

Cleveland and South Durham
Process for Urgent Public Law applications

A. Before the application is lodged

1. The Local Authority (LA) will email the court at hearings.middlesbrough.countycourt@justice.gov.uk and Cafcass at northeastandwestbs@cafcass.gov.uk & a2lt2&3allocations@cafcass.gov.uk (all LAs apart from Darlington and Durham) and NorthEastandWestPublicLaw@cafcass.gov.uk & lisa.gallagher-dent@cafcass.gov.uk (for Durham and Darlington cases) as soon as practicable to notify an expected urgent application with the following information:
 - a. An indication of the allocation proposal (level of judiciary);
 - b. Notification:
 - (i) When the application is expected to be submitted;
 - (ii) How urgently a hearing is requested;
 - (iii) Where a same-day hearing is requested
 - When the case is expected to be ready for hearing, and
 - Whether an order will/may need to be drawn on the same day;
 - (iv) Where the application concerns a newborn baby, whether the hearing can be delayed overnight/longer;
 - (v) The time estimate for the hearing.
 - c. The name of the child(ren) and parent(s);
 - d. The names of any other legal representatives already involved;
 - e. The nature of the case (type of harm alleged – e.g., neglect, NAI, sexual abuse).A template setting out the information required is set out below – the completed template should be in the body of the email.
2. The LA will telephone the court (only one phone call is to be made) to confirm the email has been received and establish a point of contact at court.
3. NO FURTHER ACTION will be taken by the court until the application has been completed on the FPL portal. Putting the court on notice before 4pm that an application may be made will not alter this – if the application form is submitted after 4pm, the ‘out of hours’ service must be contacted. LAs should ensure that they have the relevant number to hand for the service. **Please note:** Urgent public law these applications need to proceed through gatekeeping. As a result, any application lodged with insufficient time to progress through gatekeeping by 4pm, may be dealt with as out of hours. Local Authorities are therefore encouraged to lodge their application in advance of the 4pm deadline.
4. The LA will notify the court as soon as practicable if the application is NOT being made.

B. Lodging the application

5. All care/supervision applications have had to be made on the FPL portal. The LA will complete the application online, which must include all necessary information relating to the urgency including:

- i. When the parent(s) were notified of the application (or the reason for any without notice hearing);
 - ii. Bullet point explanation why the application requires an urgent hearing ('s.20 has been withdrawn' is not sufficient);
 - iii. The degree of urgency - whether the hearing can wait 24/48 hours;
 - iv. If the application relates to a newborn baby in hospital:
 - (a) When the baby will be ready for discharge;
 - (b) Whether the hospital is willing to keep the baby beyond this date/time and, if so, for how long.
6. The FPL portal will forward the application to the court for gatekeeping and to Cafcass.

C. Gatekeeping

7. The Legal Adviser will gatekeep the application as soon as practicable (he/she may be in a court hearing, so allocation may not take place immediately).
8. The gatekeeper (after consultation with a judge if necessary) will confirm the timescale for the hearing. HMCTS will contact the LA solicitor to notify the time and format of/venue for the hearing. The default position is that all urgent removal applications should be attended or at least hybrid hearings. The judge may be willing to deal with the matter as a remote hearing if all parties agree that this format is appropriate and they consider this to be in the interests of justice.
9. **The LA is to notify the parties, legal representatives, Cafcass and counsel (if instructed by the LA) of the arrangements for the hearing:**
 - a. This is regarded as the responsibility of the LA solicitor/admin team;
 - b. The LA solicitor/admin team must provide contact details to the court as soon as possible.
10. Where the LA submits an application before midday, the court will, where possible, list a same-day hearing, giving at least 1 hours notice of the hearing time (with parties/representatives available one hour before the hearing time). Please note that an early application may receive a 12 noon hearing time.
11. Where an application is submitted after 2pm and a same-day hearing is requested, the parties will be expected to be available as directed (which may be 'as soon as possible'). The judge will determine whether the hearing is appropriate to be heard that day in the light of the time available.

D. Out of hours applications

12. Any application lodged after 4pm where a hearing is sought that day will be treated as 'out of hours' urgent court business. The LA solicitor must contact the urgent court business officer to seek a hearing out of hours. **Please note:** Urgent public law applications need to proceed through gatekeeping. As a result, any application lodged with insufficient time to progress through gatekeeping by 4pm, may be dealt with as out of hours. Local Authorities are therefore encouraged to lodge their application in advance of the 4pm deadline.

13. The judge will access the application and evidence in support through the FPL portal.

E. Approving the order

14. The judge/legal adviser must be informed at the hearing if the LA will require an approved order on the day of the hearing.

15. Apart from cases heard as urgent court business (where the application is lodged after 4.00pm):

- (a) Any standard/short form ICO/EPO orders (and recovery orders) required on the day of the hearing will be produced by the court without a draft submitted by the local authority **but any detailed CMO must be drafted by the LA advocate and submitted separately, the next day**. The order will be produced by CTSC upon notification by the Designated Family Centre to CTSC no later than 5.00pm that the order is required. Any order required after 5.00pm will have to be drawn locally and advocates should remember that staff ordinarily leave work at 5pm and therefore they should not delay in assisting the court;
- (b) A draft exclusion order must be submitted by the LA advocate including the relevant details. This will be drawn by CTSC up to 5.00pm and thereafter locally.

16. All orders required on the day of hearing where the case is heard as urgent court business (including ICO/EPO/recovery orders) must be submitted in draft to the judge through the urgent court business officer no later than one hour after the conclusion of the hearing.

17. Orders not required on the day of hearing must be uploaded on to the FPL portal for approval by the judge/legal adviser.

Template for inclusion in email to court

LA point of contact – contact telephone number (and name/email address if different from sender)	
Proposed allocation (s.9/CJ/DJ/Magistrates)	
When is the application expected to be submitted?	
How urgently is hearing requested?	
If same day hearing requested <ul style="list-style-type: none">o When will the case be ready for hearing?o Will an order need to be drawn today?	
If the application relates to a newborn baby, can the hearing be delayed overnight/longer?	
Time estimate for the hearing	
Name of the child/children	
Name of the parent(s)	

Name of any instructed representatives	
The nature of the case (type of harm alleged – e.g., neglect, NAI, sexual abuse).	

HHJ Murray

DFJ for Cleveland and South Durham

September 2025