correspondence confirming the Local Authority's position to parents and others with parental responsibility for the child;
- (3) the Case Management Documentation;
- (4) Standard Directions on Issue and on First Appointment;
- (5) the Draft Case Management Orders approved by the court.

3.8 Parties or their legal representatives will be expected to retain their own record containing copies of the documents on the court's Case Management Record.

The First Appointment

3.9 The purpose of the First Appointment is to confirm allocation of the case and give initial case management directions.

The Draft Case Management Order

3.10 The draft form of a Case Management Order is a special form of order containing terms of general application to be used as appropriate for each case. The form of order is not only to be used for drawing up orders in the form prescribed by the Rules at the end of a hearing. The form is also to be used as a case management checklist. The form contains standard provisions designed to help parties, their legal representatives and the court -

- (1) identify the relevant issues and the procedural directions which may be required;
- (2) monitor changes to the relevant issues and compliance with the court's directions;
- (3) focus on what the proceedings are intended to achieve.

Advocates Discussion/Meeting

3.11 The court will consider directing advocates to have discussions before the Case Management Conference and the Issues Resolution Hearing. Advocates may well find that the best way to have these discussions is to meet. Such discussion is intended to facilitate agreement and to narrow the issues for the court to consider. Advocates and litigants in person may take part in the Advocates' meeting or discussions.

The Case Management Conference

3.12 In each case there will be a Case Management Conference to enable the case management judge or case manager, with the co-operation of the parties, actively to manage the case and, at the earliest practicable opportunity to -

- (1) identify the relevant and key issues; and
- (2) give full case management directions including confirming the Timetable for the Child.

The Issues Resolution Hearing

3.13 In each case there will be an Issues Resolution Hearing before the Final Hearing to -

- (1) identify any remaining key issues; and
- (2) as far as possible, resolve or narrow those issues.

ACTIVE CASE MANAGEMENT

3.14 The court must further the overriding objective by actively managing cases.

3.15 Active case management includes -

- (1) identifying the Timetable for the Child;
- (2) identifying the appropriate court to conduct the proceedings and transferring the proceedings as early as possible to that court;
- (3) encouraging the parties to co-operate with each other in the conduct of the proceedings;
- (4) retaining the Case Management Record;
- (5) identifying all facts and matters that are in issue at the earliest stage in the proceedings and at each hearing;
- (6) deciding promptly which issues need full investigation and hearing and which do not;
- (7) deciding the order in which issues are to be resolved;
- (8) identifying at an early stage who should be a party to the proceedings;
- (9) considering whether the likely benefits of taking a particular step justify any delay which will result and the cost of taking it;
- (10) directing discussion between advocates and litigants in person before the Case Management Conference and Issues Resolution Hearing;

- (11) requiring the use of the Draft Case Management Order and directing advocates and litigants in person to prepare or adjust the draft order where appropriate;
- (12) standardising, simplifying and regulating –
 - (a) the use of Case Management Documentation and forms;
 - (b) the court’s orders and directions;
- (13) controlling –
 - (a) the use and cost of experts;
 - (b) the nature and extent of the documents which are to be disclosed to the parties and presented to the court;
 - (c) whether and, if so, in what manner the documents disclosed are to be presented to the court;
 - (d) the progress of the case;
- (14) where it is demonstrated to be in the interests of the child, encouraging the parties to use an alternative dispute resolution procedure if the court considers such a procedure to be appropriate and facilitating the use of such procedure;
- (15) helping the parties to reach agreement in relation to the whole or part of the case;
- (16) fixing the dates for all appointments and hearings;
- (17) dealing with as many aspects of the case as it can on the same occasion;
- (18) where possible dealing with additional issues which may arise from time to time in the case without requiring the parties to attend at court;
- (19) making use of technology; and
- (20) giving directions to ensure that the case proceeds quickly and efficiently.

The Expectations

- 4.1 The expectations are that proceedings should be –
 - (1) conducted using the Case Management Tools and Case Management Documentation referred to in this Practice Direction in accordance with the Table contained in paragraph 9 below and known as the Public Law Outline;
 - (2) finally determined within the timetable fixed by the court in accordance with the Timetable for the Child – the target times in the Public Law Outline being adhered to and being taken as the maximum permissible time for the taking of the step referred to in the Outline.
- 4.2 However, there may be cases where the court considers that the child’s welfare requires a different approach from the one contained in the Public Law Outline. In those cases, the court will –
 - (1) determine the appropriate case management directions and timetable; and
 - (2) record on the face of the order the reasons for departing from the approach in the Public Law Outline.

How the parties should help court case management

MAIN METHODS OF HELPING

Good Case Preparation

- 5.1 The applicant should prepare the case before proceedings are issued. In care and supervision proceedings the Local Authority should use the Pre-proceedings Checklist.

The Allocation Record and The Timetable for the Child

- 5.2 The applicant must prepare and file the Allocation Record and the Timetable for the Child. The Allocation Record must contain the applicant's allocation proposal and a record of the court's allocation decision and reasons. The Timetable for the Child will be part of the Allocation Record. The applicant should provide information to update the Timetable regularly. The applicant is to be responsible for updating the Allocation Record including the Timetable after each hearing.

Case Management Documentation

- 5.3 The parties must use the Case Management Documentation.

Co-operation

- 5.4 The parties and their representatives should co-operate with the court in case management, including the fixing of timetables to avoid unacceptable delay, and in the crystallisation and resolution of the issues on which the case turns.

Directions

- 5.5 The parties or their legal representatives will -
- (1) monitor compliance with the court's directions; and
 - (2) tell the court or court officer about any failure to comply with a direction of the court or any other delay in the proceedings.

The Case Management Record

- 5.6 The parties or their legal representatives are expected to retain a record containing copies of the documents on the court's Case Management Record.

The Draft Case Management Order

- 5.7 Parties should start to consider the content of the Draft Case Management Order at the earliest opportunity either before or in the course of completing applications to the court or the response to the application. They should in any event consider the Draft Case Management Order after the First Appointment.
- 5.8 There should be ongoing consideration of the Draft Case Management Orders throughout the proceedings. The Draft Case Management Orders should serve as an aide memoire to everyone involved in the proceedings of -
- (1) the Timetable for the Child;
 - (2) the case management decisions;
 - (3) the identified issues.

- 5.9 Only one Draft Case Management Order should be filed with the court for each of the Case Management Conference and the Issues Resolution Hearing. It is the responsibility of the advocate for the applicant, which in care and supervision proceedings will ordinarily be the Local Authority, to prepare those drafts and be responsible for obtaining comments from the advocates and the parties.
- 5.10 In paragraphs 5.3, 5.7 and 5.9 “parties” includes parties’ legal representatives.

Ethnicity, Language, Religion and Culture

- 6 At each case management stage of the proceedings, particularly at the First Appointment and Case Management Conference, the court will consider giving directions regarding the obtaining of evidence about the ethnicity, language, religion and culture of the child and other significant persons involved in the proceedings. The court will subsequently consider the implications of this evidence for the child in the context of the issues in the case.

Adults who may be protected parties

- 7.1 The court will investigate as soon as possible any issue as to whether an adult party or intended party to the proceedings lacks capacity (within the meaning of the Mental Capacity Act 2005) to conduct the proceedings. An adult who lacks capacity to conduct the proceedings is a protected party and must have a representative (a litigation friend, next friend or guardian ad litem) to conduct the proceedings on his or her behalf.
- 7.2 Any issue as to the capacity of an adult to conduct the proceedings must be determined before the court gives any directions relevant to that adult’s role within the proceedings.
- 7.3 Where the adult is a protected party, his or her representative should be involved in any instruction of an expert, including the instruction of an expert to assess whether the adult, although a protected party, is competent to give evidence. The instruction of an expert is a significant step in the proceedings. The representative will wish to consider (and ask the expert to consider), if the protected party is competent to give evidence, their best interests in this regard. The representative may wish to seek advice about ‘special measures’. The representative may put forward an argument on behalf of the protected party that the protected party should not give evidence.
- 7.4 If at any time during the proceedings, there is reason to believe that a party may lack capacity to conduct the proceedings, then the court must be notified and directions sought to ensure that this issue is investigated without delay.

