**DRAFT JULY 2019**

**Local Working Practice Protocol in the Family Court at Leicester**

We are all working under an unprecedented amount of pressure as the volume of work has increased over recent years and resources have reduced. This document is designed to enable court business to be conducted as efficiently as possible but also to recognise that a proper work life balance is important for everyone to achieve and people rarely give of their best if they are stressed or feel unappreciated and taken for granted.

There is also a balance to be struck between holding people to account for their actions or lack of them and recognising that we all make mistakes which can impact on others. Blaming others working in the system when they have not deliberately got things wrong is not generally helpful and aggression has no place in a working environment when we all need to be collaborative.

**LISTING OF CASES AND TIME IN COURT**

Listed hearings will not usually take place before 10am (DJ’s) 10.30am (CJ’s) and the court day should end by 4.00pm (DJ’s) 4.30pm (CJ’s) with a final cut off at 5 pm/5.30pm. Occasionally, there will be a need for the court to sit earlier or later but effort will be made to keep that to a minimum.

Everyone needs a lunch break so the court should usually rise for an hour at lunch time and practitioners should not be expected to work throughout the lunch break. Ideally the lunch break should be between 1 pm and 2 pm.

Emails: practitioners can send their emails to each other and the court when they like but there should not be an expectation of a reply after 6 pm or before 8 am. Do not copy people in who do not need to read the email. HMCTS staff will usually look at, and reply to, emails between the business hours of 9am and 5pm.

Social workers as well as advocates are required to attend court at 9 am for a 10 am/9.30am for a 10.30am hearing to make the discussions effective.

**ORDERS**

Please focus on key preambles and directions in private and public cases. Contact can usefully be set out in a schedule to assist parties. A s7 direction should set out clearly what issues need to be addressed.

Consent orders for vacating hearings or making changes to the time estimate should be sent to the family email address [family.leicester.countycourt@justice.gov.uk](mailto:family.leicester.countycourt@justice.gov.uk). This is checked regularly throughout the day. The case number and date of hearing should be included in the subject line of the email. This enables urgent emails relating to hearings that day or the next to be easily identified.

It will be usual for Judges to expect orders to be agreed before practitioners leave the building as we understand this works better for practitioners and FAS forms will be approved with this in mind. If the court sits late then this norm may be relaxed.

**POSITION STATEMENTS AND STATEMENTS**

All should aim for 1 piece of paper; bullet points are fine. Position statements should be filed no later than 4 pm the day before the hearing.

It will be acceptable for the child’s solicitor to file and serve on behalf of the Children's Guardian a position statement, with a statement of truth and a signature in appropriate situations when approved by the court, except for a final hearing or for a hearing where interim removal of a child is in issue.

Statements of social workers do not need to be long. Shorter, more focussed statements will save time for all.

In private law cases short, focussed statements are more effective and will save time for practitioners and the court.

**PRACTICAL MATTERS**

In private law cases, please seek a direction when the judge appoints a rule16.4 Guardian for the Applicant/Respondent’s solicitor, or if no solicitors are instructed the court, to provide the bundle to the solicitor for the child within 7 days of the solicitor filing notice of acting.

In a case where all parties are represented/a care case where all parties wish to change the filing dates but not the hearing dates – an email with a consent order is acceptable. All parties should be copied in. A court fee is still payable.

Excusing the attendance of Children's Guardians will be allowed if it is reasonable. The attendance of social workers and parents to be excused from certain hearings, for example a procedural hearing, will be considered on application which may be by email. It may be appropriate for the social worker not to attend but to be available on the telephone. Social work managers should not attend unnecessarily.

Listing of final hearings which will require social workers and Children's Guardians to be involved in more than one final hearing at a time is to be avoided wherever possible as it is very stressful.

Bundles: please make them relevant and abide by Part 27FPR and the PD. They should be lodged not more than 5 and not less than 2 days before the hearing. Please remember that family cases are heard at several hearing centres and bundles must be couriered to where the court is sitting.

In financial remedy cases, disclosure which is not to be referred to does not need to be in the court bundle.

Solicitors should have in mind the unnecessary pressure they are putting on barrister colleagues by the late delivery of papers.

Cross-courting: the local practice guidance about seeking the court’s permission IN ADVANCE of needing to cross court must be followed.

Advocates meetings in care cases should be held at least 7 days before the hearing to make them more effective, so that the LA can respond to points raised in time for the hearing. They should be attended by the trial advocates.

When devising directions in care cases be careful to ensure sufficient time between the LA final evidence and that of other parties; this is essential in cases where parties have learning disabilities or do not read English.

Experts: we must all ensure that we do not overload our (local) experts; all must check before any Part 25 hearing that the expert is available to do the case, and later that they can do the final hearing if required; all must remember to release the expert from that commitment asap.

Complex cases: it would help all and save time if in such cases the same advocates were retained throughout the process.

**URGENT HEARINGS**

This applies in particular, but not only, to care cases:

A qualified person should inform the court of the reason for urgency and when it is desirable for the case to be heard.

It should be borne in mind that there is no reserved time for urgent cases.

If the court lists the matter urgently, it is incumbent on the LA to attend at the listed time, with witnesses and to assist the parents to attend at the listed time with representation.

The LA must email Cafcass locally to give them advance notice of any such application.

Statements in support of urgent applications should be short and bullet points are acceptable.

In the most urgent matters a telephone application for an EPO may be made.

HHJ Jane George

Designated Family Judge Leicester