

PRACTICE DIRECTION UPDATE: No. 6 of 2023

The amendments to existing Practice Directions, and the new Practice Direction, supplementing the Family Procedure Rules 2010 are made by the President of the Family Division under the powers delegated to him by the Lord Chief Justice under Schedule 2, Part 1, paragraph 2(2) of the Constitutional Reform Act 2005, and are approved by Lord Bellamy KC, Parliamentary Under-Secretary of State, Ministry of Justice.

The provisions in this Practice Direction Update come into force as follows:

Provision	Coming into force date
Amendments to (1) Practice Direction 12B, paragraph 14.13, the section headed “Mediation, At-Court mediation assessment, and other Dispute Resolution” , sub-paragraph (e) (2) Practice Direction 30A (3) Practice Direction 36Z, paragraph 21.2(e) (4) Practice Direction 36N, paragraph 1.3(f)	On the day after the date on which this Practice Direction Update is signed.
Amendment to insert paragraph 20(fa) in Practice Direction 3A	On the first day on which a provision of Part 3 of the Domestic Abuse Act 2021 (except a power to make regulations) comes into force, including where that provision is brought into force for a specified purpose or in relation to a specified area under section 90 of that Act.
New Practice Direction 36ZF	2nd January 2024.
All other provisions in this Practice Direction Update	29th April 2024.

Signed:

_____ Date: __21 November 2023 _____

Sir Andrew McFarlane

The President of the Family Division

Signed:

_____ Date: _ 30 November 2023 _____

Lord Bellamy KC

Parliamentary Under-Secretary of State, Ministry of Justice

PRACTICE DIRECTION 2A – FUNCTIONS OF THE COURT IN THE FAMILY PROCEDURE RULES 2010 AND PRACTICE DIRECTIONS WHICH MAY BE PERFORMED BY A SINGLE LAY JUSTICE

(1) In Table 1, in the row relating to rule 3.10, in the second column (Nature of function) after “claimed” insert “or was validly claimed but is no longer applicable”.

(2) In Table 2-

(a) in the row relating to PD3A, in the second column-

(i) for the first bullet point substitute-

“- Under paragraph 7 if an applicant claims a MIAM exemption, the family court will issue proceedings but will inquire into the exemption claimed. This will be on allocation in private law proceedings relating to children. In financial remedy proceedings this will be at allocation, if appropriate, or at the first hearing. The court will review any supporting evidence submitted. If a MIAM exemption was not validly claimed, or was validly claimed but is no longer applicable, the court may direct the applicant or the parties to attend a MIAM.”; and

(ii) in the third bullet point after “claimed” insert “, or was validly claimed but is no longer applicable,”

(b) in the row relating to PD12J, in the first column for “Violence” substitute “Abuse”.

PRACTICE DIRECTION 3A – FAMILY MEDIATION INFORMATION AND ASSESSMENT MEETINGS (MIAMS)

(1) In the heading to the Practice Direction, after “(MIAMS)” insert “AND NON-COURT DISPUTE RESOLUTION”.

(2) In paragraph 1 for “the MIAM Rules in” substitute “Part 3 of”.

(3) In paragraph 2 omit “now”.

(4) For paragraph 3 substitute-

“3 A MIAM is a short meeting that provides information about mediation and other methods of non-court dispute resolution, as options for resolving disputes. A MIAM is conducted by a trained mediator who will consider and explain the potential

benefits of different methods of non-court dispute resolution. A MIAM should be held within 15 business days of contacting the mediator.”.

(5) In paragraph 5 omit “or a “mediator’s exemption” ”.

(6) In paragraph 6-

(a) omit “(ii) confirmation from a mediator that a ‘mediator’s exemption’ applies;”

(b) for the words from (and including) “not required” to the end of the paragraph substitute “must attach any required supporting evidence to their application.”.

(7) For paragraph 7 substitute-

“7 If an applicant claims a MIAM exemption, the court will issue proceedings but will inquire into the exemption claimed. In private law proceedings, the court must make this enquiry at the stage at which the case is allocated to a level of judge (often referred to as the “gatekeeping stage”). In financial remedy proceedings, the court may make this enquiry at the stage at which the case is allocated, if that is appropriate, or at the first hearing. The court may review any supporting evidence in order to ensure that the MIAM exemption was validly claimed or whether any validly claimed MIAM exemption is still applicable. As set out in more detail below, if a MIAM exemption has not been validly claimed, or is no longer applicable, the court may direct the applicant or the parties to attend a MIAM, and may adjourn proceedings for that purpose.”.