Child likely to lack capacity to conduct the proceedings when he reaches 18

- 8 Where it appears that a child is -
- (1) a party to the proceedings and not the subject of them;
 - (2) nearing his or her 18th birthday; and
 - (3) considered likely to lack capacity to conduct the proceedings when he reaches 18,
- the court will consider giving directions relating to the investigation of a child’s capacity in this respect.

Outline of the process and how to use the main Case Management Tools

- 9.1 The Public Law Outline set out in the Table below contains an outline of -
- (1) the order of the different stages of the process;
 - (2) the purposes of the main case management hearings and matters to be considered at them;
 - (3) the latest timescales within which the main stages of the process should take place.
- 9.2 In the Public Law Outline -
- (1) “CMC” means the Case Management Conference;
 - (2) “FA” means the First Appointment;
 - (3) “IRH” means the Issues Resolution Hearing;
 - (4) “OS” means the Official Solicitor.

Public Law Outline

PRE-PROCEEDINGS	
PRE-PROCEEDINGS CHECKLIST	
The Checklist Documents:	
<p>Documents to be disclosed from the LA's files:</p> <ul style="list-style-type: none"> • Previous court orders & judgments/reasons • Any relevant Assessment Materials <ul style="list-style-type: none"> - Initial and core assessments - Section 7 & 37 reports - Relatives & friends materials (e.g. a genogram) • Other relevant Reports & Records <ul style="list-style-type: none"> - Single, joint or inter-agency materials (e.g. health & education/Home Office & Immigration documents) - records of discussions with the family - Key LA minutes & records for the child (including Strategy Discussion Record) 	<ul style="list-style-type: none"> • Pre-existing care plans (e.g. child in need plan, looked after child plan & child protection plan) • Social Work Chronology • Letters Before Proceedings <p>Documents to be prepared for the proceedings:</p> <ul style="list-style-type: none"> • Schedule of Proposed Findings • Initial Social Work Statement • Care Plan • Allocation Record & Timetable for the Child
STAGE 1 - ISSUE AND THE FIRST APPOINTMENT	
ISSUE	FIRST APPOINTMENT
On DAY 1 and by DAY 3	By DAY 6
<p>Objectives: To ensure compliance with pre-proceedings checklist; to allocate proceedings; to obtain the information necessary for initial case management at the FA</p>	<p>Objectives: To confirm allocation; to give initial case management directions</p>
<p>On Day 1:</p> <ul style="list-style-type: none"> • The LA files: <ul style="list-style-type: none"> - Application Form - Supplementary Form PLO1 - Checklist documents • Court officer issues application • Court nominates case manager(s) • Court gives standard directions on issue including: <ul style="list-style-type: none"> - Pre-proceedings checklist compliance - Allocate and/or transfer - Appoint children's guardian - Appoint solicitor for the child - Case Analysis for FA - Invite OS to act for protected persons (non subject children & incapacitated adults) - List FA by Day 6 - Make arrangements for contested hearing (if necessary) <p>By Day 3</p> <ul style="list-style-type: none"> • Allocation of a children's guardian expected • LA serves the Application Form, Supplementary Form PLO1 and the Checklist Documents on parties 	<ul style="list-style-type: none"> • Parties notify LA & court of need for a contested hearing • Court makes arrangements for a contested hearing • Initial case management by Court including: <ul style="list-style-type: none"> - Confirm Timetable for the Child - Confirm allocation or transfer - Identify additional parties & representation (including allocation of children's guardian) - Identify "Early Final Hearing" cases - Scrutinise Care Plan • Court gives standard directions on FA including: <ul style="list-style-type: none"> - Case Analysis and Recommendations for Stages 2 & 3 - LA Case Summary - Other Parties' Case Summaries - Parties' initial witness statements - For the Advocates' Meeting - List CMC or (if appropriate) an Early Final Hearing - Upon transfer

STAGE 2 - CASE MANAGEMENT CONFERENCE	
ADVOCATES' MEETING	CMC
No later than 2 days before CMC	No later than day 45
Objectives: To prepare the Draft Case Management Order; to identify experts and draft questions for them	Objectives: To identify issue(s); to give full case management directions
<ul style="list-style-type: none"> • Consider all other parties' Case Summaries and Case Analysis and Recommendations • Identify proposed experts and draft questions in accordance with Experts Practice Direction • Draft Case Management Order • Notify court of need for a contested hearing • File Draft Case Management Order with the case manager/case management judge by 11am one working day before the CMC 	<ul style="list-style-type: none"> • Detailed case management by the court <ul style="list-style-type: none"> - Scrutinise compliance with directions - Confirm Timetable for the Child - Identify key issue(s) - Confirm allocation or transfer - Consider case management directions in the Draft Case Management Order - Scrutinise Care Plan - Check compliance with Experts Practice Direction • Court issues Case Management Order • Court lists IRH and, where necessary, a warned period for Final Hearing

STAGE 3 - ISSUES RESOLUTION HEARING	
ADVOCATES' MEETING	IRH
Between 2 and 7 days before the IRH	Between 16 & 25 weeks
Objective: To prepare or update the Draft Case Management Order	Objectives: To resolve and narrow issue(s); to identify any remaining key issues
<ul style="list-style-type: none"> • Consider all other parties' Case Summaries and Case Analysis and Recommendations • Draft Case Management Order • Notify court of need for a contested hearing/time for oral evidence to be given • File Draft Case Management Order with the case manager/case management judge by 11am one working day before the IRH 	<ul style="list-style-type: none"> • Identification by the court of the key issue(s) (if any) to be determined • Final case management by the court: <ul style="list-style-type: none"> - Scrutinise compliance with directions - Consider case management directions in the Draft Case Management Order - Scrutinise Care Plan - Give directions for Hearing documents: <ul style="list-style-type: none"> - Threshold agreement or facts/issues remaining to be determined - Final Evidence & Care Plan - Case Analysis and Recommendations - Witness templates - Skeleton arguments - Judicial reading list/reading time/judgment writing time - Time estimate - Bundles Practice Direction compliance - List or confirm Hearing • Court issues Case Management Order

STAGE 4	
HEARING	
In accordance with the Timetable for the Child	
Objective: To determine remaining issues	
<ul style="list-style-type: none"> • All file & serve updated case management documents & bundle • Draft final order(s) in approved form 	<ul style="list-style-type: none"> • Judgment/Reasons • Disclose documents as required after hearing

Starting the Proceedings

10.1 The applicant, which in care and supervision proceedings will ordinarily be the Local Authority, must file the Supplementary Form PLO1 with the application form. The applicant must also file an Allocation Record and Timetable for the Child which includes the applicant's allocation proposal.

Pre-proceedings Checklist

10.2 The documents which the court will expect to see attached to the application form for a care or supervision order are set out in the Pre-proceedings Checklist in the Public Law Outline. The Pre-proceedings Checklist should be used at the earliest opportunity as a guide to what documents the court will expect to see at the start of the proceedings and should be filed with the application form. The Pre-proceedings Checklist will promote good case preparation.

Compliance with Pre-proceedings Checklist

10.3 It is recognised that in some cases the circumstances are such that the safety and welfare of the child may be jeopardised if the start of proceedings is delayed until all of the documents appropriate to the case and referred to in the Pre-proceedings Checklist are available. The court recognises that the preparation may need to be varied to suit the circumstances of the case. The court is likely to make directions relating to the preparation of any missing documentation at the start of the proceedings and at the First Appointment. The court also recognises that some documents on the Pre-proceedings Checklist may not exist and may never exist, for example, the Section 37 report, and that in urgent proceedings no Letter Before Proceedings may have been sent.

What the Court will do at the Issue of Proceedings

Objectives

11.1 The objectives at this stage are for the court -

- (1) in care and supervision proceedings, to ensure compliance with the Pre-proceedings Checklist;
- (2) to allocate proceedings;
- (3) to obtain the information necessary to enable initial case management at the First Appointment.

11.2 The steps which the court will take once proceedings have been issued include those set out in paragraphs 11.3 to 11.5 below.

Allocation

11.3 The court will consider allocation of the case and transfer those cases to the county court which are obviously suitable for immediate transfer. An example of a case of this kind is where there is evidence that a parent may be a protected party and require representation which currently cannot be obtained in the magistrates' court.

