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Evaluation of the Greater Manchester Gatekeeping and Allocation Pilot: Care Proceedings

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Evaluation of the Manchester Gatekeeping and Allocation Pilot – Care Proceedings

1. Executive Summary

The Greater Manchester Gatekeeping and Allocation Pilot (the Manchester Pilot) was introduced with effect from 30th April 2012, with the approval of Mr Justice Peter Jackson, Family Division Liaison Judge of the Northern Circuit and Mr Justice Ryder (as he then was) Judge in Charge of the Modernisation of Family Justice & Presiding Judge of the Northern Circuit. A particular feature of the Greater Manchester Pilot, which the Designated Family Judge identifies as significant is that all care proceedings work in Greater Manchester have been centralised since April 2011; and all the Greater Manchester magistrates, legal advisers and judges dealing with care proceedings are located in the one court centre.

The Manchester Pilot comprises a nominated District Judge from the County Court and a nominated legal adviser meeting from 10a.m. to 11a.m. each working day to consider files in all newly issued proceedings from the preceding day and determine allocation to the Family Proceedings Court (FPC), the County Court or the High Court.

The Manchester Pilot sits within the Public Law Outline (PLO) 2010 Practice Direction: Public Law Proceedings Guide to Case Management: April 2010 FPR 2010, PD12A (“Public Law Outline”) and Part 12 of the Family Procedure Rules 2010 (as amended). An application for a care or supervision order under s31 Children Act 1989 must be allocated on the day of issue and transferred to the appropriate level of court those cases which are obviously suitable for immediate transfer. [Public Law Outline and Practice Direction: Public Law Proceedings Guide to Case Management: April 2010 para 12.3]. The allocation decision and directions on issue in accordance with para 12.4 of the Practice Direction are made in the Family Proceedings Court by a Legal Adviser and recorded on Form PLO8 (Standard Directions on Issue Order) which is a part of the court’s Case Management Record [Public Law Outline para 3.12 (2)]. It is important to note that this evaluation was undertaken before the introduction of Practice Direction 36C – Pilot Scheme: Care and Supervision Proceedings and other proceedings under Part 4 of the Children Act 1989 and, annexed to PD36, the revised PLO Pilot Practice Direction 12A – Care, Supervision and other Part 4 proceedings: Guide to Case Management, both of which came into force on 1st July 2013.

1.1 The objectives for the Greater Manchester Gate Keeping and Allocation Pilot evaluation were provided by the Designated Family Judge:

- a) To evaluate the Greater Manchester Gatekeeping and Allocation – care proceedings pilot with respect to:
- i. balance in allocating levels of work in different tiers of the judiciary;
 - ii. consistency in use of gatekeeping and allocation documentation by the local authority;
 - iii. consistency in decision of allocating work;
 - iv. reducing appeals on initial determination;
 - v. whether this contributes to reducing overall delay;
- b) To identify and understand stakeholder perspectives of the Manchester Pilot.

1.2 Research methodology and data analysis

The methodology involved a stakeholder mixed methods approach including both qualitative and quantitative elements. This consisted of a contextual analysis of the literature, semi-structured interviews with County Court District Judges (n=6) and Family Proceedings Court Legal Advisers (n=10) who were the gatekeepers, and a semi-structured survey for local authority solicitors (n=39), child and parent solicitors (n=19) and Cafcass Family Court Advisers (FCA) (n=26). The evaluation also included an examination of all Forms PLO4 (Revised) and PLO8 from one month of the Manchester Pilot. This was supplemented with data from Her Majesty's Courts and Tribunals Service (HMCTS) Performance, Analysis and Reporting team. The evaluation data was analysed using the constant comparative method both across and between the different data sets to identify similarities and differences.

1.3 Findings from the evaluation

This evaluation of the Manchester Pilot has considered data from interviews with judges and legal advisers, survey responses from local authority solicitors, child and parent solicitors and Cafcass FCAs; and data from court information systems. It is evident from this data that the Manchester Pilot has been a success and has achieved its objectives. There is increased confidence in the gate keeping and allocation process and the Designated Family Judge's Guidance has made the process more transparent and consistent. The closer attention given to the allocation process by a judge and legal adviser has resulted in more robust allocation decisions that are less likely to be challenged by the local authority, child or parent's solicitor. The perception of stakeholders in the Manchester Pilot is that the gatekeeping and allocation process is likely to reduce unnecessary delay in care proceedings. This leads the research team to conclude that:-

Recommendation 1: The Manchester Pilot has demonstrated improved balance in allocating levels of work in different tiers of the judiciary and has improved consistency in allocation decision making within the Manchester Pilot process. Thus the gatekeeping and allocation process under the Manchester Pilot has been shown to be 'fit for purpose' and the roll out of the project nationally is to be welcomed.

Of particular benefit to the implementation of the Manchester Pilot and to addressing problems and issues as they arose has been the development of the Consultation Group of key stakeholders we therefore recommend:-

Recommendation 2: The monitoring of the Manchester Pilot by a Consultation Group seems to have been effective and the use of local Consultation Groups to monitor the allocation process is recommended as the revised PLO Pilot is rolled out nationally.

Notwithstanding the support for the Manchester Pilot as expressed in our data, there are still issues to be addressed. One of the most pressing is the efficacy of the current Form PLO4 (Revised). Judges and legal advisers operating as gatekeepers within the Manchester Pilot view the Form PLO4 (Revised) as poorly completed, failing to address the allocation criteria appropriately, if at all, and it was often the last form they read in considering the appropriate allocation decision, on the basis that it was (in their view) the least reliable source of information.

Recommendation 3: Consideration should be given as to whether a separate form for the allocation proposal adds value to the gate keeping and allocation process or amounts to unnecessary form-filling by local authorities. A clear requirement to address the allocation Guidelines within a Form C110 may be sufficient.

The researcher review of all Form PLO4s (Revised) in September 2012 identified significant inconsistencies in the completion of the forms and significant variation between local authority 'success rates' in identifying appropriate levels of court. The forms were also disliked by most of the local authority solicitors who saw them as duplicating information that should be in a well drafted form C110. Child and parents solicitors also noted that they were infrequently contacted by local authority solicitors as to their views on allocation. This lack of consultation with other parties as to the allocation proposal was also found in the researcher review of Forms PLO4 (Revised) from September 2012.

Recommendation 4: Local authority solicitors in completing the form for the allocation proposal should also, where possible, liaise with the child and parent solicitors as to the proposal for allocation

The local authority solicitors receive no feedback as to why their proposals for allocation are not supported by the gatekeeping and allocation panel. Such feedback is reasonably requested by local authority solicitors as it would help them in identifying issues they have not considered and promote their awareness of how the gate keepers are applying the Guidelines.

Recommendation 5: Consideration should be given to a requirement for the Gatekeeping and Allocation Panel to record the reasons why a local authority proposal is not followed.

In this evaluation there appeared to be an anomaly in the recording and monitoring of allocation to specific levels of the judiciary in the Pilot. The Form PLO4 (Revised) requires a proposal which specifies the type of judge as well as the level of court. None of the Forms PLO8 in the sample reviewed by the research team specified the type of judge to which the case was allocated in the allocation decision; only the level of court was specified. This is relevant to monitoring workload and allocation to different tiers of the judiciary. The use of the new documentation issued by the President for the revised PLO Pilot from 1st July 2013 may resolve this issue, however we recommend that the national evaluation of the revised PLO Pilot reviews the recording of the full allocation decision.

Recommendation 6: The full allocation decision should be recorded, including level of court and type of judge, in order to enable a complete overview of allocation and workload balance. It is anticipated that that this should be achievable under the revised PLO Pilot and within the proposed Single Family Court.

When asked whether they would know if an appeal had been made against one of their gate keeping and allocation decisions neither the judges nor the legal advisers were able to identify any process that would inform them of such an appeal.

Recommendation 7: Consideration should be given to implementing a process to record and inform the Gatekeeping and Allocation Panel, Designated Family Judge and the administration when an appeal against allocation has been lodged and the grounds on which it was upheld or dismissed.

Of particular concern from the beginning of this evaluation has been the concerns raised about the quality, comparability and consistency of Family Court data systems. This is a problem we experienced in that available information was provided and our queries were quickly answered, but it was still not possible to reconcile the local data with the national data set.

Recommendation 8: This evaluation supports the work of the Family Justice Board in seeking to improve the data systems and the quality of performance management information available. This should seek to ensure consistency of data collection and data returns, particularly within forthcoming Single Family Court arrangements, to promote confidence in the system.

During our research many respondents were clear that the current system logically must result in an improvement for children and families as there are fewer applications to transfer thus promoting case continuity and reducing delay. This they reasonably argue must be better for children and families. There is however no empirical evidence for this and therefore:-

Recommendation 9: The Family Justice Board and others to consider commissioning further research to identify the impact on children and families of measures to improve care proceedings.

The Manchester Pilot has seen a significant shift of cases away from the FPC. It was also noted that cases tend to be transferred to higher courts and rarely are they transferred to lower courts on the grounds of judicial continuity. The views of the magistracy have not been canvassed in this evaluation and there is a need to investigate the impact of the changes in allocation on the magistracy. It may be that the Manchester Pilot has resulted in more appropriate allocation of cases to the FPC, perhaps promoting a more confident and competent magistracy, however further research is needed on this issue.

Recommendation 10: The Family Justice Board and others to consider commissioning further research to identify the impact on the magistracy of measures to ensure appropriate allocation of care proceedings.

2. Gatekeeping and Allocation - The Context

2.1 Introduction

Longstanding concerns about delay for children within care proceedings under the Children Act 1989 and consequent increasing costs have led to a number of system reviews looking at the operation of care proceedings within the family courts. The implementation of various protocols has sought to address issues of delay and improve the efficiency of court processes and procedures. Research studies have examined various aspects of care proceedings processes and outcomes. These reviews, protocols and research studies have considered a broad range of issues, including the early identification of the appropriate level of court to which a case should be allocated, and the criteria applied in transferring cases. A brief summary of these key landmarks in the background to the current changes within the Family Justice System, focusing on allocation/transfer systems and processes, is provided below. This is followed by a brief research update and the rationale and process for the Manchester Pilot

2.2 The background

Five years after the implementation of the Children Act 1989, an early review into delay in care proceedings was conducted by Dame Margaret Booth DBE (LCD, 1996) and recommendations were made about resourcing, administration, transfer procedures, judicial case management, timetabling, listing and partnership working.

After an apparent loss of momentum in respect of Dame Booth's recommendations, ongoing concerns about the length of care proceedings led to the Lord Chancellor's Department Scoping Study on Delay in Children Act Cases (LCD, 2002). This study sought to develop the work of the Booth report (1996) and identify the main causes of delay in public and private law Children Act cases. Relevant to this evaluation were findings from the Scoping Study in relation to workload distribution between tiers of court, with increasing numbers of public law cases transferred up from the Family Proceedings Court (FPC), sometimes at a late stage in proceedings, linked with problems with judicial availability in the higher courts (LCD, 2002). The Scoping Study made a range of recommendations, including that transfer issues should be addressed early, consistently and there should be better use of the provisions to transfer cases back down to the FPC (LCD, 2002). In relation to effective public law case management, the Scoping Study's findings and recommendations reflected those in the Booth report (1996), including identification of the right tier of court at the earliest stage (LCD, 2002).

These reviews informed the Advisory Committee responsible for the development of the Protocol for Judicial Case Management in Public Law Children Act cases (President of Family Division et al. 2003). The Protocol sought to proceduralise

case management in care proceedings, incorporating (some) pre-proceedings activity by local authorities as well as judicial case management tasks, within a maximum timescale for care proceedings of 40 weeks. In relation to allocation, the Protocol required the Family Proceedings Court to consider which level of court should hear the case and proactively to consider the criteria for transfer at the First Hearing (which was to be no later than Day 6 of the case timetable, Day 1 being the date the application was issued). In theory then, the issue of allocation and transfer was a reasonably early consideration within Protocol timescales.

A thematic review of the Protocol by the Judicial Review Team (DCA, 2005a) considered the views of the judiciary as to its effectiveness or otherwise. Amongst a range of suggestions for change, the need for improved criteria for transfer to ensure that cases were heard in the correct level of court was identified as one of three key areas for further improvement (the others were the shortage of children's guardians and the shortage of judges) (DCA, 2005a). This suggests that while the issue of transfer was fixed for consideration early in the Protocol timescale, the judiciary perceived there to be problems with how the Family Proceedings Court applied the criteria for transfer in practice.

At the same time, there were concerns about the growing cost of care proceedings, and a review of the Legal Aid System in the same year (DCA 2005b) prompted a Government Review of Care Proceedings (DfES/ DCA 2006) with an explicit remit to address the impact of care proceedings on the Legal Aid fund. A concurrent DCA review of Judicial Resources (DCA 2005c), although focussed more widely than care proceedings, also considered issues of allocation and transfer of cases between levels of court, in the context of promoting efficient case management and appropriate deployment of judicial resources.

As with earlier reviews, the 2006 Review of Care Proceedings explored a broad range of issues including the impact of local authority social work practice, operational difficulties within Cafcass impacting on the availability of Family Court Advisers (FCA) and the operation of the different tiers of courts including judicial and administrative resource issues. In relation to the allocation and transfer of proceedings, the review identified increasing numbers of cases being transferred from the Family Proceedings Court to the County Court (although the timing of transfer was not specified) and capacity issues within the higher courts due to a lack of judicial availability, as contributory factors to delay within care proceedings. The review recommended (in relation to allocation and transfer) optimising the use of judicial resources by ensuring cases were matched with the appropriate type of judge and level of court and acknowledged the future benefit of on-going work towards a more efficient, Single Family Court, albeit that primary legislation would be required to effect this (DfES/DCA 2006).

The senior judiciary continued in their efforts to address issues of delay, and further procedural changes followed in the form of the Practice Direction: Guide to Case Management in Public Law Proceedings 2008 which incorporates and is referred to

as the Public Law Outline (PLO 2008) (MoJ, 2008). The PLO (2008) acknowledged a lack of progress in reducing delay, identified in the Thematic Review of the Protocol (DCA, 2005a) and the Review of Care Proceedings (DfES/DCA, 2006), and emphasised the need to simplify and streamline case management procedures. In relation to allocation and transfer, the PLO (2008) introduced a requirement for the applicant local authority to provide a record of their allocation proposal, and a record of the Family Proceedings Court's allocation/transfer decision, including their reasons. Under the PLO (2008), allocation and the criteria for transfer were considered on receipt of the application by the Family Proceedings Court on Day 1 and no later than Day 3. In practice, this was a gatekeeping and allocation process conducted by a Legal Adviser of the Family Proceedings Court. The PLO (2008) provided for allocation subsequently to be confirmed or transfer to be considered by the allocated case manager or Judge and the parties at later stages in the process. However, the location of initial allocation or transfer decisions (prior to the first hearing) within the Family Proceedings Court, albeit with information as to the local authority's proposal, may have resulted in allocation decisions being taken in isolation and without the benefit of representations by the parties or experience of adjudicating cases in the higher courts (Masson, 2008).

Despite the introduction of the PLO (2008), concerns about cost and delay persisted. Published figures indicated increasing numbers of care proceedings applications, suggested to be as a result of reaction to the death of Peter Connelly in 2007 (Wall, LJ 2010). The PLO (2008) was criticised by some as overly bureaucratic (Gillen, 2009). There were also concerns about the potential for further delay to be built into the system in that a focus on more efficient procedures within proceedings and increasing expectations of pre-proceedings work by local authorities, might result in the potential of shift in delay to pre-proceedings processes, rather than a reduction in delay overall (McKeigue & Beckett, 2010).

A review of the operation of the PLO (2008) (Jessiman et al. 2009) concluded that in general terms the PLO (2008) provided a clear structure for care and supervision order cases but that there was inconsistency in compliance and the paperwork was unwieldy and in need of streamlining. This report informed key areas of revision that led to the PLO (2010). Of note for this evaluation is that the PLO (2010) replaced the commencement forms C1 and PLO4 with a single application form: C110. It also introduced the Form PLO8 as a suggested Standard Directions Form on Issue to replace the Form PLO5.