(8) For paragraph 9 substitute-

“9 There are various types of non-court dispute resolution which can enable parties to settle disagreements, for example, mediation, arbitration, evaluation by a neutral third party (such as a private Financial Dispute Resolution process) and collaborative law. A mediator who conducts a MIAM is a qualified independent facilitator who will also discuss all potentially suitable forms of non-court dispute resolution.”.

(9) For paragraph 10 substitute-

“10 Attendance at a MIAM provides an opportunity for the parties to a dispute to receive information about the different processes of non-court dispute resolution and to understand the benefits they can offer as ways to resolve disputes. At that meeting, a trained mediator will discuss with the parties the nature of their dispute and will explore whether a form of non-court dispute resolution would be a suitable way to resolve the issues on which there is disagreement.

10A While the FPR do not give the court the power to require parties to attend non-court dispute resolution, the court does have a duty to consider, at every stage in proceedings, whether non-court dispute resolution is appropriate.

10B The court will want to know the parties’ views on using non-court dispute resolution as a way of resolving matters. To enable the court to obtain that information, the procedure set out in paragraph 10C applies in-

(a) proceedings for a financial remedy in which the MIAM requirement applies (see paragraph 13); and

- (b) private law proceedings relating to children in which the MIAM requirement applies (see paragraph 12) where those proceedings are progressing on the online system referred to in Practice Direction 36ZD,

unless the applicant claimed a MIAM exemption on the basis of domestic abuse (see paragraph 20) or a form C1A (allegations of harm and domestic abuse) has been filed with the court.

10C Where this paragraph applies-

- (a) each party must file with the court and serve on all other parties a standard form setting out their views on using non-court dispute resolution-
 - (i) at least 7 days before the first hearing in the proceedings which is held on notice to all parties, or
 - (ii) within such other period before that hearing as the court may direct; and
- (a) if required by the court, each party must file with the court and serve on all other parties an updated version of that standard form-
 - (i) at least 7 days before a subsequent hearing; or
 - (ii) within such other period before a subsequent hearing as the court may direct.

10D It may be that there are gaps in time between hearings which the court considers the parties should use to attend non-court dispute resolution and the court should make it clear to the parties if this is the case (Rule 3.4). The court also has general powers to adjourn proceedings, which could be exercised for these same reasons (Rule 4.1), with the court using its discretion on a case by case basis to determine the appropriate length of any adjournment.

10E If the court allows time for parties to attend non-court dispute resolution, or adjourns the proceedings specifically for that purpose, any failure of a party, or parties, to then attend non-court dispute resolution will not affect any substantive decision the court makes in the proceedings. However, the court may take the parties' conduct in relation to attending non-court dispute resolution into account when considering whether to make an order for costs in relation to the proceedings: see Part 28 FPR.”.

(10) In paragraph 14-

- (a) at the end of sub-paragraph (a) insert “or”; and
- (b) omit sub-paragraph (c), including the words in parenthesis at the end of that sub-paragraph.

(11) In paragraph 19 for the final sentence substitute-

“This evidence must be provided with the application (but does not need to be served on other parties). The court will inquire into such evidence in order to determine whether the MIAM exemption has been validly claimed or, where it has been validly claimed, whether it remains applicable.”.