Other Steps to be taken by the Court

Directions

11.4 The court will -

- (1) consider giving directions -
 - (a) appropriate to the case including Standard Directions On Issue;
 - (b) in care and supervision proceedings, relating to the preparation and filing of documents on the Pre-proceedings Checklist which are not yet available;
 - (c) relating to representation of any protected party and where appropriate invite the Official Solicitor to act for a protected party or any child who is a party to, but is not the subject of, the proceedings and where appropriate invite the Official Solicitor to act as his or her guardian ad litem;
- (2) appoint a children's guardian in specified proceedings (in relation to care and supervision proceedings the court will expect that Cafcass or Cafcass Cymru will have received notice from the Local Authority that proceedings were going to be started);
- (3) appoint a solicitor for the child under section 41(3) of the 1989 Act where appropriate;
- (4) request the children's guardian or if appropriate another officer of the service or Welsh family proceedings officer to prepare a Case Analysis and Recommendations for the First Appointment;
- (5) make arrangements for a contested hearing, if necessary.

Setting a date for the First Appointment

11.5 The court will set a date for the First Appointment normally no later than 6 days from the date of issue of the proceedings and in any event in line with the draft Timetable for the Child.

Case Managers in the Magistrates' Courts

11.6 In the magistrates' courts, the justices' clerk may nominate one but not more than two case managers.

The First Appointment

Objectives

12.1 The First Appointment is the first hearing in the proceedings. The main objectives of the First Appointment are to -

- (1) confirm allocation; and
- (2) give initial case management directions having regard to the Public Law Outline.

12.2 The steps which the court will take at the First Appointment include those set out in paragraphs 12.3 to 12.6 below.

Steps to be taken by the Court

12.3 The court will -

- (1) confirm the Timetable for the Child;
- (2) make arrangements for any contested interim hearing such as an application for an interim care order;
- (3) confirm the allocation of the case or, if appropriate, transfer the case;
- (4) request the children's guardian or if appropriate another officer of the service or Welsh family proceedings officer to prepare a Case Analysis and Recommendations for the Case Management Conference or Issues Resolution Hearing;
- (5) scrutinise the Care Plan;
- (6) consider giving directions relating to -
 - (a) those matters in the Public Law Outline which remain to be considered;
 - (b) the joining of a person who would not otherwise be a respondent under the Rules as a party to the proceedings;
 - (c) where any person to be joined as a party may be a protected party, an investigation of that person's capacity to conduct the proceedings and the representation of that person and if appropriate invite the Official Solicitor to act for that person;
 - (d) the identification of family and friends as proposed carers and any overseas, immigration, jurisdiction and paternity issues;
 - (e) in Public Law Proceedings other than care and supervision proceedings, the documents to be filed with the court;
 - (f) evidence to be obtained as to whether a parent who is a protected party is competent to make his or her own statement.

Early Final Hearing Cases

12.4 Cases which are suitable for an Early Final Hearing are likely to be those cases where the child has no parents, guardians, relatives who want to care for the child, or other carers. Examples are those cases where the child is an abandoned baby or where a child has been brought into this country and abandoned. The court will -

- (1) identify at the First Appointment whether the case is one which is suitable for an Early Final Hearing; and
- (2) set a date for that Final Hearing.

Setting a date for the Case Management Conference

12.5 The court will set a date for the Case Management Conference normally no later than 45 days from the date of issue of the proceedings and in any event in line with the Timetable for the Child.

Advocates' Meeting/discussion and the Draft Case Management Order

12.6 The court will consider directing a discussion between the parties' advocates and any litigant in person and the preparation of a Draft Case Management Order as outlined below.

Experts

- 12.7 A party who wishes to instruct an expert should comply with the Experts Practice Direction. Where the parties are agreed on any matter relating to experts or expert evidence, the draft agreement must be submitted for the court's approval as early as possible in the proceedings.

Advocates' Meeting/discussion and the Draft Case Management Order

- 13.1 The main objective of the Advocates' Meeting or discussion is to prepare the Draft Case Management Order.
- 13.2 Where there is a litigant in person the court will consider the most effective way in which that person can be involved in the advocates' discussions and give directions as appropriate including directions relating to the part to be played by any McKenzie Friend.
- 13.3 Timing of the discussions is of the utmost importance. The need for discussions outside the "court room door" of matters, which could have been discussed at an earlier time, is to be avoided. Discussions are to take place no later than 2 days before the Case Management Conference or the Issues Resolution Hearing whichever is appropriate. The discussions may take place earlier than 2 days before those hearings, for example, up to 7 days before them.
- 13.4 Following discussion the advocates should prepare or adjust the Draft Case Management Order. In practice the intention is that the advocate for the applicant, which in care and supervision proceedings will ordinarily be the Local Authority, should take the lead in preparing and adjusting the Draft Case Management Order following discussion with the other advocates.
- 13.5 Where it is not possible for the advocates to agree the terms of the Draft Case Management Order, the advocates should specify on the Draft Case Management Order, or on a separate document if more practicable -
- (1) those provisions on which they agree; and
 - (2) those provisions on which they disagree.
- 13.6 Unless the court directs otherwise, the Draft Case Management Order must be filed with the court no later than 11am on the day before the Case Management Conference or the Issues Resolution Hearing whichever may be appropriate.
- 13.7 At the Advocates' Meeting or discussion before the Case Management Conference, the advocates should also try to agree the questions to be put to any proposed expert (whether jointly instructed or not) if not previously agreed. Under the Experts Practice Direction the questions on which the proposed expert is to give an opinion are a crucial component of the expert directions which the court is required to consider at the Case Management Conference.

Case Management Conference

Objectives

- 14.1 The Case Management Conference is the main hearing at which the court manages the case. The main objectives of the Conference are to -
- (1) identify key issues; and
 - (2) give full case management directions.

14.2 The steps which the court will take at the Case Management Conference include those steps set out in paragraphs 14.3 to 14.5 below.

Steps to be taken by the Court

14.3 The court will –

- (1) review and confirm the Timetable for the Child;
- (2) confirm the allocation or the transfer of the case;
- (3) scrutinise the Care Plan;
- (4) identify the key issues;
- (5) identify the remaining case management issues;
- (6) resolve remaining case management issues by reference to the Draft Case Management Order;
- (7) identify any special measures such as the need for access for the disabled or provision for vulnerable witnesses;
- (8) scrutinise the Case Management Record to check whether directions have been complied with and if not, consider making further directions as appropriate;
- (9) where expert evidence is required, check whether the parties have complied with the Experts Practice Direction, in particular section 4 (Preparation for the relevant hearing) and consider giving directions as appropriate.

Case Management Order

14.4 The court will issue the approved Case Management Order. Parties or their legal representatives will be expected to submit in electronic form the final approved Draft Case Management Order on the conclusion of, and the same day as, the Case Management Conference.

Setting a date for the Issues Resolution Hearing/Final Hearing

14.5 The court will set –

- (1) a date for the Issues Resolution Hearing normally at any time between 16 and 25 weeks from the date of issue of the proceedings and in any event in line with the Timetable for the Child; and
- (2) if necessary, specify a period within which the Final Hearing of the application is to take place unless a date has already been set.

The Issues Resolution Hearing

Objectives

15.1 The objectives of this hearing are to –

- (1) resolve and narrow issues; and
- (2) identify key remaining issues requiring resolution.

15.2 The Issues Resolution Hearing is likely to be the hearing before the Final Hearing. Final case management directions and other preparations for the Final Hearing will be made at this hearing.

Steps to be taken by the Court

15.3 The court will -

- (1) identify the key issues (if any) to be determined;
- (2) review and confirm the Timetable for the Child;
- (3) consider giving case management directions relating to -
 - (a) any outstanding matter contained in the Draft Case Management Order;
 - (b) the preparation and filing of final evidence including the filing of witness templates;
 - (c) skeleton arguments;
 - (d) preparation and filing of bundles in accordance with the Bundles Practice Direction;
 - (e) any agreement relating to the satisfaction of the threshold criteria under section 31 of the 1989 Act or facts and issues remaining to be determined in relation to it or to any welfare question which arises;
 - (f) time estimates;
 - (g) the judicial reading list and likely reading time and judgment writing time;
- (4) issue the Case Management Order.

15.4 For the avoidance of doubt the purpose of an Issues Resolution Hearing is to -

- (1) identify key issues which are not agreed;
- (2) examine if those key issues can be agreed; and
- (3) where those issues cannot be agreed, examine the most proportionate method of resolving those issues.

15.5 The expectation is that the method of resolving the key issues which cannot be agreed will be at a hearing (ordinarily the Final Hearing) where there is an opportunity for the relevant oral evidence to be heard and challenged.