2.3 Research

Research into the operation of care proceedings has, within broader considerations, given some attention to allocation issues in relation to rates of transfer and the timing of transfer of cases (usually) to higher courts (Brophy, 2006; Masson et al., 2008). Findings include variation between court locations

with some areas generally retaining more cases in the Family Proceedings Court than others (Masson, 2008) and variation over time has indicated increasing numbers of transfers to higher courts since the early days of the Children Act 1989 (McKeigue & Beckett, 2004; Judicial Review Team, 2005). Suggested reasons for increased transfer rates include difficulties in maintaining judicial continuity when listing potentially lengthier cases in the Family Proceedings Court (Judicial Review Team, 2005). Additionally, it has been suggested that there is a possible preference for transfer amongst advocates based on a perceived 'superior' judicial case management approach in the higher courts, in comparison to legal advisers and lay magistrates in the Family Proceedings Court (Masson, 2010).

There are Judicial and Court statistics available in the public domain: <http://www.judiciary.gov.uk/publications-and-reports/statistics/judicial-and-court-statistics>. This data includes information as to the allocation of cases to the different levels of court. However, this data is limited and available management data within the Her Majesty's Courts and Tribunals Service (HMCTS), Family Proceedings Court and County Court systems (prior to the introduction of the CMS system in 2012) have not facilitated accurate, detailed tracking or measurement of care proceedings cases, including allocation and transfer decisions. This issue has been highlighted by a range of reviews and research studies (LCD, 2002, McKeigue & Beckett, 2004; Brophy, 2006; Masson, 2007; Masson et al., 2008). Consequently, the empirical basis for understanding how well allocation processes have operated remains problematic. The Family Justice Board Action Plan (MoJ, 2013) details that further improvements will be made to family court management information, in conjunction with HMCTS, to improve understanding of the system, behaviours, costs and use of resources. This is to be welcomed as issues with consistency and coherence of management information were also reflected in the course of this evaluation.

Nonetheless, it has been widely accepted for some time by those working in the Family Justice System that early allocation to the appropriate level of court will promote improved judicial continuity - an accepted feature of efficient and appropriate case management (President of Family Division et al., 2003; MoJ 2011; Ryder, J 2012; House of Commons Justice Committee, 2012). Additionally, it is considered that appropriate allocation obviates the administrative time and inevitable delay caused by transferring cases after they have begun. Acknowledging that there will be some cases where significant changes warrant late transfer, early appropriate allocation also ensures that children's cases are heard by the appropriate level of court from the outset, thus (in theory) promoting better outcomes for children and families (DfE & DCA, 2006; MoJ, 2011; House of Commons Justice Committee, 2012).

2.4 The Future

In 2010 the Government initiated another review, this time of the whole Family Justice System. In relation to care proceedings, the Family Justice Review Final Report (MoJ, 2011) and the Government Response (MoJ/DfE, 2012) set out the proposed framework for reform, including proposed legislation to impose a 26 week time limit on the duration of care proceedings. Responsibility for managing this timescale is firmly placed in the remit of the Court, to be achieved by effective and efficient case management within a (further) remodelled PLO process. The Family Justice Review has many implications for the process and conduct of care proceedings. In relation to this Pilot, the target timescales and focus on case management highlighted the need to ensure early allocation of each case to the appropriate level of court and a reduction in late transfers; both of which should reduce delay and afford the judge or case manager more time to manage the issues in the case.

Informed by the Family Justice Review (MoJ, 2011), and judicial proposals designed during the Family Justice Modernisation Programme (Ryder, J 2012), a series of new recommendations for the structure and functioning of court systems and proceedings has begun to be implemented. This includes the revised PLO Pilot which is being implemented nationally from dates after the 1st July 2013 and is expected in final version by April 2014. These developments are being implemented in anticipation of the creation of the Single Family Court (see below) and the amendments to timescales to be implemented under s14 of the Children and Families Act 2013, which will impose a 26 week limit within which to conclude care proceedings. Relevant to this evaluation, the recommendations for modernisation include the rolling out of new national processes and guidance for gatekeeping and allocation, informed by the Manchester Pilot (Ryder J 2012).

The creation of a Single family Court is a key recommendation from the Family Justice Review (MoJ, 2011) and the Government Response (MoJ/DfE 2012). This has now been enacted by the Crime and Courts Act, which received Royal Assent on 25 April 2013 (s17 amends the County Courts Act 1984 to create a single family court), and the Single Family Court is expected to be operational from April 2014. The Single Family Court is by no means a new idea. It was first proposed in the report of the Finer Committee (DHSS, 1974) and has been revisited in subsequent reviews and recommendations (for example: DCA, 2005a; DCA, 2006; MoJ, 2011). It is generally considered that a fully unified jurisdiction will promote a seamless, accessible system for all involved, contributing to reducing delay by removing boundaries and barriers within the process, currently caused by separate administration and management systems (Doughty & Murch, 2012).

2.5 The Greater Manchester Gatekeeping and Allocation – Care Proceedings Pilot (The Manchester Pilot)

The context for consideration of allocation decisions within care proceedings reflects a perceived imbalance in quantities of work between the levels of court and concerns about avoidable late transfer of cases. This has informed plans to improve and re-balance the allocation process so that cases are not delayed by 'log-jams' within particular tiers of court and/or the effect of avoidable late transfers due to inappropriate allocation at the point of issue. It is in this context and in response to the reviews and reforms within the Family Justice System that the Manchester Pilot was developed.

The Manchester Pilot was introduced with the approval of Mr Justice Peter Jackson, Family Division Liaison Judge of the Northern Circuit and Mr Justice Ryder (as he then was) Judge in Charge of the Modernisation of Family Justice & Presiding Judge of the Northern Circuit with effect from 30th April 2102. A particular feature of the Manchester Pilot, which the Designated Family Judge identifies as significant in its development and implementation, is that all care proceedings work in Greater Manchester has been centralised since April 2011; and all the Greater Manchester magistrates, legal advisers and judges dealing with care proceedings are located in the one court centre.

In this centralisation process, the numbers of legal advisers and magistrates involved in care proceedings cases was reduced, and the proportion of their sitting days on family cases was increased, thus enabling the development of increased experience and specialisation amongst legal advisers and lay magistrates. The Explanatory Note (Hamilton 2012) explains that this centralization coincided with a time when the volume of new cases issued reached an "all time high" and placed significant resource demands on all tiers of the family courts in Greater Manchester. Despite the centralization, there remained a perceived imbalance of work between the levels of court, with more cases being retained by the FPC and a perceived problem of late transfers to the County Court when issues of complexity arose or could not be resolved by the magistrates. Indeed, the Designated Family Judge observed a fall in the numbers of cases being transferred by the FPC to the County Court and "inconsistency in the nature and complexity of cases being transferred from or retained in the Family Proceedings Courts." (Hamilton 2012:2)

Thus, the Manchester Pilot was introduced to address both the imbalance in workload and to improve consistency of allocation decision making. Its general principles are that judicial continuity is an important consideration, and that flexibility must be maintained where there is a need for joinder of proceedings relating to a child or children or parents. It aimed to involve members of the judiciary as well as legal advisers in the allocation decision-making process and to enable the Designated Family Judge to have oversight and control of the allocation of cases within the centralized Care Centre. The Manchester Pilot can

be seen as firmly set in the context of the Family Justice Review and the government's response of creating a Single Family Court with work being allocated according to case complexity and emphasizing the importance of judicial continuity. In this way, the Manchester Pilot is aligned with features of the proposed Single Family Court, in relation to the allocation of cases at the point of issue. This evaluation and the experiences of the Greater Manchester legal advisers, judiciary, court staff and external stakeholders in the Manchester Pilot may provide useful indicators for developments in other areas, ahead of the creation of the Single Family Court.

2.6 The Manchester Pilot – the process

The Manchester Pilot sits within the Public Law Outline 2010 Practice Direction: Public Law Proceedings Guide to Case Management: April 2010 FPR 2010, PD12A ("Public Law Outline") and Part 12 of the Family Procedure Rules 2010 (as amended) which govern applications for a care or supervision order under s31 Children Act 1989.

Under these provisions, applications commenced by the local authority using form C110. Box 9 of that form requires the applicant local authority to provide the court with proposals for allocation of the case by indicating the court (magistrates' court, county court (care centre) or High Court) and to give reasons. Allocation, which must be done on the day of issue [Public Law Outline and Practice Direction: Public Law Proceedings Guide to Case Management: April 2010 para 12.4] is in Allocation and Transfer of Proceedings Order 2008 (SI 2008/2836) (the "Allocation Order") and the Practice Direction: Family Proceedings (allocation and transfer of proceedings) (reported at 2008 AER D 118) (the "Allocation Practice Direction") and the Family Proceedings (Allocation to Judiciary) Directions 2009 (reported at 2009 1 FCR 579). The allocation decision is made in the Family Proceedings Court by a Legal Adviser and is recorded on Form PLO8 with other directions on issue.

The Manchester Pilot introduced a revised Form PLO4 . As noted above, the Form PLO4 had originally been used under the PLO (2008) but was replaced by the Form C110 under the PLO (2010) and is governed by Guidelines and an Explanatory Note from the Designated Family Judge. The Manchester Pilot Guidelines are intended to complement the Allocation Order and Allocation Practice Direction; the relevant parts of the Allocation Order and Allocation Practice Direction are summarised in the legal framework at Appendix 1. Applications for Emergency Protection Orders (EPO) are not covered by the Manchester Pilot.

The process of decision making under the Manchester Pilot involves a nominated District Judge from the County Court and a nominated legal adviser meeting from 10a.m. to 11a.m. each working day to consider files in all newly issued proceedings from the preceding day and determine allocation to the FPC, the

County Court or the High Court in accordance with the Allocation Order, the Allocation Practice Direction and the Manchester Pilot Guidelines. This is a significant change to the previous processes.

The Manchester Pilot has been monitored throughout by a Consultation Group comprising the Designated Family Judge, District Judge Gatekeepers, Legal Adviser Gatekeepers and administrative staff responsible for managing public law cases. The Consultation Group meetings have provided a forum in which to discuss and respond to concerns and issues about the operation of the Manchester Pilot.

3. Evaluation Objectives

The objectives for the Greater Manchester Gate Keeping and Allocation Pilot evaluation were provided by the Designated Family Judge:

- a) To evaluate the Greater Manchester Gatekeeping and Allocation – care proceedings pilot in with respect to:
 - i. balance in allocating levels of work in different tiers of the judiciary;
 - ii. consistency in use of gatekeeping and allocation documentation by the local authority;
 - iii. consistency in decision of allocating work;
 - iv. reducing appeals on initial determination;
 - v. whether this contributes to reducing overall delay;

- b) To identify and understand stakeholder perspectives of the Manchester pilot.

4. Evaluation Methodology

The methodology was designed to meet the objectives above and involved a mixed methods approach (Creswell 2003) including both qualitative and quantitative instruments. The instruments and schedules were designed to ensure triangulation and comparison of data between the different stakeholders. The different instruments not only provided extra information about a topic but also provided added value to the evaluation process.

4.1 Contextual review

The research team reviewed material concerning the legal context and the research literature in relation to care proceedings and issues of delay with a focus on allocation, transfer and the modernisation agenda

4.2 Court Data Analysis

An examination was undertaken of all Forms PLO4 (Revised) and PLO8 from the month of September 2012. Quantitative data available (from HMCTS OPT systems) on previous allocation decisions and length of time for court hearings in Greater Manchester was compared between May and December 2012 (during the Pilot period) and May to December 2011.

4.3 Interviews with Gatekeeping and Allocation Decision Makers

Semi-structured interviews were undertaken with the Judges and Family Proceedings Court Legal Advisers involved in the Pilot, to identify their experiences of the Pilot process. In particular the interviews with the gatekeepers focused on their experiences of the gate keeping and allocation meeting, the helpfulness of the Form PLO4 (Revised), the strengths and areas for development, of the new system and whether it was achieving its aims.

4.4 Semi-structured surveys

Semi-structured surveys using Survey Monkey were circulated electronically to local authority legal advisors, parent and child solicitors and Cafcass Family Court Advisers involved in care proceedings in Greater Manchester. These surveys replicated many of the areas covered in the interviews with County Court District Judges and Family Proceedings Court Legal Advisers thus allowing a degree of comparison and triangulation of the key stakeholders in this process.

4.5 Data Analysis

Qualitative data was collected from semi-structured interviews with judges and legal advisers along with semi-structured surveys of local authority solicitors, parent and child solicitors and Cafcass FCA. Responses were analysed thematically using the constant comparative method (CCM) both across and between the different stakeholders (Boeije, 2002). CCM requires a series of steps in which items of data

were subject to internal comparison (open-coding), then comparison within each data set (axial coding) and then across data sets (triangulation). The focus was on similarities and differences within and between the data sets and how these can be understood in relation to the study's aims and objectives.

With permission, all interviews were digitally recorded, transcribed, and coded delineating key and subsidiary themes. These were then checked between the research team, and when satisfied no further themes were included they were then compared between groupings including connections between themes. The data from the different surveys of local authority solicitors, child and parent solicitors and Cafcass FCA respondents were dealt with similarly to the interviews. The different data sets were then compared identifying key themes and similarities and differences between and amongst the differing respondent groups. These themes were also checked against the national HMCTS OPT data and the review of all Forms PLO4 (Revised) for September 2012.

5. Research Ethics and Governance

Following agreement of the evaluation protocol with His Honour Judge Hamilton, a Research Ethics application was made to the Manchester Metropolitan University Research Ethics and Research Governance and Ethics Sub-Committee (RGEC), the HMCTS Access to Courts Protocol and the Judicial Office Protocol for Judicial Participation in Research Projects.

Manchester Metropolitan University Research Ethics Committee approved the research. Permission was also provided by the President of the Family Division to interview judges and by the Records Management Services to access family court data.

6. Evaluation Findings - Researcher analysis of the forms PLO4 (Revised)

As set out previously, the Form PLO4 had been declared obsolete when the revised PLO was introduced in April 2010 but was restored for the purposes of the Manchester Pilot as a key document in the allocation decision making under the Manchester Pilot. The Explanatory Note to the Manchester Pilot anticipated that the Gatekeeping & Allocation Guidelines, circulated to practitioners, the judiciary, magistrates and legal advisers, “would help inform them about the level of court at which their cases should properly be proceeding” and “provide a proper basis and incentive for local authority applicant to complete and submit the Revised Form PLO4 (Revised) Allocation Record at the issue of proceedings” (Explanatory Note April 2012(Final) p2)

6.1 Pilot Documentation (Forms PLO4 Revised 2012) Sample:

The research team were provided with anonymised Forms PLO4(Revised) and allocation records (PLO8) for cases issued in Greater Manchester in September 2012. These totalled 45 Forms PLO8 but only 44 Forms PLO4 (Revised) and one of these was not completed except as to identity of the applicant.

According to Greater Manchester records, in September 2012, 45 s31 applications were issued. The allocation records (PLO8) confirm that the gatekeepers allocated 10 (22%) of those cases to the FPC, 34 (75%) to the County Court and referred one case (where there were existing proceedings in the FPC in relation to five older siblings) for allocation at the Case Management Conference.

There are 10 local authorities in Greater Manchester. During the month of September 2012, seven issued s31 applications, along with Forms PLO4 (Revised). The numbers of cases by (anonymised) local authority are shown in the following table:

Table 1

Distribution of PLO4 (Revised) forms by Greater Manchester Local Authority

Local Authority	1	2	3	4	5	6	7	8	9	10
No of cases issued Sept 2012	0	1	11	3	10	13	4	0	2	0

An analysis of the 43 completed Forms PLO4 (Revised) revealed that in the vast majority of cases, the local authority made a clear allocation proposal (37 cases - 88.3%).

In only two cases (4.65%) did the Form PLO4 (Revised) state the views of any other party as to allocation. In well over half (25 cases - 58.13%), the proposal made by the local authority was subsequently confirmed by the Gatekeeping and Allocation panels.

There were no proposals for allocation to the High Court.

In 23 cases (53.48%) the local authority allocation proposal was for the County Court; of these 22 were subsequently allocated to the County Court, one was allocated to the FPC. In 9 of these cases, the local authority specifically proposed the level of judge: 4 specifically proposed allocation to a Circuit Judge, 5 specifically proposed allocation to a county court District Judge.

In 15 cases (34.88%) the local authority allocation proposal was for the FPC; of these 8 were allocated to FPC and 7 were allocated to the County Court. In one case, the allocation proposal was for District Judge Magistrates' Court.

