

COVID 19 Recovery Planning – Stoke on Trent and Staffordshire

Introduction:

This note sets out arrangements for reviewing previously adjourned as well as forthcoming fact-finds and final hearings. It is important to note this work is preparatory only to ensure we are ready for any re-opening of the court buildings for attended hearings. The feasibility of listing attended final hearings from June onwards remains subject to changes in government/public health guidance, agreement with HMCTS as to the safe operation of the courts, health and safety requirements and further consultation with court users.

By Friday 15th May 2020 (at the latest)

The information the court will need to have for 1) all cases that have been stood out and 2) cases listed in June is as follows:

- 1) Is the case 'trial ready' for a listing in June?
- 2) Should the case be regarded as a priority and why?
- 3) Would a 9 am or 1.30 pm listing cause any particular difficulties?
- 4) Are there any trial requirements that the court needs to accommodate in listing i.e. experts, intermediaries or interpreters?
- 5) Have witnesses been warned and a witness template prepared? Will amendments to that template cause significant difficulties?
- 6) Are there any particular difficulties in the parents travelling to Stoke or Stafford (bearing in mind potential limitations on public transport)?
- 7) Are all parties able to attend an attended hearing in accordance with current public health and government guidance?
- 8) Is the case suitable for inclusion on a 'standby list'?
- 9) Could the case be made 'trial ready' by straight forward re-timetabling? If so, what is the FAD after which it could be listed?
- 10) Is there no prospect of the case being ready for a listing in June so should be vacated? Has the timetable been significantly derailed such that further directions are required?

By Friday 29th May 2020

The information noted above should be provided for all cases listed in July and August. Given August listings are some way off the parties should indicate:

- 1) Is the case likely to be 'trial ready' for its original listing or is the listing vulnerable?
- 2) Could the case be made 'trial ready' by straight forward re-timetabling? If so, what is the FAD after which it could be listed?
- 3) Has the timetable been significantly derailed such that further directions will be required and there is no prospect of the case being ready for its original listing and it should be vacated?

Process for providing the necessary information to the Court:

- 1) The Local Authority will carry out an internal review of the case and take a view on the issues above.
- 2) A draft order will be prepared and circulated amongst the parties. An advocates meeting will be arranged as soon as possible to agree a way forward. It is noted that in straight forward cases matters may be capable of agreement without the need to convene a meeting.

- 3) Where at all possible, a consent order will be submitted to the Court. If the case is not trial ready, parties should endeavour to agree the necessary case management directions.
- 4) The Court will consider the consent order on paper. If a short hearing is required either to deal with trial requirements or because the parties are unable to agree on the appropriate directions the matter will be listed for a short hearing in the week commencing 18th May 2020.

Listing principles:

[NOTE these principles remain tentative and subject to further consultation. The following is provided to give some indication of current thinking. They are subject to further government/public health guidance and agreement with HMCTS as to the safe operation of the Court Estate]

- 1) For cases listed in June, July and August, the Court will endeavour to keep listings as close to the original listing as possible.
- 2) The Court is considering operating two sessions within one court day to double capacity within a single courtroom: the first case listed 9 am to 1 pm; a second case listed 1.30 pm to 5.30 pm.
- 3) The Court will endeavour to confirm listings for June as soon as possible after 15th May 2020.
- 4) Where cases are vacated and there is capacity in the list the backlog cases will be listed in accordance with priority. Each case will be considered individually but in general terms cases where there is an application for a placement order can expect to be listed first. Where there is space for shorter hearings the Court will prioritise adoption work.
- 5) Non-contentious discharge applications or agreed applications for a SGO will continue to be dealt with remotely where appropriate.
- 6) All case management/straight forward applications to be dealt with by submissions will continue to be listed for remote hearings.
- 7) For all fact-finds and final hearings, and to avoid the need for multiple parties to undertake discussions at the court building, day one of every hearing will be listed as a reading day/trial preparation with no evidence to be heard and to be conducted remotely. This will enable legal representatives to undertake pre-hearing discussions with clients and to address any house-keeping matters. The parties will appear before the trial Judge on day one of the hearing by telephone at 12 noon or 2 pm to ensure readiness for the hearing to commence. The Court will expect parties to be ready to start promptly on what will be listed as day two of the hearing.
- 8) The Court will maintain a 'standby list' of all cases trial ready such that if a listing becomes available at short notice parties will be urgently contacted to try and achieve an effective hearing where possible.