Attendance at the Case Management Conference and the Issues Resolution Hearing

16 An advocate who has conduct of the Final Hearing should ordinarily attend the Case Management Conference and the Issues Resolution Hearing. Where the attendance of this advocate is not possible, then an advocate who is familiar with the issues in the proceedings should attend.

Flexible Powers of the Court

17.1 Attention is drawn to the flexible powers of the court either following the issue of the application in that court, the transfer of the case to that court or at any other stage in the proceedings.

- 17.2 The court may give directions without a hearing including setting a date for the Final Hearing or a period within which the Final Hearing will take place. The steps, which the court will ordinarily take at the various stages of the proceedings provided for in the Public Law Outline, may be taken by the court at another stage in the proceedings if the circumstances of the case merit this approach.
- 17.3 The flexible powers of the court include the ability for the court to cancel or repeat a particular hearing. For example, if the issue on which the case turns can with reasonable practicability be crystallised and resolved by having an Early Final Hearing, then in the fulfilment of the overriding objective, such a flexible approach must be taken to secure compliance with section 1(2) of the 1989 Act.

Alternative Dispute Resolution

- 18.1 The court will encourage the parties to use an alternative dispute resolution procedure and facilitate the use of such a procedure where it is –
- (1) readily available;
 - (2) demonstrated to be in the interests of the child; and
 - (3) reasonably practicable and safe.
- 18.2 At any stage in the proceedings, the parties can ask the court for advice about alternative dispute resolution.
- 18.3 At any stage in the proceedings the court itself will consider whether alternative dispute resolution is appropriate. If so, the court may direct that a hearing or proceedings be adjourned for such specified period as it considers appropriate –
- (1) to enable the parties to obtain information and advice about alternative dispute resolution; and
 - (2) where the parties agree, to enable alternative dispute resolution to take place.
- 18.4 It is expressly recognised that no party can or should be obliged to enter into any form of alternative dispute resolution if they are unwilling to do so.

Co-operation

- 19.1 Throughout the proceedings the parties and their representatives should co-operate wherever reasonably practicable to help towards securing the welfare of the child as the paramount consideration.
- 19.2 At each court appearance the court will ask the parties and their legal representatives –
- (1) what steps they have taken to achieve co-operation and the extent to which they have been successful;
 - (2) if appropriate the reason why co-operation could not be achieved; and
 - (3) the steps needed to resolve any issues necessary to achieve co-operation.

Agreed Directions

- 20.1 The parties, their advisers and the children's guardian, are encouraged to try to agree directions for the management of the proceedings.
- 20.2 To obtain the court's approval the agreed directions must –
- (1) set out a Timetable for the Child by reference to calendar dates for the taking of steps for the preparation of the case;
 - (2) include a date when it is proposed that the next hearing will take place.

Variation of case management timetable

- 21 It is emphasised that a party or the children's guardian must apply to the court at the earliest opportunity if they wish to vary by extending the dates set by the court for –
- (1) a directions appointment;
 - (2) a First Appointment;
 - (3) a Case Management Conference;
 - (4) an Issues Resolution Hearing;
 - (5) the Final Hearing;
 - (6) the period within which the Final Hearing of the application is to take place; or
 - (7) any discussion between advocates or for the filing of the Draft Case Management Orders.

Who performs the functions of the Court

- 22.1 Where this Practice Direction provides for the Court to perform case management functions, then except where any Rule, Practice Direction, any other enactment or the Family Proceedings (Allocation to Judiciary) Directions ((1999) 2 FLR 799) provides otherwise, the functions may be performed –
- (1) in relation to proceedings in the High Court or in a district registry, by any judge or district judge of that Court including a district judge of the principal registry;
 - (2) in relation to proceedings in the county court, by any judge or district judge including a district judge of the principal registry when the principal registry is treated as if it were a county court; and
 - (3) in relation to proceedings in a magistrates' court by –
 - (a) any family proceedings court constituted in accordance with sections 66 and 67 of the 1980 Act;
 - (b) a single justice; or
 - (c) a justices' clerk.
- 22.2 The case management functions to be exercised by a justices' clerk may be exercised by an assistant justices' clerk provided that person has been specifically authorised by a justices' clerk to exercise case management functions. Any reference in this Practice Direction to a justices' clerk is to be taken to include an assistant justices' clerk so authorised. The justices' clerk may

in particular appoint one but not more than two assistant justices' clerks as case managers for each case.

- 22.3 In proceedings in a magistrates' court, where a party considers that there are likely to be issues arising at a hearing (including the First Appointment, Case Management Conference and Issues Resolution Hearing) which need to be decided by a family proceedings court, rather than a justices' clerk, then that party should give the court written notice of that need at least 2 days before the hearing.
- 22.4 Family proceedings courts may consider making arrangements to ensure a court constituted in accordance with s 66 of the 1980 Act is available at the same time as Issues Resolution Hearings are being heard by a justices' clerk. Any delay as a result of the justices' clerk considering for whatever reason that it is inappropriate for a justices' clerk to perform a case management function on a particular matter and the justices' clerk's referring of that matter to the court should then be minimal.

Technology

- 23 Where the facilities are available to the court and the parties, the court will consider making full use of technology including electronic information exchange and video or telephone conferencing.

Other Practice Directions

- 24.1 This Practice Direction must be read with the Bundles Practice Direction.
- 24.2 The Bundles Practice Direction is applied to Public Law Proceedings in the High Court and county court with the following adjustments -
- (1) add "except the First Appointment, Case Management Conference, and Issues Resolution Hearing referred to in the Practice Direction: Guide to Case Management in Public Law Proceedings where there are no contested applications being heard at those hearings" to paragraph 2.2 ;
 - (2) the reference to -
 - (a) the "Protocol for Judicial Case Management in Public law Children Act Cases (2003) 2 FLR 719" in paragraph 6.1;
 - (b) the "Practice Direction: Care Cases: Judicial Continuity and Judicial Case Management" in paragraph 15; and
 - (c) "the Public Law Protocol" in paragraph 15shall be read as if it were a reference to this Practice Direction.
- 24.3 This Practice Direction replaces Practice Direction: Care Cases: Judicial Continuity and Judicial Case Management appended to the Protocol for Judicial Case Management in Public Law Children Act Cases (2003) 2 FLR 719.

Glossary

25 In this Practice Direction –

- (1) “the 1989 Act” means the Children Act 1989;
- (2) “the 1980 Act” means the Magistrates’ Courts Act 1980;
- (3) “advocate” means a person exercising a right of audience as a representative of, or on behalf of, a party;
- (4) “Allocation Record and the Timetable for the Child” means a document containing –
 - (a) the Local Authority’s proposal for allocation;
 - (b) the Local Authority’s proposed Timetable for the Child;
 - (c) the court’s allocation decisions and reasons; and
 - (d) the court’s approved Timetable for the Child;
- (5) “alternative dispute resolution” means the methods of resolving a dispute other than through the normal court process;
- (6) “assistant justices’ clerk” has the meaning assigned to it by section 27(5) of the Courts Act 2003;
- (7) “the Bundles Practice Direction” means the Practice Direction Family Proceedings: Court Bundles (Universal Practice to be Applied in all Courts other than Family Proceedings Court) of 27 July 2006;
- (8) “Case Analysis and Recommendations” means a written or oral outline of the case from the child’s perspective prepared by the children’s guardian or other officer of the service or Welsh family proceedings officer at different stages of the proceedings requested by the court, to provide –
 - (a) an analysis of the issues that need to be resolved in the case including–
 - (i) any harm or risk of harm;
 - (ii) the child’s own views;
 - (iii) the family context including advice relating to ethnicity, language, religion and culture of the child and other significant persons;
 - (iv) the Local Authority work and proposed care plan;
 - (v) advice about the court process including the Timetable for the Child; and
 - (vi) identification of work that remains to be done for the child in the short and longer term; and
 - (b) recommendations for outcomes, in order to safeguard and promote the best interests of the child in the proceedings;
- (9) “Case Management Documentation” includes the documents referred to in paragraph 3.5;
- (10) “Case Management Record” means the court’s filing system for the case which includes the documents referred to at paragraph 3.7;
- (11) “case manager” means the justices’ clerk or assistant justices’ clerk who manages the case in the magistrates’ courts;
- (12) “Care Plan” means a “section 31A plan” referred to in section 31A of the 1989 Act;