The allocation decision made by the Gatekeepers was not recorded on any of the Forms PLO4 (Revised). This allocation decisions were extracted from the Forms PLO8. The PLO4 (Revised) requires the applicant to propose the level of court and the type of judge to which the case should be allocated. However, as the PLO8 records only the level of court it was not possible to track this detail of the allocation decision from the documentation provided for the sample cases. Under the Manchester Pilot, the Designated Family Judge reviews gatekeeping decisions which allocate cases to a District Judge in the County Court. There is no formal mechanism for review of allocations to a case manager in the FPC, to a District Judge in the FPC, or to a Circuit Judge in the County Court.

As can be seen from Table 1 above, three of the 10 Local Authorities issued 10 or more cases during the sample month of September 2012. A more detailed consideration of the allocation proposals and decisions for these three local authorities is as follows:

Local Authority 3 [11 cases]

- 9 cases where the allocation proposal matched the decision
- 2 cases where the proposal was the County Court but allocation was to the FPC

Local Authority 5 [10 cases]

- 4 cases where the allocation proposal matched the decision
- 1 case where the proposal was the County Court but allocation was to the FPC
- 2 cases where the proposal was the FPC but allocation was to the County Court
- 1 case where the proposal was the FPC but allocation to be made at CMC
- 2 cases where no proposal was made

Local Authority 6 [13 cases]

- 5 cases where the allocation proposal matched the decision
- 6 cases where the proposal was the FPC but allocation was to the County Court
- 1 case where the proposal was the FPC but allocation to be made at CMC
- 1 case where proposal was ambiguous

From the information above Local Authority 3 was most successful in aligning its allocation proposals to the decision of the gatekeeping panel. In comparison local authority 6, who issued the most cases and so made the most proposals, was least successful with a 'success rate' of only 38.5%. This may suggest that local authority 3 was more actively using the Guidelines in making an allocation proposal.

The following comments focus on the information provided by those three local authorities and apply to the forms PLO4 completed by each:

Each case issued was accompanied by a Form PLO4 (Revised) but the form was not always fully completed: some sections of the Form were left blank but it was unclear whether this was because those sections were not applicable or because they had not been considered.

All Forms PLO4s (Revised) were completed as to the "nature of alleged harm" but the amount of information given varied in detail and tended to be narrative rather than matched explicitly to the Guidelines. In one case, the mental health issues identified earlier in the form were not mentioned in this section. Where the information was very detailed it appeared that it might have been copied from statements. It was surprising that the bullet points examples set out in this section of the form, which summarise the Guidelines, were not used to structure the text entered.

Where the Form PLO4 (Revised) was completed as to "other reasons" the information was generally more focused and explicitly aligned to the Guidelines again summarised by the bullet points in this section of the form.

Overall our analysis of the Form PLO4 (Revised) suggested there were many issues with the way they were completed, that there were differences between local authorities in acceptance of their proposed court level and a general absence of the views of other parties. These are topics we now move onto in the next chapter which examines the perspectives of the key stakeholders in the system.

7. Discussion of evaluation findings and recommendations

7.1 Introduction

In the last section we specifically looked at the Forms PLO4 (Revised) from one month of the Manchester Pilot. In this section we bring the differing interviews and survey responses together in order to comment on the experience of the Manchester Pilot. This includes the decision-making process, the effectiveness of the process and whether it has led to better outcomes for children and families, and suggestions for changes to improve the system. This section also includes the recommendations identifying how we arrived at the individual proposals.

To begin with we identify the number of interviewees and survey respondents by profession and length of experience in the Family Justice System.

Table 2

Total number of respondents by experience of the Family Justice System

No. of years in practice	<1	1-5	6-10	11-15	16-20	20+	Total
Judges	0 (0.0%)	0 (0.0%)	2 (33.3%)	1 (16.7%)	1 (16.7%)	2 (33.3%)	6 (100%)
Legal Advisors	0 (0.0%)	2 (20%)	1 (10%)	1 (10%)	2 (20%)	4 (40%)	10 (100%)
* Local Authority Solicitors	6 (15.4%)	12 (30.8%)	9 (23%)	1 (2.6%)	2 (5.1%)	9 (23%)	39 (100%)
^Parent and Child Solicitors	0 (0.0%)	2 (10.5%)	1 (5.3%)	7 (36.8%)	1 (5.3%)	8 (42.3%)	19 (100%)
+ Cafcass FCAs	0 (0.0%)	1 (3.4%)	13 (50%)	3 (11.9)	0 (0.0%)	9 (33.7%)	26 (100%)

* The local authority solicitors were recruited by emails sent to the Children's Services Legal Team Manager in each Greater Manchester authority. Each manager was requested to pass the survey link onto those solicitors in their authority working within care proceedings. Consequently we do not have figures for the numbers of local authority solicitors who were invited to complete

the survey. However we know from the survey results that responses were received from 8 out of the 10 local authorities in Greater Manchester

^ Parent and Child solicitors were recruited from emails sent using a circulation list provided by Cafcass. 76 solicitors in private practice from across the Greater Manchester area were invited to complete the survey of whom 19 did, representing a response rate of 25%

+ Cafcass respondents were recruited by an email circulated on our behalf by a Cafcass manager. 45 Cafcass FCAs were invited to complete the survey of whom 26 did, representing a response rate of 57.8%.

From Table 1 it is clear that the legal advisers had substantial experience with 70% (n=7) having been involved with the courts for 11 years or more. The judges again were an experienced group with 66.7% (n=4) having more than 11 years experience in the family court. It should also be remembered that they not only had their experience as a judge, but also as a barrister or solicitor before becoming a judge. The child and parents solicitor respondents were similarly very experienced with 84.4% (n=16) with 11 or more years experience. The least experienced respondents were the local authority solicitors of whom 46.2% (n=18) had less than 6 years experience and only 30.8% (n=12) had more than 11 years experience. Similarly the Cafcass FCA respondents were also less experienced with 53.4% (n= 14) had 10 years or less experience. However, as a total group the respondents were very experienced and their views and perspectives deserve to be taken seriously.

As already noted the research involved semi-structured interviews with all the gate keepers in the pilot including judges (n=6) and legal advisers (n=10). From the semi-structured surveys there was 39 local authority solicitors respondents (from 8 out of 10 local authorities), 19 parent and child solicitors and 22 Cafcass FCA respondents.

7.2 Local contextual considerations

Due to the early co-location and subsequent centralisation of the Family Proceedings Courts within the Manchester Civil Justice Centre, the Manchester Pilot has been operating in what is to all intents and purposes a single family court. This is important in considering whether the findings and recommendations from this evaluation can be generalised. A national rollout of the revised PLO Pilot commenced from 1st July 2013 and all courts dealing with care proceedings will be preparing for the national implementation of the Single Family Court in April 2014. Clearly the early co-location and centralisation of the family courts and the family courts administration has been an advantage to the operation of the Manchester Pilot, and this was articulated by some of the Gatekeeper respondents.

The higher courts were remote because we were in outlying courts. It was a case of damned if you do damned if you don't. If we kept cases then transferred we got a roasting. The Pilot is a much better procedure, but it has been possible because of centralisation. It brings together the 2 levels of the

judiciary very well. We get to know each other. It nurtures trust between District Judges and Legal Advisers. Overall it is more efficient and robust. It enables everyone to feel supported. You can talk it through. They may have a view you may not have seen and vice versa. You feel confident in the decision.
(Legal adviser)

It should be noted that in other areas where co-location and centralisation has not occurred, there may be issues, obstacles and potential barriers in the operation of a gatekeeping and allocation system that did not emerge in the Manchester Pilot and are consequently not reflected in this evaluation.

7.3 Experiences of the process and the allocation decision

Although the report identifies judicial and legal adviser's comments separately, the two perspectives were very much in agreement and there was very much a shared perspective on the strengths and areas for development of the Manchester Pilot.

The involvement of child and parent solicitors and Cafcass FCAs in the processes for allocation is limited. The Form PLO4 (Revised) has a section to indicate whether the parties' representatives have been consulted by the local authority as to the allocation proposal. The researcher review of the Forms PLO4 (Revised) in the sample month found that none of these sections were completed on any of the forms reviewed. In some cases this may be because representatives for parents and children have not yet been identified, however survey responses from parents and children's solicitors indicated a lack of consultation and a desire to be consulted about allocation more often. As they are less involved in the process, the views of child and parent solicitors and Cafcass FCAs about the Manchester Pilot relate more to the outcomes of the allocation decision making process and the perceived benefits or otherwise of the Manchester Pilot to these stakeholder groups and the parties they represent or work with.

In general, the majority of stakeholders (local authority lawyers, child and parent solicitors and Cafcass FCAs) expressed positive views about the Manchester Pilot, particularly in relation to 'quicker' and earlier allocation to higher courts

It will encourage cases to be allocated to the correct level upon issue rather than having a first hearing before the magistrates before having a further adjourned hearing before a district judge for allocation in the county court.
(Local authority lawyer)

Early and correct allocation is essential for efficient case management. (child and parent solicitor)

Appropriate cases appear to be allocated to a circuit judge without the need for long discussions in the FPC. (Cafcass FCA)

Interviews with legal advisers and judges indicated an overall positive experience of the processes involved in the Manchester Pilot. This related primarily to their experience of the joint meeting with another gatekeeper from a different level of court, to discuss and consider the view about allocation that they had formed from reading the papers:

At the outset I wasn't in favour of it because I didn't think we needed any help, we knew when to seek help and I was quite happy to continue making decisions on my own. However I've really enjoyed the process and I've used it as an opportunity to learn and to discuss and build relationships with other parts of the judiciary. (Legal adviser)

I think it's been helpful. Not only have the legal advisers helped and benefitted from it, I think also the district bench have in terms of discussion about general debate of issues that might have arisen on cases that might have been allocated or dealt with differently...we learn from each other, that's to my view a very, very good thing. (Judge)

7.4 The allocation decision-making process

In terms of the process, gatekeepers explained that the legal advisers and judge would each read the papers separately, before coming together for the daily allocation meeting. The Form PLO4 (Revised) was generally not read first, rather most gatekeepers indicated that they would read the papers (application form C110, local authority chronology and local authority social work statement) and form their own view before turning to the Form PLO4 (Revised) to consider the local authority allocation proposal:

I will have already looked at the statement and the C110...and already formed a view before I look at that...the C110 is the more important one. (Judge)

I look at all the other information myself first then look at what they're suggesting. (Legal adviser)

Gatekeepers said that they would not rely on the Form PLO4 (Revised) as providing information to reach a decision on allocation. There was a view that gatekeepers should reach their allocation decision by individual review of the case papers and where necessary discussion in the allocation meeting, rather than rely on the local authority proposal.

This related to concerns that the local authority information on the Form PLO4(Revised) may be partial, thus requiring gatekeepers to review the case papers in any event to be reassured that they had full information with which to make the allocation decision. Additionally it was felt that the local authorities generally did not cross reference the information on the Form PLO4(Revised) with the Guidelines, resulting in some gatekeepers holding a view that the local authority did not use or apply the specific Guidelines when completing the Form PLO4(Revised). The

gatekeepers' responses in interviews reflected a general view that the Form PLO4 (Revised) did not inform their initial view or indeed the process of allocation decision making.

It's supposed to tell me the criteria for allocation, but invariably doesn't....have to search in other bits and pieces....draft schedule of findings, C110.(Judge)

They just fill in the paragraphs which they think possibly apply, or they don't put much information in. They never cross reference it to the gatekeeping criteria. I'm not even sure they've read it half the time because the decisions are so way off what the gatekeeping criteria suggests. (Legal adviser)

Some local authority solicitors expressed views that the Forms PLO4 (Revised) would be useful to the court in providing detailed information relating to allocation, although our interviews with the gatekeepers indicated that the Forms PLO4 (Revised) were perhaps not being used in the way envisaged by the local authority lawyers completing them:

The PLO4 requires more in depth information than that at Q9 on C110 meaning that the court has been given all the relevant information prior to allocation. (Local authority solicitor)

However, local authority solicitor also complained that completion of the Form PLO4 (Revised) was an unnecessary duplication and an additional administrative burden on them at the commencement of proceedings.

It acts as a guide to what we should have been including in Q9 but in reality, the form takes additional time and is quite repetitive in terms of the information we are providing in the C110. (Local authority solicitor)

Very repetitive. Unnecessary duplication. Excessive form filling in. (Local authority solicitor)

It was considered that some cases would obviously require transfer (eg non-accidental injury cases, existing proceedings in a higher court) and therefore minimal, if any discussion at an allocation meeting would be required. Where the issue of allocation was not immediately clear perhaps due to 'borderline' issues in the case, incomplete information in the Form PLO4 (Revised), or where the initial view of the gatekeepers was not aligned, the allocation meeting was considered by all to provide a useful and effective mechanism to discuss and agree the appropriate allocation decision for the case:

If we start off with a different view, both of us will talk through the evidence...and look through the criteria together during the discussion...I've not had a time when we've not reached the same conclusion. (Legal adviser)

Cafcass FCAs expressed a wish for the gatekeepers' reasons for allocation decisions to be made clear to all parties, a view also expressed by child and parent solicitors and some gatekeepers:

Perhaps the reasons for the decision can be made clear to all parties – perhaps with the use of a proforma that clarifies the criteria used. (Cafcass FCA)

I think it is a good system. My only concern is about the transparency of decisions. It may be better if there could be more transparency about the real reasons some cases are transferred up. (Child and parent solicitor)

At the moment the parties aren't getting the information about the gatekeeping decision. On the PLO4 there's no space to put which criteria apply on your decision. (Legal adviser)

One of the objectives of the evaluation was to consider whether the Manchester Pilot process might reduce appeals against allocation, thereby contributing to reduced delay in proceedings. All groups of respondents commented on this aspect of the Manchester Pilot, generally expressing views that involving a judge as well as a legal adviser would improve confidence in the rigour of the decision making process. There were also views expressed that a more robust consideration of the Guidelines within the process would be likely to reduce the chances of a successful appeal in any event.

In examples of cases where a party disagrees with a decision, those parties take the view that active consideration has already been given to the issue by the court and so an appeal is unlikely to succeed. (Local authority solicitor)

The Court are making decisions like these with clear guidelines. This means the decisions are usually uncontroversial. (Child and parent solicitor)

If you know an experienced District Judge has looked at the papers then most parties will think that any appeal is unlikely to be successful. (Child and parent solicitor)

7.5 Has the new system improved matters?

Judges and legal advisors were asked whether they felt the introduction of the Form PLO4 (Revised) and gatekeeping and allocation decision-making meeting had improved and speeded up the decision-making process and improved outcomes for children and their families. The judges and legal advisors were all in agreement that the new allocation meeting process had had a positive effect on the allocation of the right level of court to hear an application for care proceedings.

The new system has stopped late transfers, it's stopped cases going on and on and needing to be transferred 18 months down the line. (Legal adviser)

No doubt, in my mind, to have the legal adviser and a district judge both discussing it has got to be an improvement on simply what would have been historically been a legal adviser looking at the incoming application and making a decision. It's just naturally right that there's two opinions coming in here, each may have a different view but it seems to be a consensual solution, vastly improved in my judgement. (Judge)

The shared decision-making has led to a joint understanding of the allocation criteria and with two differing legal experts looking at the same information there was been less opportunity for things to be overlooked. Local authority solicitors also acknowledged that the Manchester Pilot was an improvement on the previous system with the closer scrutiny of applications, clearer guidelines and the benefit of judicial oversight improving matters. These matters had resulted in a greater consistency in decision-making and a feeling of greater transparency

Swift allocation appears to occur, more so than previously. (Cafcass FCA)

I have not seen any of the nightmare cases that appeared to happen before where a case had been in the magistrates for 1 1/2 years and then is transferred to the county court at the eleventh hour. (Local authority solicitor)

The Court is more aware of the key issues at an earlier stage and therefore it has been my experience that cases requiring transfer to the County Court have been identified at issue and appropriately listed for initial hearing. (Local authority solicitor)

I've noticed far less discussion of allocation issues in recent months. (Child and parent solicitor)

Child and parent solicitors also concurred that the Manchester Pilot ensured appropriate allocation and effective case management resulting in a reduction of delays and appeals. All those interviewed and surveyed responded that the Manchester Pilot had resulted in fewer delays and the need for late case transfers resulting in quicker decisions. As one local authority solicitor summed up, the key advantages of the Manchester Pilot are that it provides:

1. Closer attention paid to getting allocation right at outset which avoids unnecessary delay within actual proceedings resulting from transfer. 2.

Transparency in decision making re allocation. 3. Consistency in decision-making process. (Local authority solicitor)

Recommendation 1: The Manchester Pilot has demonstrated improved balance in allocating levels of work in different tiers of the judiciary and has improved consistency in allocation decision making within the Manchester Pilot process. Thus the gatekeeping and allocation process under the Manchester Pilot has been shown to be 'fit for purpose' and the roll out of the project nationally is to be welcomed.

