

## Local Practice Direction for Kent

The following practice direction shall apply from the 13<sup>th</sup> February 2012 in both the County Court and the Family Proceedings Court to proceedings under the Children Act 1989. My interim direction dated 4 April 2011 is discharged as from that date.

The direction will apply to all cases unless a different order is made by any judge or magistrate in advance of a hearing in a specific case.

### PART A – short hearings

1. This part applies to all short hearings which are defined as:-
  - (i) Applications with a time estimate of one hour or less
  - (ii) Directions/Case Management Hearings
  
2. A “core bundle” is defined as one bundle which contains:
  - a) An up to date case summary
  - b) A reading list for the specific application currently before Court
  - c) A clear statement of the issue(s) which the Court is being asked to decide at the Hearing
  - d) The parties’ statements only if relevant to the particular issue and as appropriate
  - e) The Guardian’s report
  - f) The current care plan
  - g) Up to date expert reports if relevant to the issue to be determined.
  - h) A copy of the last order for directions and/or any other order which is relevant to the application
  - i) a draft of the order sought by the applicant.
  
3. The following practice will apply to all short hearings in **Public Law Hearings**:
  - a. A core bundle will be prepared by the party (the “lead party”) whose application is before the Court.
  - b. In the event that there is more than one such application, the bundle will be prepared by the party (then known as the “lead party”) whose application which is first in time.
  - c. In the event that the lead party is a litigant in person, the core bundle shall be prepared by the Local Authority
  - d. The core bundle shall be retained by the party who prepared it and shall be updated for each subsequent short hearing. Any additional papers for inclusion in the core bundle shall be provided to the Court and all other parties by the party who prepared the original core bundle.
  - e. Failure to provide the said core bundle shall, at the Judge’s discretion, lead to sanctions being imposed including the case being removed from the list, put to the back of the list and/or a wasted Costs Order being made.
  
4. The following practice will apply to all such short hearings in **Private Law Hearings**:

- a. A core bundle will be prepared by the party (the “lead party”) whose application is before the Court.
  - b. In the event that there is more than one such application, the bundle will be prepared by the party (then known as the “lead party”) whose application which is first in time.
  - c. In the event that the lead party is a litigant in person, the core bundle shall be prepared by the party who is represented by a lawyer(s).
  - d. In the event that more than one party is so represented, the core bundle shall, unless otherwise directed, be prepared by the represented party whose name appears first in the title to the action.
  - e. If no party is legally represented, the bundle shall be prepared by the lead party as above defined.
  - f. The core bundle shall be retained by the lead party and updated for each subsequent short hearing and any additional papers for inclusion in the core bundle shall be added and the bundle shall be provided to the Court and other party/ies by the party who has prepared the original core bundle.
  - g. Failure to provide the said core bundle shall, at the Judge’s discretion lead to sanctions being imposed including the case being removed from the list, put to the back of the list and/or a wasted Costs Order being made.
5. In the County Court the Core Bundle shall be delivered to the Court Office by no later than 11am on the working day prior to the hearing. Where appropriate a witness bundle should also be lodged. In FPC cases 4 copies of the core bundle shall be delivered to the court office by not later than 11am 2 working days prior to the hearing so that there is one copy for each Family Justice and one for the legal adviser.
6. The bundle should then be used for each subsequent short hearing with the relevant updating being included and marked as appropriate. It will then form the core bundle for the final hearing. In this way the compilation of the bundle will not be wasteful, and more importantly, it will make sure that the best use is made of judicial time. The advocate for the lead party is responsible for collecting the bundle at the end of the hearing.

### **PART B – Longer hearings**

A longer hearing is defined as any hearing with a time estimate of more than one hour.

Unless the judge otherwise directs the bundle for all hearings in both **Public Law and Private Law** in excess of one hour shall be compiled in accordance with Rule 27.6 and Practice Direction 27A of The Family Procedure Rules 2010.

The pagination for the main trial bundle should be the same as used in the core bundle duly updated.

**POSITION STATEMENTS/SKELETON ARGUMENTS**

Parties who have legal representation shall provide their Position Statements/Skeleton Arguments by e-mail to the Court as directed by no later than 8am on the day of the Hearing and in the County Court wherever possible are to be sent direct to the email address of the Judge dealing with the case.

**ORDERS**

Unless the Judge directs otherwise, Orders shall be e-mailed by the advocate for the lead party directly to the Judge who heard the case within 24 hours of the Order being made.

HHJ Richard Polden  
Designated Family Judge for Kent

Dated 30 January 2012