- (13) “Core Assessment” means the assessment undertaken by the Local Authority in accordance with The Framework for the Assessment of Children in Need and their Families (Department of Health, 2000);
- (14) “court” means the High Court, county court or the magistrates’ court;
- (15) “court officer” means -
 - (a) in the High Court or a county court, a member of court staff; and
 - (b) in a magistrates’ court, the designated officer;
- (16) “Draft Case Management Order” means the draft case management document in the form of an order set out at Annex C to this Practice Direction;
- (17) “Experts Practice Direction” means the Practice Direction on Experts in Family Proceedings relating to Children which is to come into force on the same date as this Practice Direction;
- (18) “genogram” means a family tree, setting out in diagrammatic form the family’s background;
- (19) “hearing” includes a directions appointment;
- (20) “Initial Assessment” means the assessment undertaken by the Local Authority in accordance with The Framework for the Assessment of Children in Need and their Families (Department of Health, 2000);
- (21) “Initial Social Work Statement” means a statement prepared by the Local Authority strictly limited to the following evidence -
 - (a) the precipitating incident(s) and background circumstances relevant to the grounds and reasons for making the application including a brief description of any referral and assessment processes that have already occurred;
 - (b) any facts and matters that are within the social worker’s personal knowledge limited to the findings sought by the Local Authority;
 - (c) any emergency steps and previous court orders that are relevant to the application;
 - (d) any decisions made by the Local Authority that are relevant to the application;
 - (e) information relevant to the ethnicity, language, religion, culture, gender and vulnerability of the child and other significant persons in the form of a ‘family profile’ together with a narrative description and details of the social care and other services that are relevant to the same;
 - (f) where the Local Authority is applying for an interim order: the Local Authority’s initial proposals for the child (which are also to be set out in the Care Plan) including placement, contact with parents and other significant persons and the social care services that are proposed;
 - (g) the Local Authority’s initial proposals for the further assessment of the parties during the proceedings including twin track /concurrent planning (where more than one permanence option for the child is being explored by the Local Authority);
- (22) “legal representative” means a barrister or solicitor, solicitor’s employee or other authorised litigator (as defined in the Courts and Legal Services Act 1990) who has been instructed to act for a party in relation to the proceedings;
- (23) “Letter Before Proceedings” means any letter from the Local Authority containing written notification to the parents and others with parental responsibility for the child of the Local Authority’s plan to apply to court for a care or supervision order;

- (24) “Local Authority Case Summary” means a summary for each case management hearing in the form set out at Annex B to this Practice Direction which must include the following information –
- (a) the applications which have been issued in the current proceedings;
 - (b) any previous proceedings in relation to the child[ren] and any orders made in previous proceedings or in the current proceedings to which the child[ren] is/are subject;
 - (c) the present living arrangements for the child[ren] and arrangements for contact between the child[ren] and parent(s) or other relevant adult or child;
 - (d) a very brief summary of the incident(s) or circumstances giving rise to the application and of the background to the proceedings;
 - (e) a summary of any concerns the Local Authority may have about the mental capacity of an adult to care for the child or the capacity of the adult to prepare for the proceedings;
 - (f) the Key Issues in the case;
 - (g) any agreements that there are as to the Key Issues or the findings of fact sought by the Local Authority;
 - (h) whether an application for placement for adoption is among the range of options that will have to be considered;
 - (i) any current or proposed proceedings (e.g. criminal proceedings, other family proceedings, disciplinary, immigration or mental capacity/health determinations) which are relevant to the determination of the application(s);
 - (j) the issues and directions which the court will need to consider at the Case Management Conference/Issues Resolution Hearing, including any interim orders sought;
 - (k) any steps which have not been taken or directions not complied with, an explanation of the reasons and the effect, if any, on the Timetable for the Child;
 - (l) a recommended reading list and suggested reading time;
 - (m) any additional information relevant to the Timetable for the Child or for the conduct of the hearing or the proceedings;
 - (n) the contact details of all advocates, their solicitors (where appropriate) and other significant persons e.g. the Local Authority key worker or team manager and the children’s guardian;
- (25) “justices’ clerk” has the meaning assigned to it by section 27(1) of the Courts Act 2003;
- (26) “McKenzie Friend” means any person permitted by the court to sit beside an unrepresented litigant in court to assist the litigant by prompting, taking notes and giving advice to the litigant;
- (27) “Other Parties’ Case Summaries” means summaries by parties other than the Local Authority containing –
- (a) the party’s proposals for the long term future of the child (to include placement and contact);
 - (b) the party’s reply to the Local Authority’s Schedule of Proposed Findings;
 - (c) any proposal for assessment / expert evidence; and
 - (d) the names, addresses and contact details of any family or friends who it is suggested be approached in relation to long term care/contact or respite;
- (28) “Pre-proceedings Checklist” means the checklist of documents set out in the Public Law Outline;

- (29) “Public Law Proceedings” means proceedings for –
- (a) a residence order under section 8 of the 1989 Act with respect to a child who is the subject of a care order;
 - (b) a secure accommodation order under section 25 of the 1989 Act;
 - (c) a care order under section 31(1)(a) of the 1989 Act or the discharge of such an order under section 39(1) of the 1989 Act;
 - (d) an order giving permission to change a child’s surname or remove a child from the United Kingdom under section 33(7) of the 1989 Act;
 - (e) a supervision order under section 31(1)(b) of the 1989 Act, the discharge or variation of such an order under section 39(2) of that Act, or the extension or further extension of such an order under paragraph 6(3) of Schedule 3 to that Act;
 - (f) an order making provision for contact under section 34(2) to (4) of the 1989 Act or an order varying or discharging such an order under section 34(9) of that Act;
 - (g) an education supervision order, the extension of an education supervision order under paragraph 15(2) of Schedule 3 to the 1989 Act, or the discharge of such an order under paragraph 17(1) of Schedule 3 to that Act;
 - (h) an order varying directions made with an interim care order or interim supervision order under section 38(8)(b) of the 1989 Act;
 - (i) an order under section 39(3) of the 1989 Act varying a supervision order in so far as it affects a person with whom the child is living but who is not entitled to apply for the order to be discharged;
 - (j) an order under section 39(3A) of the 1989 Act varying or discharging an interim care order in so far as it imposes an exclusion requirement on a person who is not entitled to apply for the order to be discharged;
 - (k) an order under section 39(3B) of the 1989 Act varying or discharging an interim care order in so far as it confers a power of arrest attached to an exclusion requirement;
 - (l) the substitution of a supervision order for a care order under section 39(4) of the 1989 Act;
 - (m) a child assessment order or the variation or discharge of such an order under section 43(12) of the 1989 Act;
 - (n) an order permitting the Local Authority to arrange for any child in its care to live outside England and Wales under paragraph 19(1) of Schedule 2 to the 1989 Act;
 - (o) a contribution order, or the variation or revocation of such an order under paragraph 23(8), of Schedule 2 to the 1989 Act;
- (30) “Rules” means rules of court governing the practice and procedure to be followed in Public Law Proceedings;
- (31) “Schedule of Proposed Findings” means the schedule of findings of fact prepared by the Local Authority sufficient to satisfy the threshold criteria under section 31(2) of the 1989 Act and to inform the Care Plan;
- (32) “Section 7 report” means any report under section 7 of the 1989 Act;
- (33) “Section 37 report” means any report by the Local Authority to the court as a result of a direction under section 37 of the 1989 Act;

- (34) “Social Work Chronology” means a schedule containing -
 - (a) a succinct summary of the significant dates and events in the child’s life in chronological order - a running record to be updated during the proceedings;
 - (b) information under the following headings -
 - (i) serial number;
 - (ii) date;
 - (iii) event-detail;
 - (iv) witness or document reference (where applicable);
- (35) “specified proceedings” has the meaning assigned to it by section 41(6) of the 1989 Act;
- (36) “Standard Directions on Issue and on First Appointment” includes the directions set out in the Public Law Outline, Stage 1;
- (37) “Strategy Discussion Record” means a note of the strategy discussion within the meaning of “Working Together to Safeguard Children” (2006);
- (38) “Supplementary Form PLO1” means the form set out at Annex A to this Practice Direction which is to be filed with the application form and then used as the Index to the Court’s Case Management Record;
- (39) “Timetable for the Child ” means the timetable set by the court which is appropriate for the child who is the subject of the proceedings and forms part of the Allocation Record.