7.6 Balancing workload between tiers of the court

One of the objectives of the evaluation was to consider the balance in allocation of work between different tiers of the judiciary. It seems clear from our data that the desired re-balancing of work, with more cases being diverted away from the FPC and towards the higher courts, has been achieved in line with the stated aims of the Designated Family Judge at the start of the Manchester Pilot (HHJ Hamilton 2012).

It is important to note that it was not one of the objectives of this evaluation to consider the appropriateness or otherwise of the actual Guidelines themselves. The need for possible revisions to the Manchester Pilot was within the remit of the Consultation Group and, as noted above, changes were made from February 2013. The monitoring of the Manchester Pilot by the Consultation Group identified issues such as an increase in the volume of work and the need to bring more legal advisers on board as gatekeepers. However, it is beyond the scope of this evaluation to consider the longer-term impact, if any, of the use of the Guidelines on those working in the courts, the stakeholders in the process and on outcomes for children and families. These issues are worthy of consideration as the revised PLO Pilot is rolled out nationally and as the new Single Family Court arrangements are implemented.

Recommendation 2: The monitoring of the Manchester Pilot by a Consultation Group seems to have been effective and the use of local Consultation Groups to monitor the allocation process is recommended as the revised PLO Pilot is rolled out nationally.

7.7 The efficacy of Form PLO4 (Revised)

The Form PLO4 (Revised) and its usage was only supported by a small minority of respondents and the success of the Manchester Pilot can be seen to have occurred in spite of, rather than because of, the Form PLO4 (Revised).

Gatekeepers' views about a lack of information aligned to the Guidelines as discussed earlier, was borne out by the researchers' review of the Forms PLO4 (Revised) from the month of September 2012. The majority of judges and legal advisers also said that more often than not the Form PLO4 (Revised) was the last document they would read, after they had decided to which court the application should be allocated.

I don't tend to take much notice of that document (PLO4 (Revised)). I tend to read the application if it's obvious it's going up I won't even bother reading that much more. If it looks like it could be anything else I will then go the local authority statement and chronology to see if there is anything in that that makes me think it should be listedI look at all the information myself first and then I look at what they're (the local authority) are suggesting. (Legal adviser)

I start with the application, then I look at the PLO4 (Revised) to see if it marries up with what I've just read. All too often, it doesn't. (Judge)

Local authority solicitors were also critical of the Form PLO4 (Revised) querying why it was needed when it duplicated question 9 of form C110. Local authority solicitors disliked the repetition and considered that the Form PLO4 (Revised) was there to help legal advisers and district judges make a decision.

I feel that the information in Q9 should be sufficient and that the PLO4 should be scrapped as it is repetitive, time consuming for local authority solicitors and is merely condensing information which should already have been put in a well drafted C110. (Local authority solicitor)

It is worth noting that the Consultation Group monitoring the Manchester Pilot identified a need to revise the Form PLO4 (and to revise the Guidelines). From February 2013 revised Guidelines were introduced and in April 2013 the PLO4 was replaced by the Allocation Proposal Form; these have generated some initial positive responses within this evaluation. Due to time constraints it is impossible to evaluate the impact of the new form as part of this evaluation. However there appears to be a more fundamental issue that has emerged, namely whether the use of a separate form for the allocation proposal is to be recommended.

The question arises as to whether the C110 can be more constructively aligned with the Gatekeeping and Allocation Guidelines, thus removing the need for a separate form altogether for the allocation proposal. The Presidents Guidance for the revised PLO Pilot is accompanied by new prescribed documents, including an amended application Form C110A and an Allocation Proposal Form. Unlike the previous application Form C110, which required the Local Authority to state its allocation proposal at Q9, the new form requires the Local Authority to state the ground and give brief reasons for the application and to state its allocation proposal separately on the new Allocation Proposal Form. This new form is identical to the Allocation Proposal Form introduced in the Manchester Pilot in April 2013 in place of the Form PLO4

(Revised) originally used in the Manchester Pilot. We recommend that the national evaluation of the revised PLO Pilot monitor the use and usefulness of the new documents, in light of the findings from this evaluation.

Whichever track is chosen it is clear from our evaluation that the use of a separate form containing the local authority allocation proposal offered little to the gatekeeping and allocation decision-making process within this Pilot.

Recommendation 3: Consideration should be given as to whether a separate form for the allocation proposal adds value to the gatekeeping and allocation process or amounts to unnecessary form-filling by local authorities. A clear requirement to address the allocation Guidelines within a Form C110 may be sufficient.

As previously mentioned the local authority solicitors on completing the Form were not consulting with child and parent solicitors as to the appropriate court (when child and parent solicitors were known). This was an area for improvement identified by child and parent solicitors who wished to be consulted about the potential court venue.

Recommendation 4: Local authority solicitors in completing the form for the allocation proposal should also, where possible, liaise with the child and parent solicitor as to the proposal for allocation.

7.8 Suggestions for change

All the research respondents were asked to identify one change that they believed would have a significant impact on improving matters further. Many of the respondents said there was nothing more they felt could be done to improve the system.

However, there were a few comments worthy of mention. One difficulty has been the interface between s31 applications and EPO applications. The Guidelines make it clear that urgent applications are expected to be made by way of an EPO. The only exception provided by the Guidelines is in respect of newborn babies who are about to be discharged from hospital if the issue of care proceedings is part of planned pre-proceedings involvement with the family. However, some respondents remain concerned:

The court timescales re allocation / gatekeeping are cumbersome and do not take into account the need for urgent child protection. If an application is submitted and is urgent it should be dealt with that morning, not the next day.
(Local authority solicitor)

The desire to reduce magistrates' involvement in care proceedings was mentioned by local authority solicitors, family solicitors and Cafcass FCA employees, with two local

authority solicitors taking this even further to suggest that all care proceedings should be dealt with by judges. There was also a request by district judges and legal advisers for more resources, namely more judges, magistrates and more court time. This call was repeated by local authority solicitors and parent and child solicitors who noted that some decisions seemed to be made on the basis of which court could list a case more quickly, not necessarily which court was the most appropriate according to the Guidelines. The judges and legal advisers were clear that their allocation decisions were made in line with the Guidelines, however they did acknowledge that if a 'borderline' case could just as appropriately be dealt with by the magistrates as a judge then issues of which court had capacity, thus reducing delay, would be a consideration of the allocation decision-making.

Most cases are easy, but if we get a case that could genuinely go to either a DJ or the FPC we will look and see which could hear it quicker. (Legal adviser)

The Pilot documentation does not require the gatekeepers to record their reasons (or the criteria they are applying) if their decision is counter to the local authority allocation proposal. . Two local authority solicitors suggested that where the gatekeeping and allocation panel decided to allocate a case against a local authority proposal, the panel should indicate the reasons for the allocation allowing greater transparency and also allowing those who complete the PLO4 to learn and gain a greater understanding of how the Guidance is being interpreted by the gatekeepers.

Recommendation 5: Consideration should be given to a requirement for the Gatekeeping and Allocation Panel to record the reasons why a local authority proposal is not followed.

It was noted in the researcher review of the sample from September 2012 that the Form PLO4 (Revised) requires the applicant to propose the level of court and the type of judge. None of the Forms PLO8 in the sample reviewed by the research team specified the type of judge to which the case was allocated in the allocation decision; only the level of court was specified. This is relevant to monitoring workload and allocation to different tiers of the judiciary. The use of the new documentation issued by the President for the revised PLO Pilot may resolve this issue. However we recommend that the national evaluation of the revised PLO Pilot reviews the effectiveness of the recording of the full allocation decision.

As the revised PLO Pilot is rolled out nationally it will be important for all areas to consider the application of the gatekeeping and allocation criteria in local contexts.

Recommendation 6: The full allocation decision should be recorded, including level of court and type of judge, in order to enable a complete overview of allocation and workload balance. It is anticipated that that this should be achievable under the revised PLO Pilot and within the proposed Single Family Court

7.9 Court data and statistics

We examined national HMCTS OPT data on the number and average length of Greater Manchester cases covering the Pilot project months comparing them with the Greater Manchester data from the year before. The results of the comparison are shown in the table 3 below.

Table 3 (source OPT Performance and Timeliness Reports, HMCTS, London)

A comparison of the number and duration of cases between the Manchester Pilot period and the preceding year (Greater Manchester).

	No of Cases issued		Average length of cases completed (weeks)		No of weeks (completed cases)					
	2011	2012	2011	2012	0-26 weeks		27-52 weeks		53-78 weeks	
	2011	2012	2011	2012	2011	2012	2011	2012	2011	2012
May	77	125	63.7	53.7	40.0%	51.3%	71.6%	81.8%	90.0%	93.5%
June	85	108	58.3	63.8	40.3%	54.3%	71.1%	84.2%	91.1%	95.2%
July	129	104	57.5	48	45.1%	55.4%	73.3%	82.2%	91.3%	94.4%
Aug	79	126	64.6	47.9	44.7%	54.8%	75.1%	86.0%	90.8%	94.9%
Sept	80	95	64.6	49.5	42.0%	57.8%	75.4%	86.7%	90.6%	95.8%
Oct	114	128	57.8	46.6	46.0%	63.3%	75.8%	88.0%	91.6%	96.4%
Nov	92	113	68.4	46.1	47.5%	65.1%	76.3%	81.0%	90.8%	96.2%
Dec	91	117	61.6	47.7	48.1%	64.3%	77.3%	89.5%	90.7%	96.2%

Total number of cases May- September 2011 n=747

Total number of cases Pilot period May –September 2012 n=916

Nb. The number of cases issued in the sample month of September according to OPT data does not match the sample provided by the Greater Manchester Family Proceedings Court.

Average length of case May-September 2011 - 62.1 weeks

Average length of case Pilot period May-September 2012 - 50.4 weeks

The table above is based on national HMCTS OPT data covering the Manchester Pilot period 2012 (May-December) compared with the same period in 2011 (there is no

timeliness data prior to April 2011). It is clear that the number of cases issued during the Manchester Pilot period increased by 22.6% 2011 (n=747) and 2012 (n=916).

The data also indicates a reduction in the average length of case from 62.1 weeks (May to December 2011) to 50.5 weeks (May to December 2012), representing a reduction of 18.8%. This is still significantly above the target of 26 weeks although it must be acknowledged that the introduction of the 'Standard Track' 26 weeks was only introduced with the Care Monitoring System (CMS) a month before the Manchester Pilot commenced. It is not yet possible to say whether the Manchester Pilot has impacted upon this data as only a percentage of the cases issued during the Manchester Pilot period will have completed before the end of our data collection period. The table indicates a general trend towards reduction in the length of cases.

In relation to appeals against allocation decisions, the national HMCTS OPT data provided to the research teams suggested that there were no appeals in terms of court allocation during the Manchester Pilot although two Cafcass FCA respondents and one local authority respondent indicated they were aware of an appeal on allocation in one of their cases. The legal advisers and judges interviewed, including the Designated Family Judge were not aware of any applications made to review the allocation decisions or any subsequent appeals against refusals to transfer by the FPC. The DFJ indicated in interview that he was aware that some cases had been transferred at later stages in proceedings when new information or issues had arisen since the initial allocation decision had been made. It was notable that judges and legal advisers indicated that they would not be aware if a case had been appealed, but considered it important for their own learning to be made aware of any appeal and would welcome a system that enabled this.

Recommendation 7: Consideration should be given to implementing a process to record and inform the Gatekeeping and Allocation Panel, Designated Family Judge and the administration when an appeal against allocation has been lodged and the grounds on which it was upheld or dismissed.

It is worth remarking that although court staff were helpful it was extremely difficult to identify comparative data to analyse. In a communication from the HMCTS Performance, Analysis and Reporting Team it was noted that there was no court performance data before November 2010, no timeliness data before April 2011 and data only exists for Family Proceedings Court and County Court cases but not High Court. Problems with internal data systems are recognised and acknowledged by HMCTS and Ministry of Justice (MoJ) and these systems are under review. We were advised on more than one occasion to be cautious about relying on comparative statistical data from different sections of the court administration. This issue of reliability of comparative statistical data within court systems has been identified as a problem in previous research studies, such as the Care Profiling Study by Masson et al (2008)

Recommendation 8: This evaluation supports the work of Family Justice Board in seeking to improve the data systems and the quality of performance management information available. This should seek to ensure consistency of data collection and data returns, particularly within forthcoming single family court arrangements, to promote confidence in the system.

7.10 Better outcomes for children and families

The majority of the respondents also felt that the new system is had positively resulted in better outcomes for children and families as decisions were reached more quickly, with fewer delays, which meant that children and their families were not left in limbo about a child's future placement.

Inevitably delay would be prejudicial, getting the right venue at the earliest opportunity is bound to better. (Judge)

The Cafcass FCA respondents also noted that the wider measures in modernising the family justice system, of which this is a part, which require speedier decisions had implications for them:

The shorter timescales have both a strength and a weakness. Less delay and completing cases as quickly as possible are improvements but the timescales are very short for proper investigations at times and making decisions that affect a family forever without either LA or Cafcass practitioner being able to give full consideration is a concern. (Cafcass FCA)

A local authority solicitor also recognised the potential difficulties for parents to prove themselves, but overall felt the new system was better in that:

If decisions are made quicker, then yes, I do believe it will impact upon outcomes. It will mean less time for the parents to prove themselves which will mean less accommodation of relapses or mistakes however, faster decisions will mean better outcomes for children in future placements as the earlier the children are placed, the more likely there will be a positive outcome for the child. It would also mean less time for the children in foster care, not knowing what their long term plans will be. (Local authority solicitor)

At present there is no empirical evidence that the Manchester Pilot allocation system has, or will, improve outcomes for children. Respondents appeared to think that 'logically' it should do so, at least in terms of the speed at which a final decision is made.

A decision delayed is a decision detrimental to a child....delay has been considerable reduced and reduces time parents and children are in limbo. (Legal adviser)

Logically, it must do. (Judge)

To be able to demonstrate better outcomes for children and families within this and other measures to improve care proceedings there would need to be a significant longitudinal research project, which is beyond the scope of this evaluation.

Recommendation 9: The Family Justice Board and others to consider commissioning further research to identify the impact on children and families of measures to improve appropriate allocation of care proceedings.

One potential unanticipated consequence of the current system was identified by a family solicitor who commented that not only had the new system speeded things up but that:

... an even better trained public law magistracy appears to be also emerging.
(family solicitor).

This view was also expressed by the Designated Family Judge in relation to both magistrates and legal advisers and the enhanced experience and expertise that they have been acquiring as a result of increased exposure to public law work arising from the centralisation. The DFJ expressed the view in interview that in his opinion the legal advisers had benefitted from more exposure to and involvement with the professional judiciary within the gate keeping process. From discussions he had had with magistrates, his sense was they now felt much more confident in dealing with the cases which were allocated to them under the Guidelines as they had clearer expectations of what was deemed to be within their competence as lay magistrates. Exploration of this aspect was not possible within the limits of this evaluation and so we have no evidence to support or challenge this claim. However, we would suggest that the impact on the magistracy of measures to improve care proceedings is something that is worthy of further investigation.

Recommendation 10: The Family Justice Board and others to consider commissioning further research to identify the impact on the magistracy of measures to improve care proceedings.

8. Gatekeeping and Allocation Pilot – Care Proceedings

Conclusions

This evaluation of the Greater Manchester Gatekeeping and Allocation Pilot – Care Proceedings has considered data from interviews with judges and legal advisers, survey responses from local authority solicitors, child and parent solicitors and Cafcass FCAs; and data from court information systems. It is evident from this data that the Manchester Pilot has been a success and has achieved its objectives. There is increased confidence in the gate keeping and allocation process and the Designated Family Judge’s Guidance has made the process more transparent and consistent. The closer attention given to the allocation process by a judge and legal adviser has resulted in more robust allocation decisions that are less likely to be challenged by the local authority, child or parent’s solicitor. The perception of stakeholders in the Manchester Pilot is that the gatekeeping and allocation process is likely to reduce unnecessary delay in care proceedings. This leads the research team to conclude that:-

Recommendation 1: The Manchester Pilot has demonstrated improved balance in allocating levels of work in different tiers of the judiciary and has improved consistency in allocation decision making within the Manchester Pilot process. Thus the gatekeeping and allocation process under the Manchester Pilot has been shown to be ‘fit for purpose’ and the roll out of the project nationally is to be welcomed.