(12) In paragraph 20-

- (a) in the heading to the paragraph and in sub-paragraphs (a), (b), (c), (d), (e), (i), (j), (k)(ii), (l)(iii), (m), (p)(i) and (iii), (q)(i) and (i)(cc) and (ii)(aa), (r) and (r)(iii), (s) and (u) for “violence” each time it occurs substitute “abuse”;
- (b) in sub-paragraphs (j), (m), (p)(i), (r)(i) and (s) for “in a family relationship” each time those words occur substitute “personally connected”;
- (c) after sub-paragraph (f) insert-
 - “(fa) a domestic abuse protection notice given under section 22 of the Domestic Abuse Act 2021 against a prospective party;”;
- (d) in sub-paragraph (h) after “violence” insert “or domestic abuse”;
- (e) in sub-paragraph (k)(i) after “in person” insert “, by telephone or by video conferencing”;
- (f) in sub-paragraph (n) after “providing” insert “, or have provided,”;
- (g) in sub-paragraph (o) after “providing” insert “, or have provided”;
- (h) in sub-paragraph (q)(i)(aa) for “England and Wales” substitute “the United Kingdom”; and
- (i) in sub-paragraph (t) for the words after “Kingdom” substitute “as a victim of domestic abuse”.

(13) After paragraph 21 insert-

“MIAM exemption – previous non-court dispute resolution attendance

21A If within the four months before the date of the court application the prospective applicant has attended a non-court dispute resolution process in relation to the same, or substantially the same, dispute to which the proposed court proceedings relate, then a MIAM exemption applies (Rule 3.8(1)(d)). The prospective applicant must provide evidence of that attendance at a non-court dispute resolution process. The required form of evidence is: written confirmation from the non-court dispute resolution provider that the prospective applicant has attended.”.

(14) In paragraph 24-

- (a) in the first sentence, after “home” insert “, or be able to attend a MIAM online or by video-link”;
- (b) before sub-paragraph (i) insert-
 - “(ai) the prospective applicant is not able to attend a MIAM online or by video-link and has provided an explanation about why this is the case to the court; and”;
- (c) in sub-paragraph (i) for “three” both times it occurs substitute “five”;
- (d) in sub-paragraph (ii) for “can be provided to the court if requested” substitute “have been provided to the court”.

(15) For paragraph 25 substitute-

“25 Rule 3.8(1)(p) also provides an exemption if-

(i) the prospective applicant is not able to attend a MIAM online or by video-link; and

(ii) there is no authorised family mediator with an office within fifteen miles of the prospective applicant's home; and

(iii) the prospective applicant has provided the court with an explanation of why this exemption applies.”.

(16) In paragraph 27 for “be prepared to produce at the first hearing” substitute “send to the court with their application”.

(17) In paragraph 32 for “A respondent” substitute “A prospective respondent”.

(18) In paragraph 34 for “ask the mediator to confirm this as a ground for MIAM exemption in the relevant section of the application form, which should then be returned signed to the applicant” substitute “still attend a MIAM”.

(19) For paragraph 35 substitute-

“35 Where a MIAM exemption requires that certain evidence is available, the evidence must be provided with the application form (but that evidence does not need to be served on other parties). The court may inquire into such evidence in order to determine whether the MIAM exemption was validly claimed or whether a validly claimed MIAM exemption is no longer applicable.

35A The court will consider whether the MIAM exemption was validly claimed, or whether a validly claimed MIAM exemption is no longer applicable-

(a) when making the decision on allocation in private law proceedings to which the MIAM requirement applies; and

(b) if making a decision on allocation, and in any event at the first hearing, in the proceedings for a financial remedy to which the MIAM requirement applies.”.

(20) In paragraph 36 for “where such evidence” substitute “where evidence relating to a MIAM exemption”.

(21) In paragraph 37 after “claimed” insert “, or was validly claimed but is no longer applicable”.

(22) In paragraph 38-

(a) for “domestic violence offence” substitute “domestic abuse offence”;

(b) omit the defined term “mediator’s exemption”;

(c) after the definition of “pension sharing order” insert-

“ “personally connected” has the meaning given in section 2 of the Domestic Abuse Act 2021;”;

(d) for the defined term “prospective respondent” substitute-

“ “prospective respondent” means a person who would be a likely respondent to the proceedings in the relevant family application (which has the meaning given to it in Rule 3.1 of the FPR);”;

- (e) in the definition of “protective injunction” for “in a family relationship” substitute “personally connected”;
 - (f) omit the defined term “registered charity”;
 - (g) in the definition of “refuge” for “violence” both times it occurs substitute “abuse”; and
 - (h) in the definition of “relevant” for “violence” each time it occurs substitute “abuse”.
- (23) Omit paragraph 39.

