## 

Our Ref: BCT//MatterRef

Your Ref:

Tel: DocOwnerTelephone

##### Dear Miss \_/Mr \_/Dr \_

**PRE-PROCEEDING INSTRUCTION FOR AN ASSESSMENT**

**DATE OF APPOINTMENT WITH YOU: \_**

**DATE BY WHICH YOUR REPORT MUST BE PROVIDED TO US: \_**

Thank you for agreeing to provide a pre-proceedings expert report concerning [name of person to be the subject of the assessment]. As you can see from the heading, there is a deadline for you to provide your report. [I refer to an email string between your secretary, [name], and myself of [date], which confirms that you will be able to work to the timescale given in the heading of this letter.] I would be grateful if you could inform me if, for any reason, you anticipate not being able to keep to the timetable. I am the lead solicitor for the purpose of this instruction and the solicitor to whom you should look for instructions and information.

I have made an appointment for [name of person to be the subject of the assessment] to meet you at [name of venue] at [time/date].

There are no live court proceedings in this matter as the Trust has not yet made an application to the Court. However, the Trust has considered and continues to keep under review whether to make an application to the Court concerning the children in this case. As such, the matter is at the ‘pre-proceedings’ stage, which means that the Trust is continuing to work with the parents and the family to try and narrow the issues and possibly avoid Court proceedings.

*Amend as necessary:* The Trust has sent the parents and/or other persons with parental responsibility of the child\_ren a Letter Before Proceedings (LBP) pursuant to statutory guidance. That letter invited those persons to attend a Pre-Proceedings Meeting (PPM) with the Trust to further discuss the issues. At / after the PPM it was agreed that you should be instructed to undertake an assessment and provide a report. Therefore, your instruction is a joint instruction by the Trust and [list those persons who have agreed to the instruction]. [This letter has been agreed by those persons and/or their legal representatives.]

Please refer to Schedule 1 of this letter for details of the key persons involved and their legal representatives.

**Issues**

The issues of concern to the Trust in this case are:-

[numbered list of issues]

The following assessments have been carried out or will be carried out:-

|  |  |  |  |
| --- | --- | --- | --- |
| **Assessments already conducted** | | **Assessments to be carried out** | |
| **Party/person assessed** | **Name of expert/assessor** | **Party/person assessed** | **Name of expert/assessor** |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |

**Basis of your instruction**

You are being instructed on the basis that you will provide an expert opinion entirely independently of the Trust and the other persons who have agreed to the instruction. I am instructing you as the solicitor for Trust, [but this letter of instruction has been agreed by those persons and/or their legal representatives].

**Background**

Enclosed with this letter are the following documents [list the documents]. If having considered the documents enclosed, you consider that you require any further documents, please contact me and I will consult the other persons who have agreed to this instruction or their legal representatives. I will also send to you copies of any relevant documents received after the date of this letter that have not already been sent to you. [deal with any issues concerning GP/medical records i.e. whether these are enclosed or whether they have been requested and will be sent out later].

In brief, the background in this matter is as follows:

[insert background information]

**Your instructions**

This instruction incorporates the terms and conditions referred to in *Standard terms and conditions to accompany a letter of instruction to experts in family proceedings* which can be found here: [*www.lawsociety.org.uk*](http://www.lawsociety.org.uk)(see under Advice) *[or attach to these instructions, modified as necessary].*

That document deals with issues such as: your duties, CRB checks and the media in courts. It concerns the instruction of experts within family court proceedings. As this matter is not yet the subject of court proceedings, the terms in that standard document only apply insofar as they can to a case which is not in court proceedings. That document also has information about your fees **but** those do not apply in this case. Please see below in this letter under the heading ‘Payment of your fees’.

[The parents/persons with parental responsibility have granted you permission to see the child/ren]

1. [list questions to be answered] For sample questions to experts, please go to: [www.lawsociety.org.uk](http://www.lawsociety.org.uk/xxxxxxxxxxx) under Advice
2. Please comment on any other matter you consider relevant.

Please avoid expressing a view regarding the factual disputes in this case, as this is the province of the court (if court proceedings do start at some stage). Where appropriate, it would be of assistance if you could express your opinion on the basis of alternative findings of fact.

**Payment of your fees**

Your fees will be met by the Trust. Please ensure that your invoice contains a breakdown of the work done. Please send me an estimate of the cost of your assessment within the next 7 days if you have not already done so.

Kindly confirm receipt of this letter and its enclosures.

Yours sincerely

[name of social worker/lawyer]

[firm/organisation name]

**Schedule 1 to the letter of instruction to XXXXXXXX**

|  |  |  |
| --- | --- | --- |
| **Key persons** | **Representative details** |  |
| Trust | Name  Advised and assisted by:  Name of legal representative | DX:  Reference:  Telephone:  Email:  Lawyer with conduct:  Social worker: Name  Telephone:  Email: |
| Mother | Name  Advised and assisted by:  Name of legal representative | DX:  Reference:  Telephone:  Email:  Lawyer with conduct: |
| Father | Name  Advised and assisted by:  Name of legal representative | DX:  Reference:  Telephone:  Email:  Lawyer with conduct: |
| Other persons with parental responsibility | Name  Advised and assisted by:  Name of legal representative | DX:  Reference:  Telephone:  Email:  Lawyer with conduct: |

Yours sincerely

DocOwnerName

**DocOwnerRole**