Of particular benefit to the implementation of the Pilot and to addressing problems and issues as they arose has been the development of the Consultation Group of key stakeholders we therefore recommend:-

Recommendation 2: The monitoring of the Manchester Pilot by a Consultation Group seems to have been effective and the use of local Consultation Groups to monitor the allocation process is recommended as the revised PLO Pilot is rolled out nationally.

Notwithstanding the support for the Manchester Pilot as expressed in our data, there are still issues to be addressed. One of the most pressing is the efficacy of a separate form for the local authority allocation proposal. Judges and legal advisers operating as gatekeepers within the Pilot viewed the Form PLO4 (Revised) (the form used within the Manchester Pilot during our data collection period) as poorly completed, failing to address the allocation criteria appropriately if at all, and it was often the last document they read in considering the appropriate allocation decision, on the basis that it was (in their view) the least reliable source of information.

The researcher review of all Form PLO4s (Revised) in the month of September 2012 identified significant inconsistencies in the completion of the Forms and significant variation between local authority 'success rates' in identifying appropriate levels of court. The Forms were also disliked by most of the local authority solicitors who saw them as duplicating information that should be in a well drafted form C110. Child and parents solicitors also noted that they were infrequently contacted by local authority solicitors as to their views on allocation. This lack of consultation with other parties as to the allocation proposal was also found in the researcher review of Forms PLO4 (Revised) from the month of September 2012.

Recommendation 3: Consideration should be given as to whether a separate form for the allocation proposal adds value to the gate keeping and allocation process or amounts to unnecessary form-filling by local authorities. A clear requirement to address the allocation Guidelines within a Form C110 may be sufficient.

Recommendation 4: Local authority solicitors in completing the form for the allocation proposal should also, where possible, liaise with the child and parent solicitor as to the proposal for allocation.

The local authority solicitors receive no feedback as to why their proposals for allocation are not supported by the gatekeeping and allocation panel. Such feedback is reasonably requested by local authority solicitors as it would help them in identifying issues they have not considered and promote their awareness of how the gatekeepers are applying the Guidelines.

Recommendation 5: Consideration should be given to a requirement for the Gatekeeping and Allocation Panel to record the reasons why a local authority proposal is not followed.

It was noted in the researcher review of the sample from September 2012 that the Form PLO4 (Revised) requires the applicant to propose the level of court and the type of judge. None of the Forms PLO8 in the sample reviewed by the research team specified the type of judge to which the case was allocated in the allocation decision; only the level of court was specified. This is relevant to monitoring workload and allocation to different tiers of the judiciary. The use of the new documentation issued by the President for the revised PLO Pilot may resolve this issue. However we recommend that the national evaluation of the revised PLO Pilot reviews the effectiveness of the recording of the full allocation decision

Recommendation 6: The full allocation decision should be recorded, including level of court and type of judge, in order to enable a complete overview of allocation and workload balance. It is anticipated that that this should be

achievable under the revised PLO Pilot and within the proposed Single Family Court

When asked whether they would know if an appeal had been made against one of their gate keeping and allocation decisions neither the judges nor the legal advisers were able to identify any process that would inform them of such an appeal.

Recommendation 7: Consideration should be given to implementing a process to record and inform the Gatekeeping and Allocation Panel, Designated Family Judge and the administration when an appeal against allocation has been lodged and the grounds on which it was upheld or dismissed.

Of particular concern from the beginning of this evaluation has been the concerns raised about the quality, comparability and consistency of Family Court data systems. This is a problem we experienced, in that available data was provided and our queries were answered, but it was still not possible to reconcile the local data with the national data set.

Recommendation 8: This evaluation supports the work of the Family Justice Board in seeking to improve the data systems and the quality of performance management information available. This should seek to ensure consistency of data collection and data returns, particularly within forthcoming Single Family Court arrangements, to promote confidence in the system.

During our research many respondents were clear that the current system logically must result in an improvement for children and families as there are fewer applications to transfer thus promoting case continuity and reducing delay. This they reasonably argue must be better for children and families. There is however no empirical evidence for this and therefore:-

Recommendation 9: The Family Justice Board and others to consider commissioning further research to identify the impact on children and families of measures to improve care proceedings.

The Manchester Pilot has seen a significant shift of cases away from the FPC. It was also noted that cases tend to be transferred to higher courts and rarely are they transferred to lower courts on the grounds of judicial continuity. The views of the magistracy have not been canvassed in this evaluation and there is a need to investigate the impact of the changes in allocation on the magistracy. It may be that the Manchester Pilot has resulted in more appropriate allocation of cases to the FPC,

perhaps promoting a more confident and competent magistracy, however further research is needed on this issue.

Recommendation 10: The Family Justice Board and others to consider commissioning further research to identify the impact on the magistracy of measures to ensure appropriate allocation of care proceedings.

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APPENDIX 1 Legal Framework in force during the evaluation of the Manchester Pilot

This evaluation was undertaken before the introduction of Practice Direction 36C – Pilot Scheme: Care and Supervision Proceedings and other proceedings under Part 4 of the Children Act 1989 and, annexed to PD36, the revised PLO Pilot Practice Direction 12A – Care, Supervision and other Part 4 proceedings: Guide to Case Management, both of which came into force on 1st July 2013. These are accompanied by President’s Guidance Documents and new prescribed forms. The legal framework set out below is that which was in force during the period of the evaluation of the Manchester Pilot.

Applications for care and supervision orders under s31 of the Children Act 1989 are governed by Part 12 of the Family Procedure Rules 2010 (as amended) and the Public Law Outline 2010 Practice Direction: Public Law Proceedings Guide to Case Management: April 2010 FPR 2010, PD12A (“Public Law Outline”).

The venue for the commencement, transfer and hearing of s31 applications is governed by the Allocation and Transfer of Proceedings Order 2008

(SI 2008/2836) (the “Allocation Order”) and the Practice Direction: Family Proceedings (allocation and transfer of proceedings) [2008 AER D 118] (the “Allocation Practice Direction”) both of which have been in force since 25 November 2008. The Practice Direction: Family Proceedings (Allocation to Judiciary) 2009 (2009 1 FCR 579) describes the proceedings to be allocated to a judge or specified judge; for the purposes of this research, it confirms that s31 applications can be allocated to a circuit judge, a deputy circuit judge or recorder nominated for public law proceedings, to a district judge (or deputy district) of the Principal Registry, and to a district judge nominated for public family law proceedings.

ISSUE OF s31 APPLICATIONS

Article 5 of the Allocation Order requires that applications for orders under s31 of the Children Act 1989 must be issued in Family Proceedings Courts unless they ‘(a) concern a child who is the subject of proceedings which are pending in a county court or the High Court and (b) arise out of the same circumstances as gave rise to the proceedings’, in which case they *may* be started in the court where proceedings are pending (Arts 5 (2) and (3));

Paragraph 3.1 of the Allocation Practice Direction requires the court to consider the appropriate venue for proceedings “speedily as soon as there is sufficient information to determine whether the case meets the criteria for hearing in that court”.

Paragraph 12 of the Public Law Outline sets out what the court will do at the issue of proceedings: paragraph 12.3 “By reference to the Allocation Order, the court will consider allocation of the case and transfer to the appropriate level of court those cases which are obviously suitable for immediate transfer”. The court will consider giving directions (paragraph 12.4) and the suggested form for standard directions is Form PLO8. Hence, under the Public Law Outline, the allocation of a s31 case is made in the Family Proceedings Court by a Legal Adviser and is recorded on Form PLO8.

TRANSFER

Article 13(3) of the Allocation Order permits transfer at any stage of the proceedings. When considering the appropriate venue to which an application should be allocated, the criteria set out in the Allocation Order (Art 15 Transfer from the Family Proceedings Court to the County Court and Art 18 Transfer from the County Court to the High Court) and the factors in the Allocation Practice Direction must be considered.

The general principle is that delay is likely to prejudice a child’s welfare (s1(2) Children Act 1989) and the Court must have regard to the need to avoid delay in proceedings (Allocation Order art 13(1)). Where a decision to transfer is finely balanced, a case should not be transferred if it would lead to delay; conversely, it should be transferred if retaining the case would lead to delay (Allocation Practice Direction para 4.2).

Transfer from Magistrates’ Court to County Court

The criteria for transfer under Art 15 of the Allocation Order 2008, relevant to s31 applications are:

- the transfer will significantly accelerate the determination of proceedings;
- there is a real possibility of difficulty in resolving conflicts in the evidence of witnesses;
- there is a real possibility of difficulty in resolving conflicts in the evidence of two or more experts;
- there is a novel or difficult point of law;
- there are proceedings concerning the child in another jurisdiction or there are international law issues;
- there is a real possibility that enforcement proceedings may be necessary and the method of enforcement or the likely penalty is beyond the powers of a magistrates’ court
- there is a real possibility that a guardian ad litem will be appointed under R9.5 of the Family Proceedings Rules 1991

there is a real possibility that a party to proceedings is a person

lacking capacity within the meaning of the Mental Capacity Act 2005 to conduct the proceedings

there is another good reason for the proceedings to be transferred

The power to transfer is discretionary, not mandatory (paragraph 8 Allocation Practice Direction) and the transfer may only be made if it will significantly accelerate the determination of the proceedings (paragraph 8.2 Allocation Practice Direction). This requires the court to obtain information about the hearing dates available in other magistrates' courts and in the relevant county court. The fact that a hearing could be arranged in a county court at an earlier date than in any appropriate magistrates' court does not by itself justify the transfer of proceedings under article 15(1)(a); the question of whether the determination of the proceedings would be significantly accelerated must be considered in the light of all the circumstances.

Transfer to the High Court

Articles 7 and 18 of the Allocation Order set out the criteria for transfer to the High Court namely: that the case is exceptionally complex, that the outcome is of public importance, or there is another substantial reason for transfer.

Paragraph 5.1 of the Allocation Practice Direction specifies the factors the court will take into account when considering whether the Art 7 or Art 18 criteria apply. Those relevant to s31 applications are:

(1) there is alleged to be a risk that a child concerned in the proceedings will suffer serious physical or emotional harm in the light of-

the death of another child in the family, a parent or any other material person; or

the fact that a parent or other material person may have committed a grave crime, for example, murder, manslaughter or rape,

in particular where the essential factual framework is in dispute or there are issues over the causation of injuries or a material conflict of expert evidence;

(2) the application concerns medical treatment for a child which involves a risk to the child's physical or emotional health which goes beyond the normal risks of routine medical treatment;

(3) an adoption order is sought in relation to a child who has been adopted

abroad in a country whose adoption orders are not recognised in England and Wales;

(4) an adoption order is sought in relation to a child who has been brought into the United Kingdom in circumstances where section 83 of the Adoption and Children Act 2002 applies and

(a) the person bringing the child, or causing the child to be brought-

has not complied with any requirement imposed by regulations made under section 83(4); or

has not met any condition required to be met by regulations made under section 83(5) within the required time; or

(b) there are complicating features in relation to the application;

(5) it is likely that the proceedings will set a significant new precedent or alter existing principles of common law;

However, paragraph 5.3 places limitations on allocation or transfer to the High Court; such will not normally result simply because certain features are present, namely –

intractable problems with regard to contact;

sexual abuse;

injury to a child which is neither life-threatening nor permanently disabling;

routine neglect, even if it spans many years and there is copious documentation;

temporary or permanent removal to a Hague Convention country;

standard human rights issues;

uncertainty as to immigration status

the celebrity of the parties;

the anticipated length of the hearing;

the quantity of evidence;

the number of experts;

the possible availability of a speedier hearing.

APPLICATIONS FOR TRANSFER

Article 25 of the Allocation Order permits an application to be made to a county court care centre for a case to be transferred to the county court if the magistrates court refuses to order the transfer to a county court.

EMERGENCY PROTECTION ORDERS s44 CHILDREN ACT 1989

Applications for Emergency Protection Orders under s44 Children Act 1989 are outside of the scope of the PLO. Like applications made under s31, these s44 applications must be made to a family proceedings court unless the application concerns a child who is the subject of proceedings which are pending in a county court or the High Court *and* it arises out of the same circumstances as gave rise to those proceedings, in which case the application *may* be made to that court (Allocation Order, Article 5(2) and (3))

Unlike s31 applications, s44 applications cannot be transferred from a family proceedings court to a county court (Allocation Order Article 15(2)).

APPENDIX 2 – C110 Q9

8. Timetable for the child(ren)

The timetable for the child will be set by the court to take account of dates of the significant steps in the child's life that are likely to take place during the proceedings. Those steps include not only legal steps but also social, care, health and education steps.

Please give any relevant dates/events in relation to the child(ren)
• it may be necessary to give different dates for each child.

Are you aware of any significant event in the timetable, before which the case should be concluded?

Yes No

If Yes, please give a date

/ /

and give your reasons

9. Your allocation proposal

You need to provide the court with your proposal for allocation of this case.

Please select from the following:

- magistrates' court
- county court (Care Centre)
- High Court

and give your reasons

APPENDIX 3 (a)



JUDICIARY OF ENGLAND AND WALES

Guidelines for Gate Keeping & Allocation

Public Law Care and Supervision Proceedings in Greater Manchester

1. **Introduction**

- (1) These notes are for guidance to assist the Gate Keeping decisions in relation to the allocation of newly issued public law care and supervision proceedings in Greater Manchester to the appropriate tier of court and, when appropriate, to a named judge for purposes of judicial continuity.
- (2) For the purposes of the Gate Keeping & Allocation Pilot the Gate Keeping decisions shall be made jointly by a nominated County Court District Judge and a nominated legal adviser. In case of disagreement or doubt, the Designated Family Judge (or one of his deputies if he is not available) should be consulted for a determination.

2. **General Principles**

- (1) Reference must be made to the Allocation and Transfer of Proceedings Order 2008; Practice Direction – Allocation and Transfer of Proceedings 3rd November 2008; The Family Law Act 1996 (Part IV) (Allocation of Proceedings) Order 1997; and Family Proceedings (Allocation to Judiciary) Directions 2009 which this document is intended to complement.
- (2) In determining allocation, judicial continuity is an important consideration.
- (3) Further, the principle of flexibility must be maintained namely, that there may need to be joinder of proceedings relating to the same child or children or parents.

3. **Cases which should normally be transferred to the County Court (subject to paragraph 4 below)**

- (1) Where the case involves a difficult point of law, issues of public policy or unusually complex or sensitive issues arise
- (2) Allegations of physical or sexual abuse which involve any of the following features –

- Particular gravity in relation to the acts alleged or the nature of the harm suffered
 - Where there is, or is likely to be, conflicting expert opinion
 - Shaking injuries involving retinal haemorrhage/ brain injury
 - Complex medical issues
 - More than a single incident of abuse is alleged
 - There are, or are likely to be, concurrent criminal proceedings in the Crown Court
 - Where a “split hearing“ or Finding of Fact hearing is necessary and judicial continuity cannot otherwise be ensured
- (3) Where there are allegations of extremely serious domestic violence (e.g. rape, broken bones, wounds or use of a weapon) (particularly if witnessed by the child)
- (4) Alleged risk of serious physical or emotional harm arising from –
- Death of another child in family, a parent or other material person
 - A parent or other material person may have committed a grave crime e.g. murder, manslaughter or rape
- (5) Allegations of serious abuse where there are, or are likely to be, criminal proceedings and consideration of issues regarding disclosure of information and public interest immunity
- (6) Where there is a history of suspicious death of a child in the family
- (7) Where there are issues relating to psychiatric illness of a parent and/or a child or children
- (8) Significant contested issues in respect of religion, culture or ethnicity or involving medical treatment
- (9) Issues as to publicity (Identification of child or restriction on publication or injunctions seeking to restrict freedom of press)
- (10) Issues as to disclosure – where a party seeks leave to withhold information from another party, or where there is an issue about the release of confidential information involving a difficult point of law, or where disclosure of documentation involves a difficult or sensitive exercise of discretion or public policy issues (see *Re C (Disclosure) (1996) 1 FLR 1997* and *Re EC (Disclosure of material) (1996) 2 FLR 123*)
- (11) Injunctions invoking inherent jurisdiction of the court
- (12) Where there is an issue of placement of the child outside the jurisdiction
- (13) Where there is a need for the Official Solicitor or another litigation friend to represent the interests of an incapacitated adult
- (14) Cases with an international element or with significant immigration / asylum status issues

- (15) Where any of the parents or the children suffer from any significant disability such as profound deafness, dumbness, blindness or learning disability which will require specialist services in respect of assessment of parenting capacity or the needs of the child(ren)
- (16) Where there is a need for an expert assessment by a psychologist or a psychiatrist of a child (or children's) behaviour, development, attachments, relationship and needs
- (17) Where consideration is to be given as to the appointment of any more than one expert witness
- (18) Children who are, or may be, required to give evidence.
- (19) Where there are concurrent criminal proceedings in the Crown Court relevant to the issues between the parties and a Joint Directions Hearing(s) may be required.