PRACTICE DIRECTION 3AB – PROHIBITION OF CROSS-EXAMINATION IN PERSON IN FAMILY PROCEEDINGS UNDER PART 4B OF THE MATRIMONIAL AND FAMILY PROCEEDINGS ACT 1984

- (1) For paragraph 1.8. substitute-
 - “1.8. “Domestic abuse” is defined in rule 2.3(1) FPR as having the meaning given in sections 1 and 2 of the Domestic Abuse Act 2021.”.

PRACTICE DIRECTION 12B- CHILD ARRANGEMENTS PROGRAMME

- (1) In paragraph 2.8(1) after “mediation” insert “and other forms of non-court dispute resolution,”.
- (2) In paragraph 5.2 for “violence” substitute “abuse”.
- (3) In paragraph 5.3-
 - (a) for the sentence beginning “At the MIAM” substitute-
 - “At the MIAM, information will be provided about different ways of resolving the kind of disputes to which the application relates, and the mediator will indicate which forms of non-court dispute resolution may be most suitable as a means of resolving the dispute.”; and
 - (b) in sub-paragraph (1) for “violence” substitute “abuse”.
- (4) In paragraph 5.6 omit “or 3.8(2)”.
- (5) For paragraph 6.3 substitute-
 - “If the court considers that non-court dispute resolution is appropriate then, where the timetabling of proceedings allows sufficient time for these steps to be taken, the court should encourage the parties, as it considers appropriate, to obtain information and advice about, and consider using, non-court dispute resolution; and to undertake non-court dispute resolution. The court may make directions about these matters at any time after the safeguarding letter or report has been received (see paragraph 13.7). The court also has general case management powers to adjourn proceedings for such purposes, when appropriate.”.
- (6) In paragraph 8.1 for “rule 3.8(c)” substitute “rule 3.8(1)(c)”.

- (7) In paragraph 8.4-
- (a) in sub-paragraph (2)-
 - (i) for “violence” substitute “abuse”; and
 - (ii) for “; or” substitute “.”; and
 - (b) omit sub-paragraph (3).
- (8) In paragraph 9.4(1) after “claimed”-
- (a) omit “,”; and
 - (b) insert “- or was validly claimed but is no longer applicable”.
- (9) In paragraph 12.1-
- (a) for “3.8(c)” substitute “3.8(1)(c)”; and
 - (b) in sub-paragraph (4) for “Unreasonable” substitute “Significant financial”.
- (10) In paragraph 14.13-
- (a) in the section headed “**MIAM**”-
 - (i) in sub-paragraph (a) after “the exemption” insert “or whether an exemption which was validly claimed is no longer applicable”;
 - (ii) in sub-paragraph (c) after “validly claimed” insert “ – or was validly claimed but is no longer applicable”;
 - (b) in the section headed “**Mediation, At-Court mediation assessment, and other Dispute Resolution**”, in sub-paragraph (e) for “an Activity Separated Parents Information Programme” substitute “Planning Together for Children”.
- (11) In the Annex (Explanation of terms)-
- (a) for the entry for “domestic violence” substitute-

“Domestic abuse	This term has the meaning given in sections 1 and 2 of the Domestic Abuse Act 2021”
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- (b) for the entry for “MIAM” substitute-

“MIAM	Mediation Information and Assessment Meeting. At this meeting, a mediator will <ul style="list-style-type: none"> - explain about mediation and other forms of non-court dispute resolution, - indicate what forms of non-court dispute resolution may be suitable, - provide information about those forms, - assess whether there has been, or is a risk of domestic abuse or harm to a child, - assess any eligibility for legal aid for mediation. A MIAM should be held within 15 working days of contacting the mediator.”
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**PRACTICE DIRECTION 12J- CHILD ARRANGEMENTS AND CONTACT ORDERS:
DOMESTIC ABUSE AND HARM**

(1) In paragraph 2A for “In this Practice Direction” substitute “As defined in rule 2.3(1) FPR”.

**PRACTICE DIRECTION 12Q- ORDERS UNDER SECTION 91(14) OF THE CHILDREN
ACT 1989**

(1) In paragraph 1.1, for the defined term “domestic abuse” substitute-
“domestic abuse” is defined in rule 2.3(1) FPR as having the meaning given in
sections 1 and 2 of the 2021 Act;”.

