

## **CARE LISTING PROTOCOL FOR PRACTITIONERS**

### **1. Judicial continuity/allocation**

- The aim is for the same judge to hear the CMH, IRH and any intervening directions appointments. The FH may be heard by another judge.

### **2. Planning for and Listing of IRH**

- IRH should usually be listed no later than week 20 (post Covid recovery)
- All evidence including the Children's Guardian's final analysis should be filed by IRH
- Experts etc must file on time, with whatever material they have.
- Parents and their advocates must be urged to put forward kinship carers by the time of the CMH
- At the CMH a likely trial window will be identified – weeks 24 – 26 usually (post Covid) – and experts/professionals will be made aware of this
- At the end of the CMH the judge or clerk will be in touch with Listing with a preliminary view as to whether they should plan for DJ or CJ for the trial, trial window and length
- Listing will plan the trial diary with the likely time for the trial , length of hearing and the likely type of judge accordingly
- IRH should have ( a 1 or) 2 hour slot depending on the likely issues and every judge should have regular lists which will accommodate such hearings ie not before a 1 day case.
- At the CMH directions will be given about responding to threshold and the consequences of failing to do so will be spelled out.
- There must be an advocates meeting prior to the IRH at which the advocates for the IRH are expected to attend. Advocates must have full instructions on threshold and welfare.

### **3. The IRH**

- The advocates must be able to produce either:
  - i) An agreed threshold document or
  - ii) A document that sets out areas of dispute for trial
- The advocates must produce the IRH checklist completed as far as possible by 4 pm on the working day before the IRH.
- The advocates must produce a witness template properly completed by 4 pm on the working day before the IRH.
- The role of the Judge will be to:
  - i) address the issues to resolve or narrow threshold; trial on threshold issues will only be allowed if absolutely necessary.
  - ii) Seek to resolve the case wherever possible, and where it is not possible, to identify the remaining issues.
  - iii) Scrutinise the IRH checklist, and witness template, in particular
    - re oral evidence from experts
    - Scrutinise the trial timetable to ensure it is realistic and allows appropriate reading and judgement time
    - Give the IRH checklist to Listing and either obtain the hearing date or ensure Listing and the advocates are in communication for the trial to be fixed.

### **4. The function of the Listing Officer**

- To ring fence care weeks into which FHs can be listed
- On the day of the IRH to provide the hearing date to the parties; this is a fixture.
- List within 26 weeks if possible (post Covid recovery)
- Ensure that the hearing date given is at least 2 weeks ahead unless otherwise requested

## **5. Exceptions/Fact findings**

- It is likely that fact finding hearings in particular those with medical experts will need fixed hearings which Listing will arrange but will not put in the ring fenced final hearing care weeks.

Lynn Roberts

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