

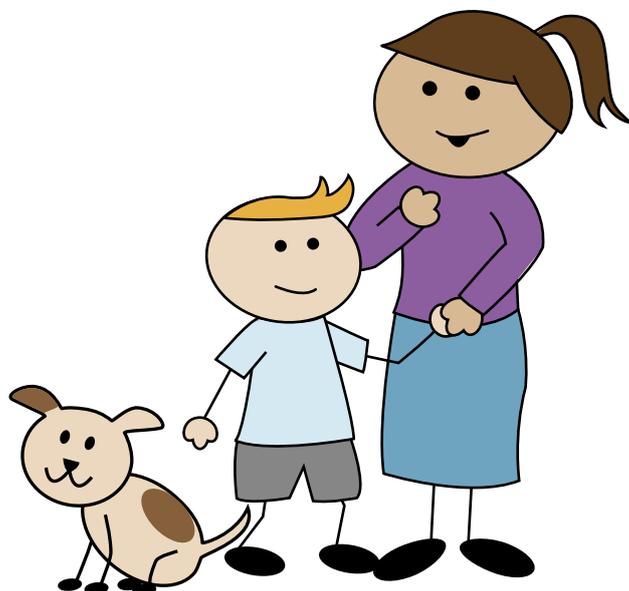
Child Arrangements Programme

First Hearing Dispute Resolution Appointment (FHDRA), Final Hearing and Enforcement Hearings

Paragraph 14 of Practice Direction 12B sets out the arrangements for in court dispute resolution.

The key points of the Practice Direction relating to CAFCASS Cymru are:

- A Family Court Advisor/ Family Court Social Worker (FCA/FCSW) shall attend the First Hearing Dispute Resolution Appointment (FHDRA).
 - The FCA/FCSW will where practicable speak separately to each party at court before the hearing, in particular where it has not been possible to conduct a risk identification interview with either party.
 - The Judge, working with the FCA/FCSW will seek to assist the parties in resolution of some or all of the issues between them.
 - The FCA/FCSW will advise the court of any recommended means of resolving any outstanding issues.
 - The decisions of the court and work of the FCA/FCSW will take account of any risk or safeguarding issues that have been identified.
- There will at every FHDRA be a period in which the FCA/FCSW will seek to explore with the parties the resolution of all or some of the issues between them if it is safe to do so.



HM Courts and Tribunal Service (HMCTS) and CAFCASS Cymru have agreed that:

- Any discussion between FCA/FCSW and parties before the initial hearing will be limited to introductions and outstanding risk identification interviews.
- The court will call the parties and FCA/FCSW into court for an initial hearing before in court dispute resolution takes place.
- The initial hearing will identify the issues in the case and any outstanding safeguarding information.
- The court will make clear the expectation that, where it is safe to do so, the parties should meet together with the FCA/FCSW to attempt to make progress in reaching agreement in the interests of the children.
- The matter will then be put back for an agreed period of time (usually one hour) for dispute resolution, following which the parties and FCA/FCSW will be called back into court to report any progress made and identify the way forward to resolve any outstanding issues.

Final Hearing

Paragraph 14.13 of Practice Direction 12B states that where no final agreement is reached at the FHDRA and the court is required to give case management directions, “the following shall be included on the order:

- Whether the author of any Section 7 Report is required to attend the hearing, in order to give oral evidence.
- A direction for the FCA/FCSW to attend court will not be made without first considering the reason why attendance is necessary, and upon what issues the FCA/FCSW will be providing evidence.”

It should be noted that:

- CAFCASS Cymru will not attend Dispute Resolution Appointments (DRA) or Final Hearings to undertake dispute resolution.
- The author of a Section 7 Report will only attend DRA or Final Hearing if ordered to do so to give evidence.
- CAFCASS Cymru do not provide out of court conciliation or dispute resolution; the court should refer the parties to a local mediation service if required.

Enforcement

- CAFCASS Cymru do not attend Enforcement Application Hearings. If at the conclusion of an Enforcement Application hearing the court is of the view that dispute resolution would assist, the matter should be referred to local mediation services or listed for a FHDRA hearing as appropriate.
- The court should ensure that updated safeguarding checks have been requested from CAFCASS Cymru prior to listing for a FHDRA.

