

**1. Name**

Rachel Rogers, Head of Policy

**2. Profession/Organisation**

Resolution

**3. Family Court Short Notice Application Guidance – is there anything that needs to be clarified in the document**

It does not seem clear whether short notice means before day 5 or before day 12. Please could this be clarified.

An EPO may not be suitable for newborn baby cases. Please can the guidance set out when using an EPO rather than an ICO may be suitable.

**4. Family Court short notice Application guidance – is there anything else that the document should cover**

No further comments.

**5. Family Court short notice Application guidance – is there anything that could be improved**

No further comments.

**6. Family Court New Born Baby Protocol - is there anything that needs to be clarified in the document**

Para 5 - Social workers should also be expected to consider kinship assessments, particularly if the interim care plan is removal.

Para 24 – It is not reasonable to mandate that advocates attend in the same location as the parent – this may simply not be possible due to time/late instruction or practicality. Please amend to say that the parent's advocate should attend in the same location with the parent if possible.

Para 26 – Solicitors don't have spare laptops to provide to parents and it should not be required that legal aid lawyers buy laptops. If the parent advocate is going to be with a parent in the hospital for the hearing, the parent can share the laptop of the advocate, but otherwise, this cannot be a requirement for the solicitor/advocate. Even if the solicitor had a spare laptop, it would not be practical to get this to the hospital for a hearing if they are not attending. If the parent is unable to access the hearing from their own device such as a mobile phone, and the maternity ward cannot assist, the LA will need to provide support to the parent to assist them with accessing the hearing (by providing a device or arranging for the hospital to provide one).

**7. Family Court New Born Baby Protocol - is there anything else that the document should cover**

The document should make clear that parents should be encouraged and assisted to get legal advice.

Social workers should ensure their lists of local Children Panel Lawyers (names of firms rather than individuals) are up to date and they have checked that those firms undertake PLO work (as well as court proceedings work). This could be done through the Local Family Justice Board or Court user Group.

The Protocol is silent on those cases where an ICO may be needed even if mother and child stay in hospital together. This may be worth addressing.

There should be provision for the LA to provide assistance for the parent to get to court if they are attending in person, preferably by taxi if their social worker or a family member cannot assist. It is often not practical for a solicitor who may be instructed at short notice to provide financial support or other assistance.

The Protocol and order should require consideration of how the removal of a child will be managed if the order is granted. For example, does the parent wish to say goodbye to their child (if they are at court when the order made), who will provide support to the parent(s) and how long they will have with their baby before the baby is removed.

#### **8. Family Court New Born Baby Protocol - is there anything that could be improved**

Para 12 – We suggest that it should be the parent's preference whether the PLO meeting should be face-to-face. In practice it will be harder for people to get legal representation for face-to-face, and if a woman is heavily pregnant she may find it easier to attend remotely.

Para 17 - The SWET must cover all searches and options for the mother and baby to stay together, for example, foster placement, residential unit, even if those have been discounted. It should be clear that attempts have been made to see if the baby could be placed with the father or in a father/baby unit.

- 8 pages for a SWET is not enough, particularly if there has not been the chance to do a pre-birth assessment. That limit may be too restrictive to ensure that all options are covered and the proper welfare checklist/analysis is provided.

#### **9. Family Court New Born Baby Protocol - are there any barriers to implementing the protocol**

No further comments.

#### **10. Template orders – is there anything else that should be included in the template order**

No further comments.

#### **11. Please share any additional comments related to this consultation**

The New Born Baby Protocol is welcome. Some of our members already recognise this as best practice in their area.

The information from the webinar about getting the safeguard leads together from the maternity units is really helpful.