4. **Public law proceedings which may be heard by public law ticketed District Judges and District Judges (MC)**

No distinction is drawn between the what cases may be heard by County Court District Judges and District Judges (Magistrates Courts) but in every case the expectation is that the District Judges will assume personal responsibility for all case management hearings (consistent with the approach adopted by the Circuit Judges in the County Court).

Subject to the proviso regarding judicial continuity, all public law cases are deemed suitable for allocation to District Judges in the County Court and the Family Proceedings Court for case management and hearing **except** as set out below at (1) to (18) unless otherwise specifically approved by the Designated Family Judge (or one of his deputies if he is not available) or the Family Division Liaison Judge

- (1) Cases whose realistic ELH appears to be over four days
- (2) Cases where there are serious allegations of physical or sexual abuse unless the only significant issue is the identity of the actual perpetrator
- (3) Cases involving multiple allegations of sexual or physical abuse
- (4) Alleged shaking cases involving retinal haemorrhages or brain injury
- (5) Cases involving complex medical issues
- (6) Cases involving contested expert evidence where there is competing expert evidence by two or more experts
- (7) Cases involving the death of a child or a parent
- (8) Allegations of serious abuse where there are or are likely to be criminal proceedings, issues regarding disclosure of information and public interest immunity
- (9) Where there are concurrent criminal proceedings in the Crown Court relevant to the issues between the parties and a Joint Directions Hearing(s) may be required.

- (10) Significant contested issues in respect of religion, culture or ethnicity or involving medical treatment
- (11) Issues as to publicity (Identification of child or restriction on publication or injunctions seeking to restrict freedom of press)
- (12) Issues as to disclosure – where a party seeks leave to withhold information from another party, or where there is an issue about the release of confidential information involving a difficult point of law, or where disclosure of documentation involves a difficult or sensitive exercise of discretion or public policy issues (see *Re C (Disclosure) (1996) 1 FLR 1997* and *Re EC (Disclosure of material) (1996) 2 FLR 123*)
- (13) Injunctions invoking inherent jurisdiction of the court
- (14) Where any of the parents or the children suffer from any significant disability such as profound deafness, dumbness, blindness or learning disability which will require specialist services in respect of assessment of parenting capacity or the needs of the child(ren)
- (15) Cases which involve children who are, or may be, required to give evidence.
- (16) Cases which involve a multiplicity of parties which may cause conflicting interest within the proceedings
- (17) Cases with an international element or with significant immigration / asylum status issues
- (18) Novel issues of law or fact to be determined

5. Case Management Issues in the Family Proceedings Court

Consistent with what is anticipated to be the requirement following implementation of any reforms recommended by the FJR, it is expected that the following arrangements will apply and be adhered to in respect of all cases proceedings in the Family Proceedings Court which are not allocated to a District Judge (Magistrates' Court) for case management and hearing.

- (1) In cases being dealt with by lay magistrates which have been allocated to legal advisers for case management, there is an expectation that no more than any one Case Management Hearing should be conducted in the absence of the bench unless there are justifiable reasons for so doing
- (2) There is an expectation that any Issues Resolution Hearing should be conducted by the magistrates and a legal adviser unless there are justifiable reasons for so doing
- (3) Any decision as to rehabilitation or placement of a child (or children) with extended family members following assessment within the proceedings should be approved by magistrates and a legal adviser unless there are exceptional reasons for so doing

- (4) Any decision as to proposed rehabilitation of a child (or children) consequent upon proposals for a parent to undergo any therapeutic programme or process consequent upon recommendations made by an expert following assessment within the proceedings should always be approved by magistrates and a legal adviser
- (5) There is an expectation that lay magistrates will not deal with any contested hearing where the ELH is in excess of 3 days

His Honour Judge Iain Hamilton

Designated Family Judge for Greater Manchester

20th April 2012

APPENDIX 3 (b)



JUDICIARY OF ENGLAND AND WALES

Gate Keeping & Allocation Pilot Greater Manchester 2012

Public Law Care and Supervision Proceedings

Explanatory Note

The steps taken with effect from 4th April 2011 to centralise the issue, processing, case management and hearing of all public law Children Act 1989 proceedings in Greater Manchester through the Civil Justice Centre with magistrates who have specifically volunteered to be involved with the work together with a dedicated team of legal advisers supported by the Deputy Justices' Clerk with responsibility for family and the family ticketed District Judges (Magistrates Courts) has broadly speaking been very successful. It has coincided with a period when the volume of new cases being issued by local authorities has reached an all time high which is imposing significant resource demands on all tiers of the family courts in Greater Manchester. During the last 12 months these factors have resulted in an imbalance in the volume of work being retained by the Family Proceedings Courts. Since the implementation of centralisation there has been a falling off in the volume of cases being transferred to the County Court which is reflected in the fall in volume of the care work currently being done by the County Court District Judges. The imbalance in volume is also reflected in the difficulties the Family Proceedings Court is now experiencing in being able to find early enough hearing dates which is ever more frequently resulting in cases being transferred on the basis of "another good reason for the proceedings to be transferred" (Article 15 (1) (i) Allocation & Transfer of Proceedings order 2008). This approach is leading to inconsistency in the nature and complexity of cases being transferred from or retained in the Family Proceedings Courts.

During the last 12 months, the Designated Family Judge has seen most of the files where there has been a "late" transfer to the County Court from the Family Proceedings Court (i.e. cases transferred post CMC hearing or later). This has led him to consider that it may be helpful to give some guidance as to what cases should properly be being dealt with in the Family Proceedings Court and which ought to be being transferred to the County Court at an early stage. The Family Justice Review Report and the Government's response to it both envisage a single point of entry for family proceedings with work being allocated according to case complexity. There is a repeated emphasis on the importance of judicial continuity at all court levels with this being provided in the Family Proceedings Court by members of the bench and the legal advisers together. Taking these factors into account, coupled with his experience of the cases he has seen and the issues which have arisen in connection with them, the Designated Family Judge has determined to introduce a Gate Keeping and

Allocation Pilot scheme in respect of all public law care and supervision proceedings issued in Greater Manchester with effect from the 30th April 2012.

The Pilot will comprise a nominated District Judge from the County Court and a nominated legal adviser sitting together for an hour at the beginning of the working day between 10.00am and 11.00am to consider the files in all newly issued proceedings from the preceding day and determining whether they should be allocated to the Family Proceedings Court or the County Court. All applications received for issue by 4.00pm will be issued and placed before the Gate Keepers for consideration on the next day. The Gate Keepers will have access to information about existing allocated case volumes in the Family Proceedings Court and in the County Court to help inform decisions as well as information about when the First Appointment Hearing can/will be listed and would then issue a Standard Directions on Issue order to be processed in the usual way. The administration will notify by e-mail each relevant local authority of the date and time the First Appointment Hearing is listed immediately upon return of the file from the Gate Keeping.

District Judges and legal advisers responsible for Gate Keeping and others will be assisted by some guidance as to what cases should or should not be being dealt with by the Family Proceedings Courts. This guidance, "Guidelines for Gate Keeping & Allocation", which is attached provides a narrative description of the sorts of issues or cases being considered and at which tier they should be dealt with. The guidance is developed from the previous "Allocation of Family Proceedings: Notes for Guidance: Greater Manchester Family Judiciary and Magistracy" issued by the Designated Family Judge in December 2007 which the judiciary, magistrates and legal advisers found helpful.

The "Guidelines for Gate Keeping & Allocation" are being circulated to practitioners, as well as the judiciary, magistrates and legal advisers, and should help inform them about the level of court at which their cases should be properly proceeding. It provides a proper basis and incentive for local authority applicants to complete and submit the Revised Form PLO4 Allocation Record at the issue of proceedings. The Form PLO4 was declared obsolete when the Revised PLO was introduced in April 2010. For the purposes of this Gate Keeping and Allocation Pilot, the Designated Family Judge has determined (with the approval of the Family Division Liaison Judge and Ryder J, the judge responsible for Modernisation of Family Justice) that the Revised Form PLO4 template (a copy of which is attached) shall be restored for use in all newly issued care cases after the 30th April 2012.

The allocation decision made by the Gate Keepers will NOT impede the possibility of the parties making a subsequent application for transfer of the proceedings at any hearing if such is considered appropriate. If that application is refused any party will be able, as at present, to apply for that refusal to be reconsidered. The Gatekeeping and Allocation Pilot is not intended to impinge on any of the existing procedures. Realistically, it should be acknowledged that it is not expected that the gatekeepers will get everything right every time in respect of the allocation of cases. They will be working with limited information at the commencement of a case. Specifically, nobody should be approaching issues in relation to the allocation of proceedings from the perspective that they have no prospect of appealing a refusal by magistrates simply because a District Judge has been party to the initial allocation decision. It is important to remember that under the PLO allocation is an issue which should properly be considered by the tribunal at **every** hearing. Circumstances change and so does the complexity or otherwise of any case.

If care or supervision applications are issued by local authorities as “urgent” with requests for an early hearing to authorise the removal of children from home (or other carers) based on an application to abridge time for service those applications will be dealt with as part of the Gate Keeping. Exceptions will be made in respect of new born babies who are about to be discharged from hospital if the issue of care proceedings is part of planned pre-proceedings involvement with the family. In other cases, where there has been no such involvement pre-proceedings and there is a requirement for removal because of an identified real and immediate safety risk to the child, the expectation is that they will usually be dealt with by application for an Emergency Protection Order (EPO). This Gate Keeping and Allocation Pilot does not affect the existing procedures for dealing with EPOs.

In order to achieve consistency of approach, the Pilot will commence with 4 nominated District Judges from the County Court and 4 nominated legal advisers acting as the Gate Keepers. It is to be anticipated that the numbers of nominated Gate Keepers will increase as the Pilot progresses.

The operation of the Pilot will be reviewed on an ongoing basis by a Consultation Group which it is proposed should meet monthly. The Consultation Group will comprise the Designated Family Judge, a County Court District Judge, a District Judge (MC), the Deputy Justices’ Clerk, a legal adviser and two members of the administration. The Consultation Group’s meetings will be minuted and the minutes will be available to all those dealing with the Pilot. Every 3 months a wider meeting involving magistrates and members of the judiciary will be convened to discuss issues in relation to the progress of the Pilot and the impact on workload volumes etc.

The Pilot will be a dynamic process which is likely to require a significant degree of flexibility especially since it is being trialled alongside the newly introduced Case Management System for newly issued care and supervision applications. It will need to be able to respond to changes which may in due course be introduced and implemented as a result of the work currently being done by Ryder J in his capacity as the Judge in Charge of Modernisation of the Family Justice System. At this stage, it is anticipated that, subject to any intervening developments arising from the implementation of recommendations from the Family Justice Review, the Pilot will need to run for a minimum of 9 months to assess its impact.

The Pilot has the support and approval of the Family Division Liaison Judge, Jackson J, and Ryder J. If practitioners or others have issues or concerns which they wish to raise for consideration by the Consultation Group, they should communicate in the first instance by e-mail to Deborah.Whitton@hmcts.gsi.gov.uk with a copy to Barbara.Stone@hmcts.gsi.gov.uk with the subject line “Gate Keeping Pilot” and they will ensure that the issues are logged and put before the Consultation Group to be dealt with or referred to the Designated Family Judge if requiring more urgent attention.

His Honour Judge Iain Hamilton

Designated Family Judge for Greater Manchester

20th April 2012

APPENDIX 3 (c)



Public Law Gate keeping Standard Family Administration Functions

The procedure below outlines the process steps that will be undertaken by staff dealing with the issue, gate keeping and the listing of new applications for a Care/Supervision order.

1. The Public Law team will receive all applications for a Care/Supervision order from the Local Authority by e-mail.
2. The team will acknowledge safe receipt of the application, and forward a copy of the papers by e-mail to the Gate Keepers patterned to deal with new applications the following working day.
3. On receipt of the application, the Public Law Team will prepare the papers, create the case on Familyman, create a new CMS record and create a court file.
4. The staff will attach to the inside file cover a copy of the CMS record (printed on pink paper).
5. Where a completed PLO 4 has not been submitted with the application, the clerk will e-mail the Local Authority requesting that a completed PLO4 be submitted by return.
6. In the absence of a completed PLO4 from the Local Authority a blank copy will be placed on the court file for the completion of part 2 of the form by the Gate keepers.
7. The Family Listing team will provide the Public Law Team with the diary sheets for the First Appointment lists for the next 7 working days for the FPC and County Court.
8. The Public Law team will deliver all new Public Law cases received the previous day, before 4.00 pm, with the First Appointments list to the Gate keeping District Judges Chambers patterned to deal with new applications by 9:00 am.

9. Following the gate keeping exercise the duty legal adviser will return the files to the Public Law Team with the completed PLO8 and C49 (if applicable) and the Public Law Team will return the diary sheets to the listing team by 11:30 am.

10. The Public Law team will process the application and return the papers to the Local Authority by e-mail, together with the C6 and C6a and PLO8 (this will include the allocation decision) documents for them to serve on the parties and will also e-mail CAFCASS with the date and time of hearing by 3.00 pm that same day.

11. Public Law Team will update CMS with the hearing date and update Familyman with a G61.

12. In cases which have been transferred to the County Court, the court files will be referred back to Family Listing. If the case has been allocated to a District Judge the file will be referred to HHJ Hamilton (or one of his Deputies in his absence) to confirm the allocation.

Court	Day		First Appointment Hearings
Family Proceedings Court Legal Adviser	Tuesday Thursday	Blue Diary Sheet	2 @ 10:00 a.m. 1 @ 11:00 a.m. 2 @ 2:00 p.m.
County Court District Judge	Tuesday Thursday	Blue Diary Sheet	3 @ 10:00 a.m. 2 @ 2:00 p.m.

