

A PRACTICE NOTE DEALING WITH A NEW SYSTEM OF NON-COMPLIANCE HEARINGS IN CHESHIRE AND MERSEYSIDE

Section 32 places a statutory duty on the courts to complete proceedings within 26 weeks. Delay in care cases has become normalised. This is inimical to the welfare of children.

The PFD will commence a national campaign to guide all key stakeholders in the family justice system to re-engage with the PLO from 16th January 2023. The target should be no more than three hearings and completion of proceedings within 26 weeks.

Non-compliance with court timetables has become endemic and is making compliance with 26 weeks impossible. That must change.

It is necessary to look at ways to drive that change.

As part of a new approach in 2023 and to buttress the PFD's national campaign I am introducing a system of non-compliance hearings.

NON-COMPLIANCE HEARINGS

1. The judiciary and magistracy will have the option of listing a non-compliance hearing where a party to care proceedings has failed to comply with a court timetable directing them to file and serve documentation.
2. A non-compliance hearing will be an **attended hearing** listed before the DFJ (or another judge with the DFJ's permission) at which the relevant professional (together with team manager or line-manager) and solicitor with conduct, or party and their solicitor will be directed to **attend** to;
 - a) explain why the court order has not been complied with;
 - b) explain what steps have been taken to mitigate the impact of such default;
 - c) set out what steps have been taken to ensure that such default will not be repeated.

The other parties' attendance will be excused.

3. The use of such a hearing will be a decision for the allocated judge/magistrates.

4. This is intended to sit alongside other steps at the disposal of the allocated judge/magistrates to impose a sanction for any non-compliance. Any decisions about case management will be, and remain a matter for the allocated judge/magistrates.
5. There will be regular weekly slots available to list such a non-compliance hearing before the DFJ for 30 minutes.
6. When so listing the allocated judge or legal adviser shall email the DFJ with a brief explanation as to the relevant history that has led to this course of action.

His Honour Judge Steven Parker

Designated Family Judge for Cheshire and Merseyside.

Practice Note No 1 of 2023

Dated 1st January 2023