Annex A: Supplementary Form PLO1

ANNEX A

SUPPLEMENTARY FORM PLO 1

Application for a care order or supervision order: Supplementary Form

PART 1 - Pre-proceedings checklist

This checklist must be completed and filed by the local authority with any application for a care order or supervision order to specify the pre-proceedings documents filed with the application [Column (a)] and to identify those which are not applicable [N/A]. If any relevant document is not filed with the application, the reason and any expected date of filing must be stated [Column (d)]. Columns (b) and (c) are for use by the court to record any pre-proceedings documents filed subsequently.

All documents filed with the application must be clearly marked with their description and numbered consecutively in the following sequence

	Category	Document	N/A	(a) Filed on issue	(b) Filed by FA	(c) Filed by CMC	(d) Reason not filed/ expected date of filing
	Documents prepared for the proceedings						
1		Schedule of Proposed Findings					
2		Initial Social Work Statement					
3		Care Plan					
4		Allocation Record and Timetable for the Child					
	Documents held by the local authority						
5	Previous proceedings	Orders					
		Judgment/reasons					
6	Any relevant assessment materials	Initial/core assessment					
		Section 7 & 37 reports					
		Relatives and friends materials (e.g. a genogram)					
7	Other relevant reports and records	Single, joint or inter-agency materials					
		Records of discussions with the family					
		Key LA minutes and records for the child, (inc. Strategy Discussion Record)					
8		Pre-existing care plans (e.g. child in need plan, looked after child plan & child protection plan)					
9		Social Work Chronology					
10		Letters Before Proceedings					
11		Other relevant pre-proceedings documents (specify)					

PART 2 - Record of case management documents filed

This Part is for use by the court to record case management documents filed with the court for Stages 1, 2 and 3

		Filed for FA	Filed for CMC	Filed for IRH	Notes
1	Local Authority Case Summary				
2	Other Parties' Case Summaries				M
					F
					Other
3	Parties' initial witness statements				M
					F
					Other
4	CAFCASS/ CAFCASS CYMRU Case Analysis and Recommendations				
5	Draft Case Management order for CMC/IRH				
6	Other case management documents (specify)				

Annex B: The Local Authority's Case Summary

ANNEX B

The Local Authority's Case Summary

Applications and previous proceedings

1. The applications that have been issued in these proceedings are:

Applicant	Order Sought	Date	Bundle ref.

2. The child[ren] is/are subject to the following orders previously made in these/other proceedings:

Order	in favour of	Court	Date of order	Case no.	Bundle ref.

Arrangements for the child[ren]

3. The present arrangements for the child[ren] is/are

(a) Living arrangements:

Child	Living with:

(b) contact arrangements:

Child	Having contact with:	Frequency

Summary of precipitating events and background

4. The following is a brief summary of the incident(s) or circumstances giving rise to the application and of the background to the proceedings:

Mental Capacity

5. The local authority has no/ the following concerns about the mental capacity of the mother/ father/ *[other adult]* to care for the child or to prepare for the proceedings:

Key issues and findings

1. The Key Issues in the case are:

a)	
b)	
c)	
d)	

2. With reference to the above Key Issues the following are agreed:

a)	
b)	
c)	
d)	

3. In addition, the following findings of fact sought by the local authority are agreed on the following basis:

Finding sought	Basis of agreement

Related applications/proceedings

- 4. This is / is not a case where an application for placement for adoption is among the range of options that will have to be considered.
- 5. The following current or proposed proceedings (eg criminal proceedings, other family proceedings, disciplinary, immigration or mental capacity/health determinations) are relevant to the determination of the application(s):

Proceedings	Parties	Court/Body	Stage reached	Comments.

Issues and directions for CMC/IRH

- 6. At the Case Management Conference/Issues Resolution Hearing the following issues, directions and interim orders will need to be considered by the court:

a)	
b)	
c)	
d)	
e)	
f)	

Compliance

- 7. The following steps have not been taken for the reasons explained and the effect on the timetable is as follows:

Key Date	Step to be taken	Reason for non-compliance	Expected date of compliance/ Effect on timetable

Recommended reading list and reading time

8. The following are the key documents to be read in preparation for the hearing:

Document	Author	Status/role	Date	Bundle page

9. The suggested reading time required for the hearing is:

Additional information

10. The following additional information is relevant to the timetable for the child(ren) or for the conduct of the hearing or of the proceedings

Contact details: advocates, solicitors and key professionals

Party	Status	Name	Tel:	Email:
Applicant Local Authority	Advocate Solicitor Key worker/team manager			
Respondents: (1) Mother (2) Father (3) Other party	(1) Advocate Solicitor (2) Advocate Solicitor (3) Advocate Solicitor			
Child(ren)	Advocate Solicitor Guardian:			

Annex C: Draft Case Management Order

ANNEX C

Draft Case Management Order

Case No

Child(ren) No

[] Family Proceedings / County Court

The High Court sitting at []

The Principal Registry of the Family Division

PART 1 – Preliminary

The child[ren] is / are:

Name	Boy/Girl	Date of Birth
(1)		
(2)		
(3)		

Date of this Order:

Ordered by:

Sitting in private/public

at the Case Management Conference / Issues Resolution Hearing

or at the [contested] hearing of an application [made without notice] by

for

or [other]

The court heard the advocates for the following parties:

Party	Status	Counsel/solicitor/Advocate
Applicant	Local Authority	
Respondents:		
(1) X	Mother	
(2) Y	Father	
(3) Z	Other	
Child(ren)	Guardian:	

And the following parties in person:

Party	Status

The court has heard and read the evidence set out on the Record of Hearing [Form C22]

This order is made on the basis of the information recorded in Part 3 about the timetable for the child(ren), the key issues and any agreements and decisions made

PART 2 - Order

The Court Orders that:

Orders relating to the child

- 1 *Record of Prescribed Forms of Order which are to be issued separately [C23 to C49]*
e.g. Interim care order / interim supervision order / interim residence order / contact order

Joinder of parties/parentage issues

- 2 Party status
- 3 Paternity / Maternity and tracing / involvement of absent parent / previous carers

Appointment of Children's Guardian / Children's Solicitor / Official Solicitor

4. Appointment of children's guardian / solicitor for the child
5. Appointment of Official Solicitor as guardian ad litem / litigation friend for a non-subject child or protected party

Transfer / Allocation to Case Manager / Case Management Judge

6. Transfer
7. Allocation

Evidence to be filed

8. Evidence
 - a. local authority
 - b. parents
 - c. [other]
 - d. children's guardian
9. Assessments
 - a. Core and initial
 - b. Parenting (inc residential)
 - c. Friends and Family
 - d. [other, inc specialist]
10. Care planning

Other documents

- 11. LA's Schedule of Proposed Findings
- 12. LA Case Summary, Other Parties' Case Summaries and the Case Analysis and Recommendations
- 13. Disclosure of documents (whether to be filed and/or served)
 - a. Key LA minutes and records not disclosed as pre-proceedings documents
 - b. Health records (inc GP, HV, clinic and hospital)
 - c. Education records (inc SEN)
 - d. Police records (inc DV logs)
 - e. Contact notes

Expert evidence

- 14. Identification of expert
- 15. Identification of Key Issue(s) to be addressed
- 16. Permission to instruct
 - a. Responsibility for instruction (joint/sole)
 - b. Letter of instruction
 - c. Timetable
 - d. Filing and service of report (paper/electronic)
 - e. Questions to expert
 - f. Permission to examine/observe child
 - g. Funding
 - h. Arrangements for expert to give oral evidence (in person or by video/audio-link)
- 17. Experts' meeting
 - a. Responsibility to arrange and chair
 - b. Questions
 - c. Schedule of agreements and disagreements

Advocates' Meeting

- 18. Meeting
- 19. Draft Case Management Order and experts proposals

Further Hearings

- 20. The next hearing is at [] [a.m.][p.m.] on []
at [] and is:
 - [The Issues Resolution Hearing]
 - [An Early Final Hearing]
 - [A Fact Finding Hearing at which the findings set out in the local authority's schedule of findings are to be determined]
 - [The Final Hearing at which []]
 - [Other (specify the AIM of the hearing) []]

- 21. Special Measures and Security

22. Attendance at court

23. Use of Technology and Special requirements

- a. videolink
- b. conference telephone link
- c. hearing assistance
- d. DDA requirements
- e. translation directions

Other applications

24. Directions in other concurrent applications (e.g. for Residence/Contact)

25. Directions in Placement for Adoption Applications

Bundles for hearings

26. Bundles Practice Direction requirements

- a. Agreed or revised Threshold / Schedule of Findings
- b. Witness Template
- c. Skeleton arguments
- d. Judicial Reading List
- e. Time estimate to specify reading time and judgment writing time
- f. Other (eg [The parties must comply with the President's Practice Direction (Family Proceedings: Court Bundles), 27 July 2006, [2006] 2 FLR 199. The Direction applies to all hearings in this case regardless of the estimated length of the hearing.]