APPENDIX 3 (d)

Form PLO4 (Revised)

PUBLIC LAW OUTLINE ALLOCATION RECORD

PART 1 – to be completed by the applicant Local Authority on issue
 PART 2 – to be completed by the court
 PART 3 – to be completed by the applicant Local Authority on issue and updated as necessary

PART 1 (To be completed by Local Authority)	
Court:	
Applicant:	
Names and ages / dob of children:	
REASONS FOR ALLOCATION	
Existing orders / proceedings involving the family (give case no and date(s) or order(s)):	
Mental health / incapacity problems:	
Learning disabilities (parents and / or children):	
Parallel criminal proceedings: <i>(Give details of court/case no.)</i>	
Immigration issues (state which party): <i>(Give details of case no. for any relevant proceedings)</i>	
Placement Order application made / proposed:	
Interpreter being used (state which party and language(s)):	
Strong likelihood of conflicting expert evidence:	
Judicial / courtroom availability/ ELH:	1 day <input type="checkbox"/> Up to 3 days <input type="checkbox"/> (specify _____) 4 days or more <input type="checkbox"/> (specify _____)

PART 1 Continues

<p>Nature of alleged harm (brief details of alleged harm / emotional abuse) e.g.</p> <ul style="list-style-type: none"> • Particular gravity (specify): e.g Drink/drugs/lifestyle/neglect • Shaking injuries involving retinal haemorrhage/ brain injury. • There is a history of suspicious death of a child in the family. • More than a single incident of abuse. • Cases involving multiple allegations of sexual or physical abuse. • Cases where there are serious allegations of physical or sexual abuse but the issue is the identity of the perpetrator. • Allegations of serious abuse where there are or are likely to be criminal proceedings, issues regarding disclosure of information and public interest immunity. 	
<p>Other reasons</p> <ul style="list-style-type: none"> • Where the case involves a difficult point of law, issues of public policy or unusually complex or sensitive issues arise. • Where a linked placement order application raises issues additional to those inherent in the care proceedings. • Where a child is separately represented from their Guardian. • Where a “split hearing” is necessary and judicial continuity cannot otherwise be ensured. • Any international element (inc. details of relevant proceedings). 	
<p>Applicant’s Allocation Proposal</p>	<p>(Delete as appropriate) [Case Manager & Magistrates in the FPC] [District Judge (Magistrates Court) in the FPC] [District Judge in the County Court] [Circuit Judge in the County Court] [DFJ / section 9 sitting as a Judge of the High Court] [High Court Judge]</p>
<p>Views in relation to allocation expressed by any other party</p>	

PART 2 (To be completed by the Court)

<p>Allocation decision</p> <ul style="list-style-type: none"> • Case Manager & Magistrates in the Family Proceedings Court • District Judge (MC) in the Family Proceedings Court • Transfer to County Court for allocation 	<p>Mr/Miss/Ms/Mrs _____ DJ _____ DJ _____ DJ _____ or HHJ _____</p>
<p>Listed for First Appointment Hearing @ [insert time & date] before [Name Court or Judge]</p>	

Directed by: District Judge _____ &
 Mrs/Miss _____ Legal Adviser

Date:

APPENDIX 3 (e) PLO8



Case Name:

Case Number:

HHJ/District Judge/Legal Adviser

Date:

DIRECTIONS & ALLOCATION ON ISSUE OF PROCEEDINGS

Upon the proceedings having been referred to a Legal Adviser and District Judge for allocation and directions upon issue / transfer [*delete as appropriate*] and the court having considered the papers in the absence of the parties or their legal representatives

The court orders:-

1. A Children's Guardian [{*name*} *if available*] shall be appointed for the child[ren].
2. [*Solicitor's name* of *firm*] is appointed as solicitor for the child[ren]
3. The proceedings are allocated for case management to [*name of legal adviser /Case Manager*]
4. The proceedings are transferred to the [*name Court*]
5. The local authority shall file and serve by 12 noon on the [*date*] the Annex and other checklist documents specified below together with a Case Summary-
 - (a) Social Work Chronology;
 - (b) Initial Social Work Statement;
 - (c) Initial and Core Assessments;
 - (d) Letters Before Proceedings;
 - (e) Schedule of Proposed Findings;
 - (f) Interim Care Plan(s);
 - (g) Copies of relevant orders or judgments/reasons from relevant previous proceedings;
 - (h) Any relevant previously completed assessments of the parents or other relatives;
 - (i) Pre-existing care plans (e.g. child in need plan, looked after child plan & child protection plan);
 - (j) Other relevant reports and records held by the local authority relating to discussions with or decisions made in relation to the children.

6. The local authority shall file and serve by 12 noon on [*date*] the application form and Annex Documents filed with the court on [*specify party or proposed party*]
 7. The child(ren)'s solicitor shall file and serve by 12 noon on [*date*] a Case Analysis and Recommendations document prepared by the children's guardian for use at the First Appointment hearing] OR [The children's guardian shall be in a position to orally present a Case Analysis and Recommendations at the First Appointment hearing]
 8. The Official Solicitor is invited to act in these proceedings as the litigation friend on behalf of the [*identify*].
 9. The proceedings are listed for a First Appointment hearing [*identify court if transferred*] at [*time*] on the [*date*] (ELH 1 hour) The parties are directed to be in attendance at court by [*time*] for pre-hearing discussions
 10. No document other than a document specified in these directions or in accordance with the Rules or the Practice Direction shall be filed by any party without the court's permission.
-

Dated :

Signed:

Legal Adviser / District Judge / His Honour Judge

APPENDIX 3 (f)

Abridging Time for Hearing on Issue of Care Applications

Practice Direction 12C paragraph 2.1 requires each respondent to be served with the application and the accompanying documents a minimum of 3 days prior to a hearing or directions appointment in proceedings for a care or supervision order. Rule 4.1(3)(a) of the Family Procedure Rules 2010 provides that the court may extend or shorten the time for compliance.

As a general rule, I have been determined to prevent local authorities issuing care and supervision applications for urgent hearing on the premise that time for service is abridged with parents and their legal representatives not being given the requisite notice of proceedings. That the Family Proceedings Courts in Greater Manchester had allowed abridging time for First Appointment Hearings to develop as a general practice which was almost routine was something which only became apparent to me as a result of the process of centralisation of the public law cases. The introduction of the Gate Keeping and Allocation Pilot has highlighted it as continuing problem which is most acute in many cases involving new born babies when requests for urgent hearings (sometimes contested) are made to obtain interim care orders to secure the removal of babies into foster care.

If an order for removal of a baby at birth is required as a matter of urgency, the clear expectation is that a local authority should make an application for an Emergency Protection Order and not by issuing a section 31 application in the hope of getting an urgent hearing at which an interim care order will be made. That is the position which was set out in the Explanatory Note dated the 20th April 2012 which was circulated to practitioners when the Gate Keeping Pilot was introduced. The only exception to that should be, as referred to in the Note, if the issue of proceedings is a part of planned pre-proceedings involvement with the family. In such a case, I would expect the local authority to file a form C2 setting out the grounds for shortening the notice period with an explanation of precisely what pre-proceedings involvement with the family there has been.

As a result of difficulties and misunderstandings which have arisen, I have repeated the instructions previously given to the legal advisers in the Family Proceedings Court that they should not generally speaking abridge time with a view to getting interim care orders made on an urgent basis. Abridging time for service fundamentally undermines the parents' rights to a fair hearing if their lawyers have not had sufficient time to properly consider the papers and take informed instructions. It is especially unfair for a child or children to abridge time if it means that any children's guardian appointed has not had the time to make any properly informed enquiries.

In cases where an Emergency Protection Order has been made and an application is then made for a care or supervision order, I would normally expect the proceedings to be issued and listed on the basis that the parents should be given the full 3 days notice of the proceedings. However, where the parents have been present and legally represented at an Emergency Protection Order hearing and the child has also had the benefit of such representation by both solicitor and children's guardian then I can see no objection to the time for hearing being abridged if it is necessary. In any event the proceedings will be processed, allocated and listed as part of the Gate Keeping Pilot.

When there are grounds for seeking to abridge time for service, that should be done by making a formal application on a properly completed form C2 rather than simply asking for an urgent listing on or before a particular date since that will focus minds and require reasons to be given in the event that the application to abridge is not granted. If an application to abridge time is properly made on a form C2, it will be considered as part of the standard Gate Keeping and Allocation process and an appropriate date for the hearing will be given. If no application to abridge time is made at the time of issue, the proceedings will be listed for an appropriate hearing within the relevant PLO window.

Applications to abridge time will not be routinely granted. Practitioners should not seek to pressurise the legal advisers or the administration staff into agreeing early hearings particularly if no application to abridge time has been made.

His Honour Judge Hamilton
Designated Family Judge for Greater Manchester

22nd October 2012

APPENDIX 3 (g)



JUDICIARY OF ENGLAND AND WALES

Guidelines for Gate Keeping & Allocation

Public Law Care and Supervision Proceedings in Greater Manchester

(Revised with effect from 1st February 2013)

1. Introduction

- (6) These notes are for guidance to assist the Gate Keeping decisions in relation to the allocation of newly issued public law care and supervision proceedings in Greater Manchester to the appropriate tier of court and, when appropriate, to a named judge for purposes of judicial continuity.
- (7) For the purposes of the Gate Keeping & Allocation Pilot the Gate Keeping decisions shall be made jointly by a nominated County Court District Judge and a nominated legal adviser. In case of disagreement or doubt, the Designated Family Judge (or one of his deputies if he is not available) should be consulted for a determination.

6. General Principles

- (4) Reference must be made to the Allocation and Transfer of Proceedings Order 2008; Practice Direction – Allocation and Transfer of Proceedings 3rd November 2008; The Family Law Act 1996 (Part IV) (Allocation of Proceedings) Order 1997; and Family Proceedings (Allocation to Judiciary) Directions 2009 which this document is intended to complement.
- (5) In determining allocation, judicial continuity is an important consideration.
- (6) Further, the principle of flexibility must be maintained namely, that there may need to be joinder of proceedings relating to the same child or children or parents.
- (7) The guidelines are intended to reflect the wide variations in the level of experience and expertise between lay magistrates, legal advisers, District Judges and Circuit Judges and in determining allocation judicial experience is an important consideration to which regard must be had.

7. Cases which should normally be transferred to the County Court (subject to paragraph 4 below)

- (20) Where the case involves a difficult point of law, issues of public policy or unusually complex or sensitive issues arise
- (21) Allegations of physical or sexual abuse which involve any of the following features –
- Particular gravity in relation to the acts alleged or the nature of the harm suffered
 - Where there is, or is likely to be, conflicting expert opinion
 - Shaking injuries involving retinal haemorrhage/ brain injury/ fractures
 - Complex medical issues
 - More than a single incident of abuse is alleged
 - There are, or are likely to be, concurrent criminal proceedings in the Crown Court
 - Where a “split hearing“ or Finding of Fact hearing is necessary and judicial continuity cannot otherwise be ensured
- (22) Where there are allegations of extremely serious domestic violence (e.g. rape, broken bones, wounds or use of a weapon) (particularly if witnessed by the child)
- (23) Alleged risk of serious physical or emotional harm arising from –
- Death of another child in family, a parent or other material person
 - A parent or other material person may have committed a grave crime e.g. murder, manslaughter or rape
- (24) Allegations of serious abuse where there are, or are likely to be, criminal proceedings and consideration of issues regarding disclosure of information and public interest immunity
- (25) Where there is a history of suspicious death of a child in the family
- (26) Where there are issues relating to psychiatric illness of a parent and/or a child or children
- (27) Significant contested issues in respect of religion, culture or ethnicity or involving medical treatment
- (28) Issues as to publicity (Identification of child or restriction on publication or injunctions seeking to restrict freedom of press)
- (29) Issues as to disclosure – where a party seeks leave to withhold information from another party, or where there is an issue about the release of confidential information involving a difficult point of law, or where disclosure of documentation involves a difficult or sensitive exercise of discretion or public policy issues (see *Re C (Disclosure) (1996) 1 FLR 1997* and *Re EC (Disclosure of material) (1996) 2 FLR 123*)
- (30) Injunctions invoking inherent jurisdiction of the court
- (31) Where there is an issue of placement of the child outside the jurisdiction
- (32) Where there is a need for the Official Solicitor or another litigation friend to represent the interests of an incapacitated adult

- (33) Cases with an international element or with significant immigration / asylum status issues
- (34) Where any of the parents or the children suffer from any significant disability such as profound deafness, dumbness, blindness or learning disability which will require specialist services in respect of assessment of parenting capacity or the needs of the child(ren)
- (35) Where there is a need for an expert assessment by a psychologist or a psychiatrist of a child (or children's) behaviour, development, attachments, relationship and needs
- (36) Where consideration is to be given as to the appointment of any more than one expert witness
- (37) Children (including parents who are under the age of 18) who are, or may be, required to give evidence.
- (38) Where there are concurrent criminal proceedings in the Crown Court relevant to the issues between the parties and a Joint Directions Hearing(s) may be required.
- (39) Cases involving a long history (12 months or more) of local authority involvement and Child Protection Plans or accommodation of the child(ren) without previous effective action having been initiated which requires possible local authority failings to be addressed critically by the court

8. **Public law proceedings which may be heard by public law ticketed District Judges and District Judges (MC)**

No distinction is drawn between the what cases may be heard by County Court District Judges and District Judges (Magistrates Courts) but in every case the expectation is that the District Judges will assume personal responsibility for all case management hearings (consistent with the approach adopted by the Circuit Judges in the County Court).

Subject to the proviso regarding judicial continuity, all public law cases are deemed suitable for allocation to District Judges in the County Court and the Family Proceedings Court for case management and hearing **except** as set out below at (1) to (19) unless otherwise specifically approved by the Designated Family Judge (or one of his deputies if he is not available) or the Family Division Liaison Judge

- (1) Cases whose realistic ELH appears to be over four days
- (2) Cases where there are serious allegations of physical or sexual abuse
- (3) Cases involving multiple allegations of sexual or physical abuse
- (4) Alleged shaking cases involving retinal haemorrhages or brain injury or fractures
- (5) Cases involving complex medical issues

- (6) Cases involving contested expert evidence where there is competing expert evidence by two or more experts
- (7) Cases involving the death of a child or a parent
- (8) Allegations of serious abuse where there are or are likely to be criminal proceedings, issues regarding disclosure of information and public interest immunity
- (9) Where there are concurrent criminal proceedings in the Crown Court relevant to the issues between the parties and a Joint Directions Hearing(s) may be required.
- (10) Significant contested issues in respect of religion, culture or ethnicity or involving medical treatment
- (11) Issues as to publicity (Identification of child or restriction on publication or injunctions seeking to restrict freedom of press)
- (12) Issues as to disclosure – where a party seeks leave to withhold information from another party, or where there is an issue about the release of confidential information involving a difficult point of law, or where disclosure of documentation involves a difficult or sensitive exercise of discretion or public policy issues (see *Re C (Disclosure) (1996) 1 FLR 1997* and *Re EC (Disclosure of material) (1996) 2 FLR 123*)
- (13) Injunctions invoking inherent jurisdiction of the court
- (14) Where any of the parents or the children suffer from any significant disability such as profound deafness, dumbness, blindness or learning disability which will require specialist services in respect of assessment of parenting capacity or the needs of the child(ren)
- (15) Cases which involve children (including parents who are under the age of 18) who are, or may be, required to give evidence.
- (16) Cases which involve a multiplicity of parties which may cause conflicting interest within the proceedings
- (17) Cases with an international element or with significant immigration / asylum status issues
- (18) Novel issues of law or fact to be determined
- (19) Cases involving a long history (12 months or more) of local authority involvement and Child Protection Plans or accommodation of the child(ren) without previous effective action having been initiated which requires possible local authority failings to be addressed critically by the court

9. **Case Management Issues in the Family Proceedings Court**

Consistent with what is anticipated to be the requirement following implementation of any reforms recommended by the FJR, it is expected that the following arrangements will apply

and be adhered to in respect of all cases proceeding in the Family Proceedings Court which are not allocated to a District Judge (Magistrates' Court) for case management and hearing.

- (1) In cases being dealt with by lay magistrates which have been allocated to legal advisers for case management, there is an expectation that no more than any one Case Management Hearing should be conducted in the absence of the bench unless there are justifiable reasons for so doing
- (2) There is an expectation that any Issues Resolution Hearing should be conducted by the magistrates and a legal adviser unless there are justifiable reasons for so doing
- (3) Any decision as to rehabilitation or placement of a child (or children) with extended family members following assessment within the proceedings should be approved by magistrates and a legal adviser unless there are exceptional reasons for so doing
- (4) Any decision as to proposed rehabilitation of a child (or children) consequent upon proposals for a parent to undergo any therapeutic programme or process consequent upon recommendations made by an expert following assessment within the proceedings should always be approved by magistrates and a legal adviser
- (5) There is an expectation that lay magistrates will not deal with any contested hearing where the ELH is in excess of 3 days

His Honour Judge Iain Hamilton

Designated Family Judge for Greater Manchester

30th January 2013

APPENDIX 3 (h)



JUDICIARY OF ENGLAND AND WALES

Gate Keeping & Allocation Pilot Greater Manchester 2012

Public Law Care and Supervision Proceedings

(Revised Guidelines from 1st February 2013)

Note for Practitioners

Revised Guidelines

The Greater Manchester Gate Keeping and Allocation Pilot has now been operating successfully since the 30th April 2012. The Pilot is currently the subject of an ongoing Evaluation by researchers from Manchester Metropolitan University (Professor Hugh McLoughlin and two Senior Lecturers, Ann Potter, and Kathryn Newton) which has been formally approved by the President of the Family Division.

During the currency of the Pilot a Consultation Group has met regularly to review issues arising in relation to practice, procedure and administration and the effectiveness of the scheme. Part of the Consultation Group's Terms of Reference required them to consider whether changes may be needed in relation to the actual Guidelines. As a result of ongoing discussions, the Consultation Group has agreed to some changes being made to the Guidelines to be introduced with effect from the 1st February 2013. Accordingly, a copy of the Revised Guidelines which has been circulated to all public ticketed judges, magistrates and legal advisers in Greater Manchester is now being circulated to local authority lawyers and to practitioners and Cafcass for information.

A copy of the Revised Guidelines is attached to this Note. The main changes made in the Guidelines are –

- Addition of paragraph 2 (4) under “General Principles”
- Addition of the word “fractures” in paragraph 3 (2)
- Addition of the words “(including parents who are under the age of 18)” in paragraph 3 (18)
- Addition of paragraph 3 (20)
- Deletion of the words “unless the only significant issue is the identity of the actual perpetrator” in paragraph 4 (2)
- Addition of words “or fractures” in paragraph 4 (4)

- Addition of the words “(including parents who are under the age of 18)” in paragraph 4 (15)
- Addition of paragraph 4 (19)

For ease of reference the changes made by way of additions are shown in blue typescript.