**PRACTICE DIRECTION 14D- REPORTS BY REGISTERED MEDICAL PRACTITIONER
 (“HEALTH REPORTS”)**

(1) In the Annex, in Section 2 (The applicant) in paragraph A(iii) for “violence” substitute
“abuse”.

PRACTICE DIRECTION 16A- REPRESENTATION OF CHILDREN

(1) In paragraph 7.2(h) for “violence” substitute “abuse”.

PRACTICE DIRECTION 30A – APPEALS

(1) For paragraph 9.33 substitute-

“9.33 For the purposes of a deduction order appeal, the Secretary of State’s address
for service is the address for service specified for the Department for Work and
Pensions in the list published under section 17 of the Crown Proceedings Act 1947.
The list can be found at:

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachm
ent_data/file/970831/List-of-Authorised-Government-Departments-under-s.17-Crown-
Proceedings-Act-1947.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/970831/List-of-Authorised-Government-Departments-under-s.17-Crown-Proceedings-Act-1947.pdf) .

All notices or other documents for the Secretary of State relating to deduction order
appeals should be sent to that same address.”

**PRACTICE DIRECTION 36G – PILOT SCHEME, PROCEDURE FOR USING AN ONLINE
SYSTEM TO GENERATE APPLICATIONS IN CERTAIN PRIVATE LAW PROCEEDINGS
RELATING TO CHILDREN**

(1) In paragraph 4.1, in the substituted rule 3.7 FPR-

- (a) for paragraph (a) substitute-
 - “(a) be accompanied by a form (uploaded to the online system) which includes confirmation from an authorised family mediator that the prospective applicant has attended a MIAM; or”; and
 - (b) in the words in parenthesis after paragraph (b) omit “A list of mediator’s exemptions is set out in Rule 3.8(2) below.”.
- (2) In paragraph 7.1, in the substituted paragraph 6 of Practice Direction 3A-
 - (a) for sub-paragraph (a) substitute-
 - “(a) provide on a separate form uploaded to the online system confirmation that the applicant has attended a MIAM; or”; and
 - (b) for the sentence after sub-paragraph (b) substitute-
 - “An applicant who claims an exemption from the MIAM requirement must attach any supporting evidence with their application (but that evidence does not need to be served on other parties).”.
- (3) Omit paragraph 7.2.
- (4) In paragraph 9.2, in the substituted paragraph 8.4 of Practice Direction 12B-
 - (a) at the end of sub-paragraph (i) insert “or”; and
 - (b) omit sub-paragraph (ii).

PRACTICE DIRECTION 36N – PILOT SCHEME: PROCEDURE FOR ONLINE FILING AND PROGRESSION OF CERTAIN APPLICATIONS FOR OR IN RELATION TO A FINANCIAL REMEDY

- (1) In paragraph 1.3(f) for “31 December 2023” substitute “30 June 2024”.
- (2) In paragraph 4.1, in the substituted rule 3.7-
 - (a) at the end of sub-paragraph (a) insert “or”;
 - (b) in sub-paragraph (b) for “; or” substitute “.”; and
 - (c) omit sub-paragraph (c).
- (3) Omit paragraph 4.2.

PRACTICE DIRECTION 36Z – PILOT SCHEME: PRIVATE LAW REFORM: INVESTIGATIVE APPROACH AND THE ANNEXED AND PRACTICE DIRECTION 12B (PILOT)- PRIVATE LAW REFORM: INVESTIGATIVE APPROACH

- (1) In Practice Direction 36Z-
 - (a) in paragraph 3.1 for “4.1” substitute “4.A1”; and
 - (b) After the heading “**Modification of rules in the FPR**” and before paragraph 4.1 insert-

“4.A1 In rule 3.4(2) for sub-paragraph (b) substitute-

“(b) at any time after the court has received the Child Impact Report referred to in Practice Direction 12B (Pilot).”

(2) In Practice Direction 12B (Pilot) (annexed to Practice Direction 36Z)-

(a) In paragraph 2.8(a) after “mediation” insert “and other forms of non-court dispute resolution”.

(b) In paragraph 5.6 omit “or 3.8(2)”.