Other orders

27. No document other than a document specified in these directions or filed in accordance with the Rules or any Practice Direction shall be filed by any party without the court's permission.

28. Any application to vary these directions or for any other order is to be made to the allocated judge on notice to [] all parties.

Compliance with directions

29. All parties must immediately inform the Court/Court Officer on [contact telephone / e-mail] if any party fails to adhere to any date specified for a direction or the filing of any document.

Dated

(signed)

HCJ/HHJ/DJ/DJ(MC)/JP/[Assistant] JC

Court address:

PART 3 - Recitals

The timetable for the child(ren)

And key issues, agreements and decisions

It is recorded that:

1. The key dates and events in the Timetable for the Child(ren) are:

a)	
b)	
c)	
d)	

2. There is no [the following] delay in the timetable for the proceedings fixed by the court in accordance with the Timetable for the Child (*specify any delay and reasons*)

--

3. The Key Issue(s) in the case are:

a)	
b)	
c)	
d)	

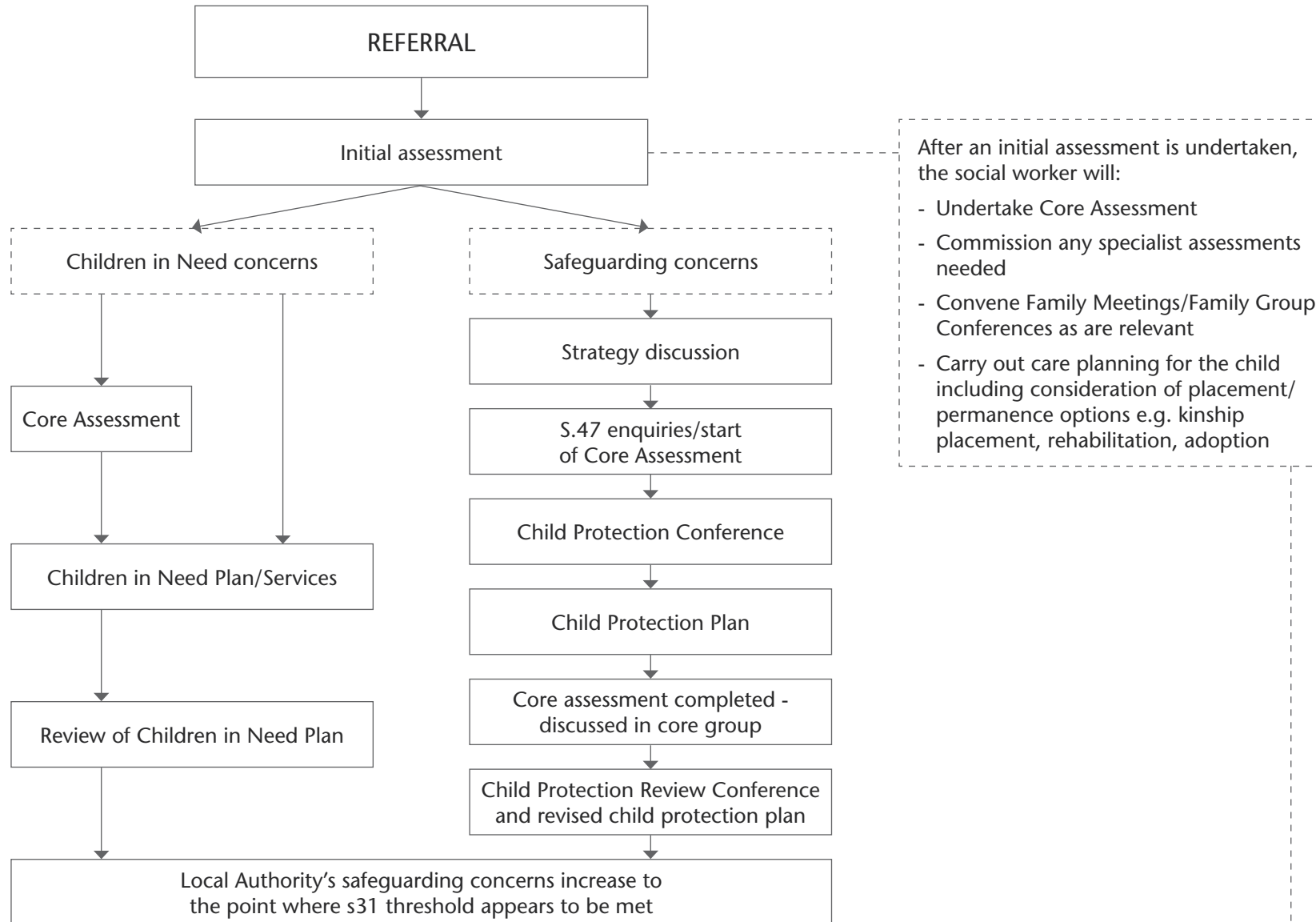
4. The parties have agreed the following Key Issues and/or findings of fact:

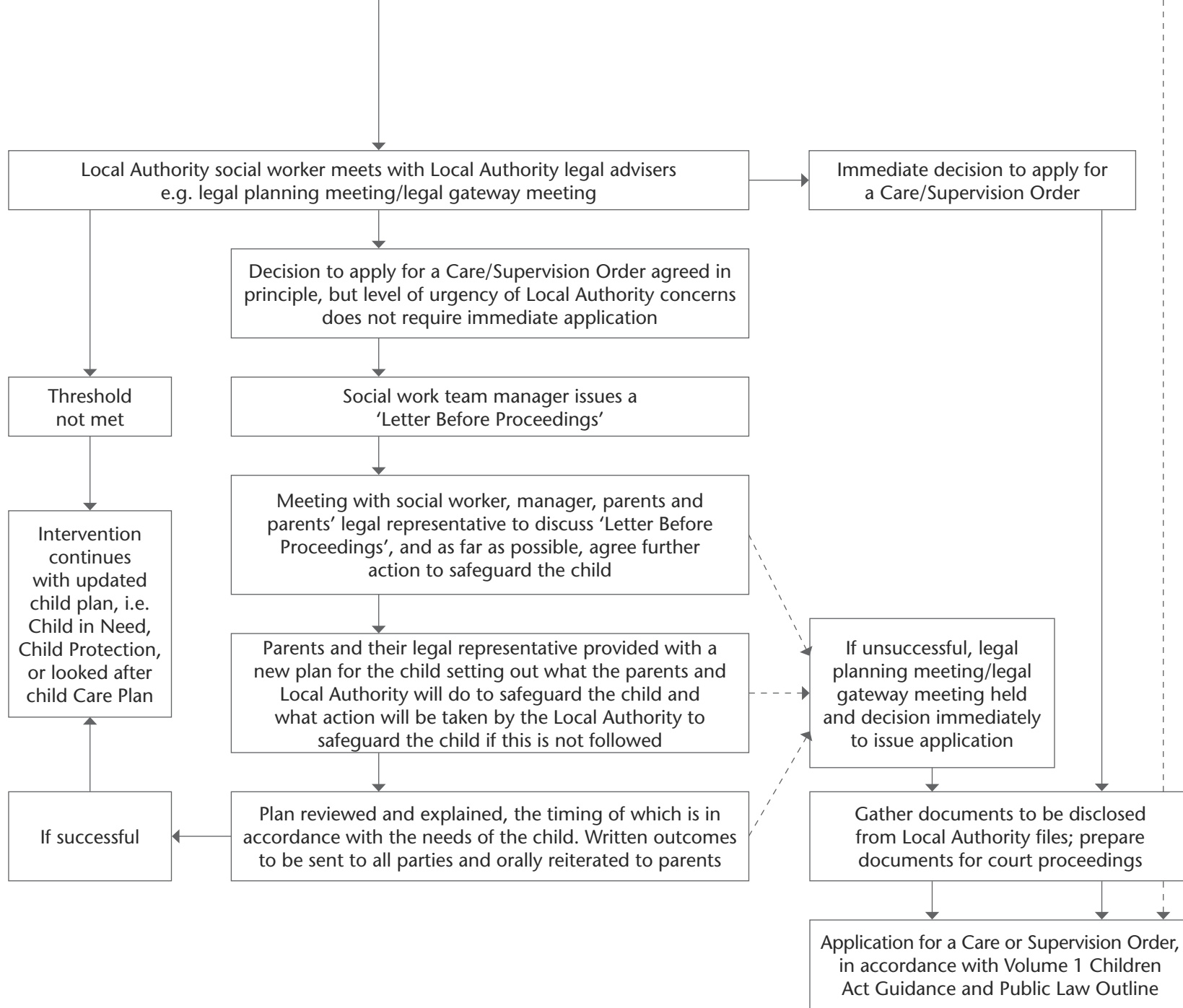
a)	
b)	
c)	
d)	

