

**Subject:** For Circulation - URGENT  
**Date:** Wednesday, 25 March 2020 at 11:08:56 Greenwich Mean Time  
**From:** Plunkett, HHJ Christopher  
**To:** Elizabeth Miles, Mark Cooper  
**CC:** Redmond, Elizabeth, Whitehouse, Sharon (HMCS-Mag Crt, W.Mercia)  
**Attachments:** Coronavirus public guidance 24.3.docx

Just a few working days ago I sent round the first of a number of emails to try and keep all abreast of what is happening.

As you all well know, the position evolves daily. Yesterday two things of particular importance happened.

The first was the guidance issued by the PFD on contact arrangements (the old language is clearer, I think) during this difficult time. I attach it for those who have not picked it up elsewhere. As you will expect it rightly reminds parents that they hold parental responsibility, and it is their responsibility to make arrangements in light of the government's advice, and their particular circumstances. I can only reiterate that sensible and necessary advice. You will note at paragraph 6 that the PFD implicitly accepts that courts will not seek to interfere with arrangements made by the '

The second was the decision that the Magistrates should not be attending court, special hearings aside. We have no ability currently for our magistrates to work from home. The magistrates carry out (currently) 87% of all private law work in the two counties. There is no capacity amongst the paid judiciary to take on such work. The legal advisers have significant jurisdiction, but the withdrawal of the magistracy will engender a huge administrative task for which the staff do not exist within the rest of HMCTS, so the legal advisers' time will be fully occupied.

The consequence of these two steps is that private law cases due a hearing in the next three weeks will now be adjourned to an administrative list at the end of the current lockdown. That list will result in further paper orders relisting cases as appropriate. All new cases will be placed directly into that list. Where you represent parents caught up in disputes please bear this in mind. Please consider whether it is necessary or appropriate, in light of the PFD's guidance and our situation locally, to issue an application at all. The staff in our office are at their absolute limits - processing applications which can never go anywhere at this time is not a sensible use of their time. What happens after the end of the lockdown will depend on developments in society more widely.

Any blanket approach has to allow for exceptions. Any cases involving a direct threat to the immediate safety of a child will be treated differently. Any application falling into that category needs to be clearly identified as such. Non mol applications will also be processed normally to the stage of interim orders and return days, but no contested hearings will be listed. The interim orders will be scrutinised to ensure they do what is necessary, but only what is necessary, and the cases will then go into the block administrative lists for reconsideration in due course.

The priority remains keeping children and their carers safe; it remains keeping all partners safe in cases of domestic abuse.

Further consideration is being given to the more complex private law cases proceedings in front of the District and Circuit Judges. They will have case specific orders drawn by the judges overseeing

them.

Otherwise, for the period of the lockdown, or until further notification, private law cases will only be dealt with where they are genuine emergencies going to the immediate safety of a child; non-mol applications will be dealt with as above.

I hope each of you reading this is managing to keep you head above water/children at home/difficulties running your firms or practices. Thank you for what you have done, are doing, and will yet do during this difficult period to achieve our collective goal.

Kind regards

Judge P