



The Family Court at Birmingham

Notice to Practitioners: Revised template orders for public law and private law proceedings

1. I am pleased to note that more practitioners have been making use of the templates for short-form orders, which were last revised in January 2020. This accords with the President's guidance and reduces the pressure on those with responsibility for drafting orders, which I have stressed in our wellbeing documents.
2. With significant assistance from Her Honour Judge Carter and members of the Birmingham Local Family Justice Board, particularly Mark Cooper, I have now approved new versions of the following order templates:
 - (a) Birmingham CMO Template v1 (March 2021);
 - (b) Birmingham CMO Precedent Library v1 (March 2021);
 - (c) Birmingham Public Law Short Form Order Template v3 (March 2021);
 - (d) Birmingham Private Law Short Form Order Template v3 (March 2021);
 - (e) Birmingham Police Disclosure Order v1 (March 2021);
 - (f) Birmingham Medical Records Disclosure Order v1 (March 2021); and
 - (g) Birmingham Ambulance Records Disclosure Order v1 (March 2021).
3. Please use these template orders with immediate effect for all public law and private law cases in the Family Court at Birmingham.
4. In public law proceedings, the long-form case management order serves an important purpose. However, it is completely unnecessary to use the long-form template for every hearing and this practice **must** stop. Multiple long-form orders are unnecessary where the same information is simply being repeated in each order the Court makes. Such orders take much longer to draft and approve, which is not a good use of our valuable time.
5. However, a long-form case management order **must** be completed at the first case management hearing in public law proceedings in order to deal with all the directions that are needed to get the case on the right track at the outset. It may be used at a further case management hearing, but **only** if the first case management hearing was not effective or if there are extensive case management directions to be made. Practitioners and judges are encouraged to take a proportionate approach in this regard.
6. The CMO Template and the CMO Precedent Library have been adapted (in consultation with Birmingham Children's Trust and Solihull MBC) from the most recent templates in the Standard Family Orders Handbook in order to reflect local practice and procedures.

7. Please do not be alarmed by the length of the CMO Template and the CMO Precedent Library! Indeed, you may be pleased to note that our versions are slightly shorter. They are designed to encompass all sorts of eventualities and I cannot envisage a case that would include every direction included in the template. Therefore, please delete the sections which are not relevant, as this will avoid confusion when the order is being drawn by the court staff.
8. When drafting a short-form order, practitioners are encouraged to use precedents from the long-form template or the precedent library, as required. I hope that this will save time for those responsible for drafting orders. Of course, the template directions are not exhaustive and there will be occasions when they need to be adapted to suit the needs of a particular case.
9. Please note that there is no Birmingham edition of the Standard Family Orders Handbook long-form private law order templates which are in chapter 7, which should still be used, particularly in cases where there are litigants in person. However, use of the short-form template is strongly encouraged, particularly where parties are represented.
10. The local authorities and our local hospitals are greatly assisted when requests for medical disclosure are made in a separate order, as requests for third party disclosure should be. Such orders enable the NHS Access to Records Team quickly to identify what is being sought, rather than having to wade through many irrelevant paragraphs of a case management order. Orders need to be made against the relevant NHS Trust and you will find a table of local NHS Trusts at the end of the medical records disclosure order template. Please note that there is a separate template order for the West Midlands Ambulance Service. The template orders are designed to make drafting easier, as they already include examples of the items required for disclosure, as well as provisions dealing with redaction.
11. The new police disclosure order should also make the drafting process easier, as it already identifies the types of disclosure likely to be required. It also includes a provision for disclosure to be served by the police in an unredacted format, and puts the onus on the police to apply to vary the order if redaction is required beyond contact details and addresses.
12. These templates will be kept under review. Please provide any feedback to me or via Jerome O’Ryan (Birmingham Children’s Trust), Maria Demosthenous (Solihull MBC), Jas Tamber (Anthony Collins Solicitors) or Mark Cooper (West Midlands FLBA).

Sybil Thomas
Designated Family Judge for Birmingham

March 2021