Abridging Time

There have been continuing difficulties experienced by the Gate Keepers and the administration in relation to applications made to abridge time for service on the issue of new care applications. I have reiterated to the Gate Keepers and the administration that they should ensure that all local authorities comply with the requirements and expectations as set out in my Note circulated to all the judiciary and practitioners dated the 22nd October 2012. I have made it clear that except in exceptional cases applications to abridge time will be dealt with as part of the Gate Keeping process.

As a reminder to all practitioners I have attached to this Note a copy of the Note “Abridging Time for Hearing on Issue of Care Applications”. I would add that I have in addition made it clear to the Gate keepers and the administration that if the application to abridge time is made or received after Gate Keeping has taken place and that matter has been listed for a First Appointment Hearing, then my view is that the C2 should be referred to the judge before whom the FAH is listed – whether that be a CJ or District Judge – if it is a case which has been transferred to the County Court. If it has not been transferred then it should be referred to a legal adviser. I have also reiterated to the Gate Keepers that abridging time should be resisted unless it is absolutely required

In cases of real difficulty or doubt in respect of an application to abridge time such applications can be referred to me if I am in the building or one of my deputies if not. I have made it clear that should apply to everyone including the administration.

I am concerned about a number of complaints which have been raised with me by both the legal advisers and the administration in relation to Gate Keeping issues and especially applications to abridge time by some local authority lawyers and staff which have been described to me as “robust” but which are clearly inappropriate in manner and tone. I have directed the legal advisers and the administration to log on file the content of such calls and to refer such issues to me for consideration. I take this opportunity to warn all practitioners that any repeat offenders or other attempts to place inappropriate pressure on legal advisers and administration staff will be responded to by a listed mention for that lawyer before the Designated Family Judge or one of the judges of the court.

Separation of e-mail applications for EPOs and Care Orders

The public law administration team have recently been receiving e-mails into the PLO mail box where an EPO application (C1 and C11) and a care application (C110, PLO4, care plan, chronology etc) are all contained in one e-mail and it is not clear which application the local authority is intending to make. EPO applications and Care Applications should be kept entirely separate electronically, just as they are on papers. Practitioners should make it absolutely to the administration and legal advisers, what application they are intending to apply for.

If practitioners or others have issues or concerns which they wish to raise for consideration by the Consultation Group, they should communicate in the first instance by e-mail to althea.thirkettle@hmcts.gsi.gov.uk with a copy to jane.parker-brine2@hmcts.gsi.gov.uk with the subject line "Gate Keeping Pilot" and they will ensure that the issues are logged and put before the Consultation Group to be dealt with or referred to the Designated Family Judge if requiring more urgent attention.

His Honour Judge Iain Hamilton
Designated Family Judge for Greater Manchester

4th February 2013

APPENDIX 3 (i)

GREATER MANCHESTER GATE KEEPING PILOT ALLOCATION PROPOSAL FORM

PART 1 – to be completed by the applicant Local Authority on issue
PART 2 – to be completed by the Gate Keeper(s)

PART 1 (To be completed by Local Authority)	
Court:	
Applicant:	
Names and ages / dob of children:	
Names of parents or proposed parties:	
REASONS FOR ALLOCATION	
Judicial continuity – provide Case Number, name of judge & date of last relevant order:	
Judicial continuity – Existing proceedings involving the family provide Case Number, name of judge & date of last relevant order:	
Applicable paragraphs of Allocation Guidelines:	
Concurrent or parallel proceedings:	<ul style="list-style-type: none"> • Family – <i>details of court/Case Number</i> • Criminal - <i>details of court/Case Number</i> • Immigration - <i>details of application or /Case Number</i>
Interpreter(s) required (state which party and language(s)):	
Applicant's Allocation Proposal	<i>(Delete as appropriate)</i> [Case Manager & Magistrates] [District Judge (Magistrates Court)] [District Judge in the County Court] [Circuit Judge in the County Court] [DFJ / section 9 sitting as a Judge of the High Court] [High Court Judge]
PART 2 (To be completed by the Court)	
Allocation decision	<ul style="list-style-type: none"> • Case Manager & Magistrates in the Family Proceedings Court • District Judge (MC) in the Family Proceedings Court • Transfer to County Court for allocation
Listed for First Appointment Hearing @ [insert time & date] before [Name Court or Judge]	

Gate Keepers: District Judge _____ &
Legal Adviser _____

Date:

APPENDIX 4



Evaluation of the Gatekeeping and Allocation Pilot

- Care Proceedings

Semi-Structured Interview Schedule

(Nominated County Court District Judges and Legal Advisers)

Section 1 Background of respondent

1. How long have you acted as a County Court District Judge or Legal Adviser?
<1 1-5 6-10 11-15 16-20 21-25 26+ years
2. How long have you been involved in the pilot?
Since the beginning *or* specify month became involved
3. Have you had any previous experience of allocation decision making? If yes, please detail.

Section 2 Experience of Process –Local Authority Information

4. How does your experience of the PLO4 (rev) compare with Q9 on form C110, in terms of type, quality and quantity of information? If there are differences, please explain why.
5. In your experience, how has the information provided by the local authority in part 1 of the PLO4 (rev) informed your decision making?
Supplementary questions – consistency of LA completion –type of case - existing order
 - Complexity eg. mental health
 - Length of hearing
 - Whether the LA address the criteria – nature of alleged harm and other reasons

6. Do local authorities regularly complete section on the views expressed by any other parties?

Section 3 – Allocation Decision

7. In applying the Guidelines for Gatekeeping and Allocation (April 2012) how helpful is the PLO4 (rev)?
8. What issues, if any, arise in your discussions concerning allocation?
9. Have you ever not been able to agree on a decision, if so, why?
10. Have you ever felt unhappy with a decision, if so, why?
11. Are you aware of whether or not any of your allocation decisions have been appealed? If so on what grounds and was the decision upheld?
12. Other than the Guidelines for Gatekeeping and Allocation (April 2012), are there any other factors which influence decision-making?
 - a. Supplementary –resources, author, previous contact

Section 4 – Effectiveness of the process

13. Do you feel this new process has improved allocation decision –making?
What evidence have you got for this view?
14. What do you see as the strengths of this process?
15. How do you feel it can be improved?
16. Do you think this process will positively impact on reducing delay? Why?
17. Do you think this process will impact positively on outcomes for children and families? Why?

18. If you had a magic wand what one thing would you do to improve this process?
19. Is there anything else you would like to add that we have not given you a chance to say?
20. Would you like to correct, amend or withdraw any statements made earlier?

Statement: Thank you for participating in this study

APPENDIX 5 Semi-Structured Survey Schedule for Local Authority Legal Advisers

Evaluation of the Gatekeeping and Allocation Pilot - Care
<p>Introduction to the Survey</p> <p>WELCOME</p> <p>We would like to invite you to contribute to part of the evaluation of the 'Gatekeeping and Allocation Pilot - Care Proceedings' in Greater Manchester.</p> <p>The purpose of the survey is to find out about your experience of the Pilot and where the Pilot has helped improve matters relating to the allocation of cases, or not, and where you think it could be improved. The 'Gatekeeping and Allocation Pilot' was introduced by His Honour Judge Hamilton the Designated Family Judge in Greater Manchester who commissioned this research.</p> <p>It should take you no more than 15 minutes to complete the survey. The survey contains a mixture of tick boxes and opportunities to express your views.</p> <p>You have been selected to complete the survey because you are a key stakeholder in this process and we would very much value your comments.</p> <p>The information you provide will only be used for the purposes of the research. Your anonymity will be maintained throughout including in any publications resulting from the research. Your views will be included a report submitted to His Honour Judge Hamilton and Mr Justice Ryder.</p> <p>Any questions marked with an * must be answered otherwise the survey will not allow you to move on.</p>
Section 1 Background of Respondent
<p>*1. Please indicate which local authority you are from. Please note, any comments made by you will not identify your local authority.</p> <p><input type="radio"/> Bolton</p> <p><input type="radio"/> Bury</p> <p><input type="radio"/> Manchester</p> <p><input type="radio"/> Oldham</p> <p><input type="radio"/> Rochdale</p> <p><input type="radio"/> Salford</p> <p><input type="radio"/> Stockport</p> <p><input type="radio"/> Tameside</p> <p><input type="radio"/> Trafford</p> <p><input type="radio"/> Wigan</p>

Evaluation of the Gatekeeping and Allocation Pilot - Care

***2. How long have you been involved with care proceedings in your current role?**

- less than 1 year
- 1-5 years
- 6-10 years
- 11-15 years
- 16-20 years
- 21-25 years
- 26+ years

3. Were you aware there is a 'Gatekeeping and Allocation Pilot' for care proceedings currently underway in Greater Manchester?

- Yes
- No

Section 2 Experience of Process

***4. How does your experience of completing the PL04(rev) compare with Q9 on form C110 in terms of the type, quality and quantity of information you provide to the court?**

***5. In your experience has the expanded criteria in the PLO4 (rev) been helpful in informing your recommendation for allocation? Please explain your answer.**

***6. Are there any difficulties for you in applying the expanded criteria?**

- Yes
- No

7. If you answered yes to Q5 please comment on your answer.

Section 3 Allocation Decision

Evaluation of the Gatekeeping and Allocation Pilot - Care

***8. In your experience of the Pilot, have any of your cases had an allocation decision appealed?**

Yes

No (please go to question 10)

***9. Please outline the grounds for any appeal(s).**

***10. Do you think this new system is likely to result in fewer appeals against initial allocation?**

Yes

No

11. Why?

Section 4 Effectiveness of the Process

***12. In your experience has this new Pilot improved the allocation decision-making process? Please comment.**

***13. What do you see as the strengths of this process?**

***14. How do you feel it can be improved?**

***15. Will this proces impact upon reducing delay? Please comment.**

***16. Will this process impact on outcomes for children and families? Please comment.**

Evaluation of the Gatekeeping and Allocation Pilot - Care

***17. If you had a magic wand what one thing would you do to improve this process?**

18. Is there anything you would like to add?

Conclusion Section 5

Thank you for participating in this survey.

19. If you are happy for a member of the evaluation team to contact you for further information, please provide your email address below. If provided, your contact details will remain confidential to the evaluation team.

APPENDIX 6 Semi-Structured Survey Schedule for Child and Family Solicitors

Evaluation of the Gatekeeping and Allocation Pilot

Introduction to the Survey

WELCOME

We would like to invite you to contribute to part of the evaluation of the 'Gatekeeping and Allocation Pilot - Care Proceedings' in Greater Manchester.

The purpose of the survey is to find out about your experience of the Pilot and where the Pilot has helped improve matters relating to the allocation of cases, or not, and where you think it could be improved. The 'Gatekeeping and Allocation Pilot' was introduced by His Honour Judge Hamilton the Designated Family Judge in Greater Manchester who commissioned this research.

It should take you no more than 15 minutes to complete the survey. The survey contains a mixture of tick boxes and opportunities to express your views.

You have been selected to complete the survey because you are a key stakeholder in this process and we would very much value your comments.

The information you provide will only be used for the purposes of the research. Your anonymity will be maintained throughout including in any publications resulting from the research. Your views will be included a report submitted to His Honour Judge Hamilton and Mr Justice Ryder.

Any questions marked with an * must be answered otherwise the survey will not allow you to move on.

***1. Section 1 Background of Respondent**

Please identify your main or usual role in Care Proceedings. It would be helpful if you could answer all further questions from the perspective of this role.

Child's solicitor

Parent's solicitor

***2. How long have you acted in this role?**

less than 1 year

1-5 years

6-10 years

11-15 years

16-20 years

21-25 years

26+ years

<P>Evaluation of the Gatekeeping and Allocation Pilot </

3. Were you aware there is a 'Gatekeeping and Allocation Pilot' for care proceedings currently underway in Greater Manchester?

- Yes
- No

Section 2 Experience of Process

***4. In your experience, have you been consulted by the local authority legal representative as to the allocation recommendation they will make in a care proceedings case?**

- Always
- Mostly
- Rarely
- Never

Please feel free to comment

5. Did you feel you contributed to the Local Authority's recommendation? If so, what type of information/opinions did you share?

Section 3 Allocation Decision

***6. In your experience of the Pilot, have any of your cases had an allocation decision appealed?**

- Yes
- No (please go to question 8)

***7. Please outline the grounds for any appeal(s).**

***8. Do you think this new system is likely to result in fewer appeals against initial allocation?**

- Yes
- No

<P>Evaluation of the Gatekeeping and Allocation Pilot </

9. Why?

Section 4 Effectiveness of the Process

***10. In your experience has this new Pilot improved the allocation decision-making process? Please comment.**

***11. What do you see as the strengths of this process?**

***12. How do you feel it can be improved?**

***13. Will this proces impact upon reducing delay? Please comment.**

***14. Will this process impact on outcomes for children and families? Please comment.**

***15. If you had a magic wand what one thing would you do to improve this process?**

16. Is there anything you would lke to add?

Conclusion Section 5

Thank you for participating in this survey.

17. If you are happy for a member of the evaluation team to contact you for further information, please provide your email address below. If provided, your contact details will remain confidential to the evaluation team.

APPENDIX 7 Semi-Structured Survey Schedule for Cafcass Family Court Advisers

G & A Cafcass
<p>Introduction to the Survey</p> <p>WELCOME</p> <p>We would like to invite you to contribute to part of the evaluation of the 'Gatekeeping and Allocation Pilot - Care Proceedings' in Greater Manchester.</p> <p>The purpose of the survey is to find out about your experience of the Pilot and where the Pilot has helped improve matters relating to the allocation of cases, or not, and where you think it could be improved. The 'Gatekeeping and Allocation Pilot' was introduced by His Honour Judge Hamilton the Designated Family Judge in Greater Manchester who commissioned this research.</p> <p>It should take you no more than 15 minutes to complete the survey. The survey contains a mixture of tick boxes and opportunities to express your views.</p> <p>You have been selected to complete the survey because you are a key stakeholder in this process and we would very much value your comments.</p> <p>The information you provide will only be used for the purposes of the research. Your anonymity will be maintained throughout including in any publications resulting from the research. Your views will be included a report submitted to His Honour Judge Hamilton and Mr Justice Ryder.</p> <p>Any questions marked with an * must be answered otherwise the survey will not allow you to move on.</p>
<p>*1. How long have you been involved in care proceedings as a Cafcass practitioner?</p> <p><input type="radio"/> less than 1 year</p> <p><input type="radio"/> 1-5 years</p> <p><input type="radio"/> 6-10 years</p> <p><input type="radio"/> 11-15 years</p> <p><input type="radio"/> 16-20 years</p> <p><input type="radio"/> 21-25 years</p> <p><input type="radio"/> 26+ years</p> <p>2. Were you aware there is a 'Gatekeeping and Allocation Pilot' for care proceedings currently underway in Greater Manchester?</p> <p><input type="radio"/> Yes</p> <p><input type="radio"/> No</p>
<p>Section 2 Experience of Process</p>

G & A Cafcass

***3. In your experience, have you been consulted by the local authority legal representative as to the allocation recommendation they will make in a care proceedings case?**

- Always
 Mostly
 Rarely
 Never

Please feel free to comment

4. Did you feel you contributed to the Local Authority's recommendation? If so, what type of information/opinions did you share?

Section 3 Allocation Decision

***5. In your experience of the Pilot, have any of your cases had an allocation decision appealed?**

- Yes
 No (please go to question 7)

***6. Please outline the grounds for any appeal(s).**

***7. Do you think this new system is likely to result in fewer appeals against initial allocation?**

- Yes
 No

8. Why?

Section 4 Effectiveness of the Process

G & A Cafcass

***9. In your experience has this new Pilot improved the allocation decision-making process? Please comment.**

***10. What do you see as the strengths of this process?**

***11. How do you feel it can be improved?**

***12. Will this proces impact upon reducing delay? Please comment.**

***13. Will this process impact on outcomes for children and families? Please comment.**

***14. If you had a magic wand what one thing would you do to improve this process?**

15. Is there anything you would lke to add?

Conclusion Section 5

Thank you for participating in this survey.

16. If you are happy for a member of the evaluation team to contact you for further information, please provide your email address below. If provided, your contact details will remain confidential to the evaluation team.