

Introduction of the Public Law Outline 2014

The Children and Families Act 2014 makes changes to Part 12 of the Family Procedure Rules 2010 and requires that all care, supervision and other Part 4 proceedings must be completed within a maximum of 26 weeks. Provision is also made in the rules for applications for the court to exercise its power in the 2014 Act to extend the 26 week period for up to eight weeks at a time, where this is necessary in order to resolve the proceedings justly. The court must announce its decision for refusing or granting an extension, together with a short explanation of the impact the decision would have on the welfare of the child.

The judiciary and family practitioners will be familiar with the new provisions. The time limit was introduced during 2013 as part of the piloting of the revised Public Law Outline (PLO) which began in July 2013. However, the 2014 PLO, which will be introduced on 22 April, has been further revised following feedback from the pilot and a targeted consultation over November-December 2013 by the Family Procedure Rule Committee. An advance copy is attached, together with a draft of the revised application form, C110A, so that practitioners and the judiciary can familiarise themselves with the revisions in advance of formal introduction on 22 April.

The 2014 PLO contains the following amendments:

The court to give consideration at the Issue and Allocation stage to cases where an urgent preliminary Case Management Hearing (CMH) or urgent contested interim care order may be necessary (this will be flagged on the C110A). This is expanded upon at paragraph 2.4 under *Flexible Powers of the Court* and 3.1 *Compliance with the Pre-Proceedings Checklist*.

The CMH is now to take place within a window of 'not before Day 12 and not later than Day 18' instead of the fixed 'by Day 12'. This pushes the listing of the Further Case Management Hearing (FCMH) back to 'no later than Day 25' instead of Day 20. An FMCH should still only be listed if necessary and as soon as possible.

A number of amendments have been made to assist the court in identifying cases with an international element. This is highlighted in Part 1 *Key Stages of the PLO* section and now forms part of the considerations at the advocates' meeting, the CMH and any occasion when the court may wish to exercise its flexible powers in relation to an urgent hearing (paragraph 2.4). Paragraph 5.6 of the 2014 PLO highlights that the court must give consideration to cases with an international element when identifying the timetable for the child. Further clarification has been included in the *Interpretation* section at Part 7.

Further revisions have been made to the PLO in relation to protected parties and others with a disability. This is highlighted in Part 1 *Key Stages of the PLO* and directions in relation to litigation capacity now form part of the Case Management Directions at CMH stage. A new section on parenting capability is now included in the *Interpretation* section at Part 7.

In addition, the meaning of 'Day' has been clarified in the *Interpretation* section of the PLO. 'Day' means 'business day'. 'Day 1' is the day of issue and 'Day 2' is the next business day following the day of issue of proceedings. 'Day 12', 'Day 18' and 'Day 25' respectively are the 11th, 17th and 24th business days after the issue of proceedings (Day 1). '26 weeks' means 26 calendar weeks beginning on the day of issue of proceedings (Day 1).

The amendments to the 2014 PLO in respect of cases with an international element and cases requiring an urgent hearing are also reflected in an updated version of the C110A application form. A new summary header page flags these elements of the case, as well as the nature of proceedings and any factors affecting litigation capacity. In addition, the threshold statement and allocation proposal form, which were previously annex documents, have been incorporated into the form.

The revised form should be used for all applications for care or supervision or other part 4 orders and for emergency protection orders from 22 April. Please note, it is now possible to issue Part 4 and EPO proceedings on the same form and at the same time. Emergency Protection Orders are provided for within the C110A due to the need for the court to identify cases for urgent hearing at the outset. All EPO applications should therefore be filed using C110A and not C1 and supplemental C11.