DRAFT ORDER FOR REVIEW OF FACT-FINDS AND FINAL HEARINGS:

RECITALS

Upon the parties being directed to attend an advocates meeting to review whether the existing timetable can be complied with and/or the matter is trial ready.

And upon it being recorded that this matter was originally listed for fact-find/final hearing on [XX]

And upon the parties submitting this agreed order to the Court for approval.

And upon the parties being directed by the Court to answer the following questions:

- 1) Is the case 'trial ready' for a listing in June?
- 2) Should the case be regarded as a priority and why?
- 3) Would a 9 am or 1.30 pm listing cause any particular difficulties?
- 4) Are there any trial requirements that the court needs to accommodate in listing i.e. experts, intermediaries or interpreters?
- 5) Have witnesses been warned and a witness template prepared? Will amendments to that template cause significant difficulties?
- 6) Are there any particular difficulties in the parents travelling to Stoke or Stafford (bearing in mind potential limitations on public transport)?
- 7) Are all parties able to attend an attended hearing in accordance with current public health and government guidance?
- 8) Is the case suitable to be placed upon a 'standby' list?
- 9) Could the case be made 'trial ready' by straight forward re-timetabling? If so, what is the FAD after which it could be listed?
- 10) Is there no prospect of the case being ready for a listing in June such that it should be vacated? Given the timetable has been significantly derailed what further directions are required?

And upon the parties answering those questions as follows:

- 1)
- 2)
- 3)
- 4)
- 5)
- 6)
- 7)
- 8)
- 9)
- 10)

And upon it being recorded [INSERT LATEST LAA REQUIREMENTS FOR ADVOCATES MEETING LEADING TO A CONSENT ORDER]

It is ORDERED:

- 1) The matter is trial ready and is to be listed for [X] days to commence on [COURT TO INSERT DATE]. Evidence will commence on day two of the hearing.
- 2) Day one of the hearing is to be listed as a reading day for the Judge and trial preparation. Day one of the hearing is to be conducted remotely with advocates to appear before the trial Judge by telephone at [COURT TO INSERT TIME].
- 3) The Local Authority are to file a witness template by no less than 3 days before the hearing.

OR

- 1) The Court makes the following case management directions upon compliance with which the case will be trial ready: [INSERT CASE MANAGEMENT DIRECTIONS].
- 2) The matter is trial ready and is to be listed for [X] days to commence on [COURT TO INSERT DATE]. Evidence will commence on day two of the hearing.
- 3) Day one of the hearing is to be listed as a reading day for the Judge and trial preparation. Day one of the hearing is to be conducted remotely with advocates to appear before the trial Judge by telephone at [COURT TO INSERT TIME] by telephone.
- 4) The Local Authority are to file a witness template by no less than 3 days before the hearing.

OR

- 1) The matter is to be listed for a PTR on [X LISTING INSERTED BY THE COURT] for the following issues to be determined:

OR

- 1) The fact-find/final hearing currently listed on [XXX] is to be vacated.
- 2) [INSERT agreed case management directions]

OR

- 1) The fact-find/final hearing currently listed on [XXX] is to be vacated.
- 2) The matter is to be listed on the [FAD after X] for a FCMH by telephone for the purposes of re-timetabling.

HHJ Harris

Designated Family Judge for Stoke on Trent and Staffordshire

4th May 2020