5. The court makes the following findings or decisions as the basis for this order:

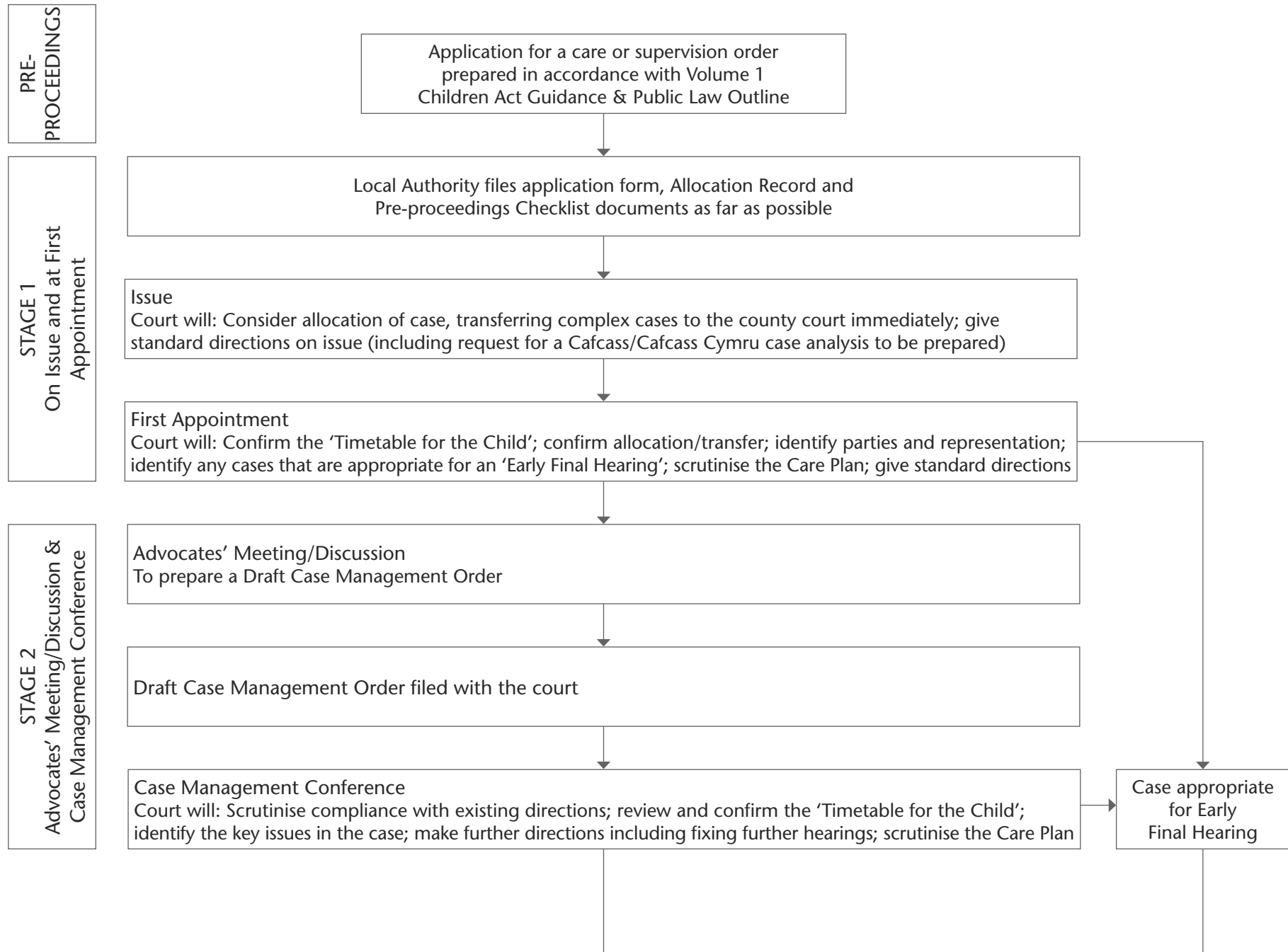
a)	
b)	
c)	
d)	

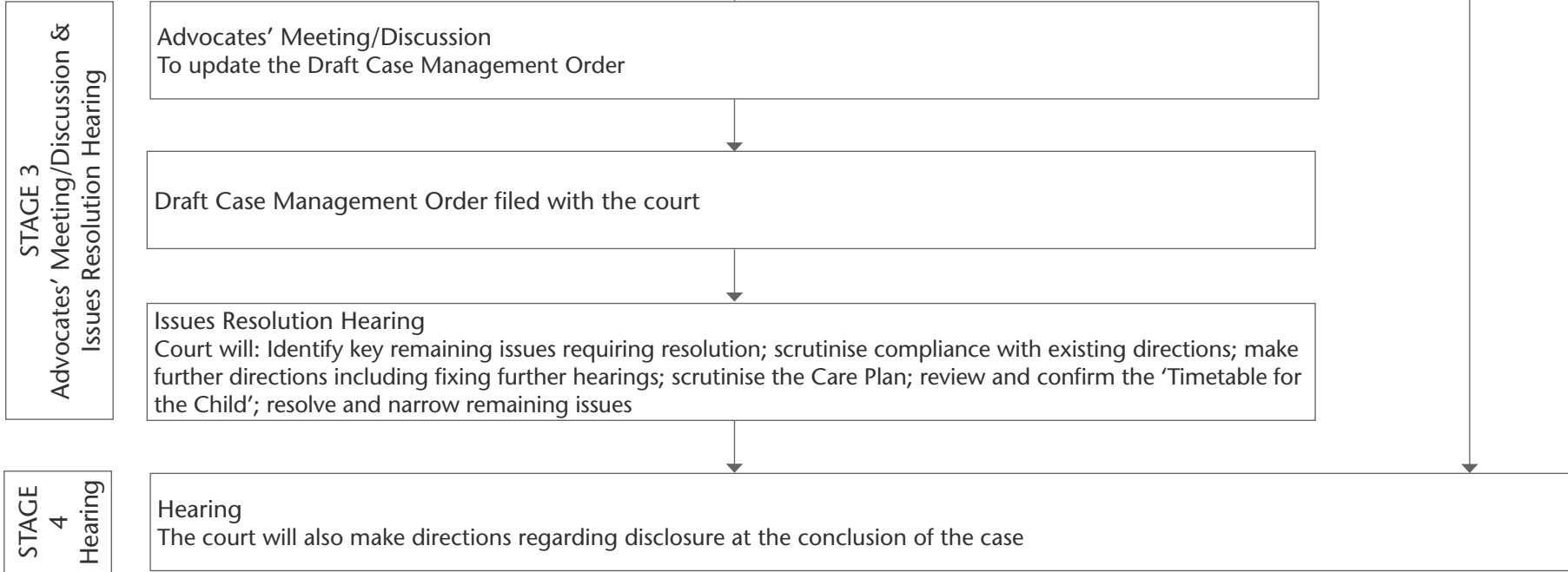
Flowchart: Pre-proceedings - Public Law Outline





Flowchart: Court Proceedings - Public Law Outline





Further copies of the Public Law Outline are available to download from the care proceedings programme website: www.justice.gov.uk/guidance/careproceedings.htm