(c) For paragraph 6.3 substitute-

“If the court considers that non-court dispute resolution is appropriate then, where the timetabling of proceedings allows sufficient time for these steps to be taken, the court should encourage the parties, as it considers appropriate, to obtain information and advice about, and consider using, non-court dispute resolution; and to undertake non-court dispute resolution. The court may make directions about these matters at any time after the Child Impact Report containing safeguarding information has been received (see paragraphs 13.8 and 13.9). The court also has general case management powers to adjourn proceedings for such purposes, when appropriate.”.

(d) In paragraph 8.1 for “rule 3.8(c)” substitute “rule 3.8(1)(c)”.

(e) In paragraph 8.4 –

(i) in sub-paragraph (b), for “; or” substitute “.”; and

(ii) omit sub-paragraph (c).

(f) In paragraph 9.2(b) after “validly claimed” insert “-or was validly claimed but is no longer applicable-”.

(g) In paragraph 10.1-

(i) for “3.8(c)” substitute “3.8(1)(c)”; and

(ii) in sub-paragraph (b)(iv) for “unreasonable” substitute “significant financial”.

(h) In paragraph 21.2-

(i) in sub-paragraph (b) after “mediation” insert “or another form of non-court resolution”; and

(ii) in sub-paragraph (e) for “a Separated Parents Information Programme” substitute “Planning Together for Children”.

(i) In the Annex (Explanation of Terms)-

(i) for the entry for “domestic abuse” substitute-

“Domestic abuse	This term has the meaning given in sections 1 and 2 of the Domestic Abuse Act 2021”
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(ii) for the entry for “MIAM” substitute-

<p>“MIAM</p>	<p>Mediation Information and Assessment Meeting. At this meeting, a mediator will</p> <ul style="list-style-type: none"> - explain about mediation and other forms of non-court dispute resolution, - indicate what forms of non-court dispute resolution may be suitable, - provide information about those forms, - assess whether there has been, or is a risk of domestic abuse or harm to a child, - assess any eligibility for legal aid for mediation. <p>A MIAM should be held within 15 working days of contacting the mediator.”</p>
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PRACTICE DIRECTION 36ZD – PILOT SCHEME: ONLINE SYSTEM FOR CERTAIN PRIVATE LAW PROCEEDINGS RELATING TO CHILDREN AND FOR CERTAIN PROTECTIVE ORDERS

- (1) In paragraph 8.1, in the substituted rule 3.7-
- (a) for sub-paragraph (a) substitute-
- “(a) be accompanied by a form (uploaded to the online system) which includes confirmation from an authorised family mediator that the prospective applicant has attended a MIAM; or”; and
- (b) in the words in parenthesis after paragraph (b) omit “A list of mediator’s exemptions is set out in Rule 3.8(2) below.”.
- (2) In paragraph 9.1, in the substituted paragraph 6 of Practice Direction 3A-
- (a) for sub-paragraph (a) substitute-
- “(a) provide on a separate form uploaded to the online system confirmation that the applicant has attended a MIAM; or”; and
- (b) for the sentence after sub-paragraph (b) substitute-
- “An applicant who claims an exemption from the MIAM requirement must attach any supporting evidence with their application (but that evidence does not need to be served on other parties).”

NEW PRACTICE DIRECTION 36ZF – PILOT SCHEME: PUBLIC LAW OUTLINE: CHECKLISTS

- (1) After Practice Direction 36ZE insert new Practice Direction 36ZF as set out in the Annex to this Practice Direction Update.

ANNEX: NEW PRACTICE DIRECTION 36ZF TO BE INSERTED AFTER PRACTICE DIRECTION 36ZE:

PRACTICE DIRECTION 36ZF – PILOT SCHEME: PUBLIC LAW OUTLINE: CHECKLISTS

This Practice Direction supplements FPR Part 36, rule 36.2 (Transitional Arrangements and Pilot Schemes).

