



HM Courts & Tribunals Service

To: Local Authorities for London

From: HMCTS – Thirza Mullins Head of CFT London/John Baker Justices' Clerk (London Family)

Date: 27th May 2015

Subject: Important Changes and New Arrangements to the Handling of Emergency Protection Orders (EPOs) during 'Out of Hours' in the Family Courts

Background

Following the creation of the Single Family Court, the President of the Family Division has introduced changes to the way in which 'out of hours', Emergency Protection Orders (EPOs) will be dealt with in the future.

Currently, 'out of hours' EPOs are managed by Legal Advisers under the out of hours scheme by referral to Magistrates. With effect from **Monday 8th June 2015**, these applications will be referred to Judges by the legal adviser and from the 30th November contact will be managed by Urgent Court Business Officers (UCBO) under the urgent court business scheme.

Period of Cover

Every effort should be made to ensure that applications are submitted to the court so that they can be commenced no later than 4.00 pm. If the appropriate ticketed judiciary are still within the court premises at that time they will deal with the case. Contact should be made with the court at the earliest possible time to advise that an application is anticipated.

What does this change mean for you?

- There will be no change to the contact number to ring to get in touch with the legal adviser about your EPO application. The number to ring is **0207 947 6260**

When the UCBO becomes the point of contact you will be notified of the new number.

- You may be asked to email the following documentations to the Legal Adviser/ UCB Officer and/or the Judge who deals with the out of hours application.-

- a copy of the C110a application which should contain telephone numbers for all the parties
 - a summary of the application which should include a chronology of events, the reasons for the urgency of the application and what the imminent danger is, reasons for ex-parte (if applicable) and reasons why Police Powers have not been executed
 - the Social Worker's statement which should include their name and contact details (if the statement is not available an explanation should be given in the summary as to why it is not available)
- EPO Application Hearings will not be heard in a court room but will be heard by telephone conference.
 - The Legal Adviser/ UCB Officer will provide details of the telephone conference number once they have liaised with the Judge. It will be your responsibility to pass this number onto any parties that will be required to attend the telephone conference hearing.
 - You will also be responsible for speaking with CAFCASS to ensure that a Guardian is aware of the proceedings (subject to CAFCASS setting up an out of hours scheme of cover)
 - All telephone conferences will be recorded.
 - If an order is made you will be responsible for drawing up a draft court order including any recitals/reasons and sending this to the Judge for approval.
 - **Annex A** provides details of how the telephone conferencing facility works

Process for Dealing with 'Out of Hours' EPO Applications

To enable a smooth transition to the new scheme, we have created a document which explains how the application process will work from start to finish and what action will be required of you (**see Annex B**)

Annex A - Telephone Conferencing Facility

Kidatu – Guidance on using the Telephone Conferencing Facility

Step 1: The Judge will confirm the need for a telephone conference hearing and what time the call should commence.

Step 2: The Legal Adviser/UCBO will inform the Local Authority of the telephone conference details

- the start time
- telephone number - 0800 279 6777 or 0203 451 0410
- the participant pass code to be utilised when prompted (e.g. 275880#)
- to speak clearly because the call will be recorded.

Note: When you phone, you will hear an automated message that will prompt you to key in the participant pass code and state your name which will be played into the conference as parties connect and disconnect. The message will also confirm that the call will be recorded.

Step 3: You will hear an automated message whilst you are waiting for everyone to dial in.

Note: If anyone leaves during the call an automated message will announce this to the remaining participants.

Step 4: Once everyone has dialled in, the Judge will start the hearing proceedings.

Annex B - Process for Dealing with 'Out of Hours' EPO Applications

Process for Dealing with 'Out of Hours' EPO Applications
Local Authority (LA) contacts Legal Adviser/ UCBO Officer (UCBO)
Legal Adviser/UCBO clarifies whether Police Protection Powers have been exercised
<p>Legal Adviser/UCBO to ensure that the LA have the following documents completed and to hand :</p> <ul style="list-style-type: none"> ● completed C110A application (telephone numbers for all parties should be contained in the C110A) ● confirmation from the LA that they will undertake paying the fee to the court, the next working day ● Summary of the EPO application which should set out: <ol style="list-style-type: none"> (1) chronology of events (2) the reasons for the urgency of application (3) what the imminent danger is (4) reasons for ex-parte (if applicable) (5) reason why Police powers have not been utilised ● Social Work Statement, their name & contact details (if the statement is not available, an explanation should be given in the summary as to why it is not available)
<p>Legal Adviser/UCBO contacts Judge and outlines details of the application. The Judge will decide how application is to be dealt with</p> <ul style="list-style-type: none"> ● ex-parte ● on notice (in which case the application is likely to be listed at court on the following working day) ● by telephone
<p>Legal Adviser/UCBO will make the necessary arrangements for telephone conference and ensure LA inform relevant parties including the Guardians (see Annex A)</p>
<p>Judge will give directions and order including reasons. LA prepare draft order and send to Judge for approval</p>
<p>Judge approves order. LA arranges service on parties and Legal Adviser/UCBO (via e mail)</p>
<p>Legal Adviser/UCBO arranges for order to be emailed to the home court</p>