

## ENFIELD CHILDREN AND FAMILY SERVICES

### PRACTICE GUIDANCE NOTE

<b>TITLE:</b>	<b>Process relating to compliance with court directions</b>
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<b>Who is it for?</b>
Children and Family Services Teams - for all team members and managers
<b>When is it in effect from?</b>
Monday 16 <sup>th</sup> January 2023
<b>What is it in response to?</b>
The President of the Family Division has stated in his latest view that from 16 <sup>th</sup> January 2023, care cases must conclude within 26 weeks of commencement of proceedings. This requires compliance with court directions such as filing of SWETs, care plans, assessments and contact notes within set timescales. Non-compliance impacts the court timetable and could lead to wasted costs orders and damage to the Local Authority's reputation.
<b>What is its purpose</b>
<ol style="list-style-type: none"> <li>1. To set out a timeline to avoid slippage in compliance with court directions and improve general compliance.</li> <li>2. To ensure timely instructions to legal in preparation for Advocates meetings and court hearings.</li> </ol>
<b>What does it amend/or replace?</b>
Not applicable
<b>Practice Guidance Note</b>
<p><u>Definition of a 'Court direction'</u></p> <p>Where a Judge in court proceedings, directs the council to take a certain action such as file and serve a SWET, care plans, HST, DNA testing, Viability assessment, transition plans, special guardianship assessment of family members, parenting capacity assessment or psychiatric/psychological assessments of parent/s within care proceedings. This list is not exhaustive. A date and time will be given for this action to take place, eg the Local Authority must file and serve a statement from the social worker by 4pm on 20 December 2022.</p> <p>There is to be an advocates meeting 2-3 days before any hearing. An Advocates meeting is a meeting between all the legal representatives of all the parties to discuss the issues in the case. The LA must file an unagreed note of the advocates meeting the next day and serve a case summary by 4pm the day before the hearing. Therefore, instructions on the Council's position is required at least 72 hours before a hearing. In the absence of the team manager being able to approve or a delay in approval being given, legal will serve the case summary on the parties and court before the 4pm deadline clearly marked that this is 'subject to client approval' to ensure that the documents are filed on time and that the hearing remains effective.</p>

**Process/Pathway relating to 'compliance with court directions'**

**Court makes direction- Please note consequences of non-compliance may lead to a wasted cost order being made and or criticism of the social worker and local authority. If there are any outstanding information such as a report/assessment/checks which will impact your ability to complete the statement or care plan or give instructions. Discuss with your manager and legal immediately or as soon as you become aware or at least 2 weeks before the filing date. Get a proposed plan which is to be endorsed by the service manager, Legal will then notify the court and parties about the potential non-compliance.**

- Legal will endeavor to confirm the court directions to the social worker, team manager and service manager within 48 hours of the hearing taking place.
- Social worker to enter directions in the diary for compliance and commence drafting of the document at least 2 weeks before actual filing/due date  
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- 5 days before filing/due date, forward document to Team manager for quality assurance.  
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- Team manager to send **Care plans** only to the Service manager for approval 4 days before the filing/due date.  
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- Document to be sent to legal 3 working days before the filing date signed off by a service manager beforehand.  
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- Legal to review and respond within 24hours. **The social work team is to escalate to the Principal Lawyer in legal if no acknowledgement is received within 48hours of documents being sent to legal to review.**  
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- Final approved document to be with Legal 24hours or the day before the filing date.
- Instructions to Legal for Advocates Meeting and drafting of Case summaries  
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- Advocates meeting to take place 2-3 days before hearing  
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- Additional instructions to Legal at least 72 hours before hearing  
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- LA expected to serve case summary by 4pm the day before the hearing.  
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- Legal to draft case summary (or counsel does) 48 hours before the hearing  
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- Team manager or duty/service manager approve case summary 24 hours before filing  
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- Legal file and serve case summary by 4pm the day before the hearing.

## ENFIELD CHILDREN AND FAMILY SERVICES

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**Dated: 18.01.2023**