Scope and interpretation

- 1.1 This Practice Direction is made under rule 36.2 FPR and sets up a Pilot Scheme to require the filing of certain additional documents in care proceedings and supervision proceedings.
- 1.2 The Pilot Scheme applies to applications where all of the following conditions are met:
 - (a) the application is for a care order or supervision order (as defined in rule 2.3 and rule 12.2 FPR, respectively);
 - (b) the application is started in the family court sitting at a location specified in paragraph 1.3; and
 - (c) the application is filed in the period commencing 2 January 2024 and ending at the end of 31 December 2024.
- 1.3 The locations of the family court referred to in paragraph 1.2(b) are-
 - (a) Swansea;
 - (b) Kingston-upon-Hull;
 - (c) Liverpool;
 - (d) Manchester;
 - (e) Milton Keynes;
 - (f) Newcastle;
 - (g) Nottingham;
 - (h) Truro;
 - (i) West London.

Purpose of the Pilot Scheme

- 2.1 The purpose of this Pilot Scheme is to assess the use of new practices and procedures in care proceedings and supervision proceedings (defined in rule 12.2 FPR) with a view to reducing delay and improving communication between professionals.

- 2.2 The Pilot Scheme relates to the Public Law Outline set out in Practice Direction 12A. It introduces a requirement for the Local Authority advocate to file a Readiness Checklist, an Expert Assessment checklist, or both, in cases falling within the Pilot Scheme, to improve case preparedness and reduce the number of hearing adjournments.
- 2.3 To assist with quantitative and qualitative data collection, the two checklists will be piloted separately in some of the courts specified in paragraph 1.3, and jointly in others. This Practice Direction contains some provisions that apply only to applications in which the Readiness Checklist is piloted and some which apply only to those in which the Expert Assessment Checklist is piloted.

Modification of the FPR and Practice Directions

- 3.1 In applications to which this Practice Direction applies, the Family Procedure Rules 2010 and the Practice Directions supporting the rules will apply as modified in the way specified in paragraphs 3.2 to 3.4.
- 3.2 The modifications in paragraphs 4.1, 5.1(a) and 5.3(b) (all of which relate to the Readiness Checklist) apply to applications started in the locations specified in paragraph 1.3(b), (d), (e) and (h).
- 3.3 The modifications in paragraphs 4.2, 5.1(b), 5.2 and 5.3(a) (all of which relate to the Expert Assessment Checklist) apply only to applications started in the locations specified in paragraph 1.3(f), and (i).
- 3.4 The modifications in paragraphs 4.1 to 5.3 (all of which relate to the Readiness Checklist and the Expert Assessment Checklist) apply to applications started in the locations specified in paragraph 1.3(a), (c) and (g).

Modifications to the FPR

- 4.1 In rule 12.26-
- (a) after paragraph (1), insert-
- “(za) discuss and complete the Readiness Checklist;” and
- (b) in paragraph (3)(b) before ‘a draft of the Case Management Order’ insert-
- “the completed Readiness Checklist and”.
- 4.2 In rule 12.26(4)(b) before ‘a draft of the Case Management Order’ insert “the completed Expert Assessment Checklist and”.

Modification of Practice Direction 12A

- 5.1 In the Public Law Outline, in column 1 of the table in “Stage 2 – Case Management Hearing”-
- (a) after the bullet point which begins “identify any disclosure” insert-

“- Complete the Readiness Checklist
- LA advocate to file the Readiness Checklist with the court by 11am on the business day before the CMH and/or FCMH”; and

(b) after the bullet point which begins “immediately notify” insert-

“- Complete the Expert Assessment Checklist
- LA advocate to file the Expert Assessment Checklist with the court by 11am on the business day before the CMH and/or FCMH”.

5.2 In the Public Law Outline, in column 1 of the table in “Stage 3 – Issues Resolution Hearing”-

(a) insert, as a penultimate bullet point, “Complete the Expert Assessment Checklist”; and

(b) in the final bullet point, after “file” insert “the Expert Assessment Checklist and”.

5.3 In paragraph 7.1-

(a) after the definition of ‘Day’ insert-

“‘Expert Assessment Checklist’ means the document on the prescribed template which records the parties’ positions in relation to the expert evidence requested in the proceedings.”; and

(b) after the definition of ‘Parents’ Response’ insert-

“‘Readiness Checklist’ means the document on the prescribed template which records the readiness of the application to be considered at the Case Management Hearing and the cause of any potential delays to the timetable.”.
