



# Judiciary of England and Wales

THE HON. MR JUSTICE MACDONALD

Sharon Segal KC and Somia Siddiq,  
Association of Lawyers for Children  
1GC Family Law  
10 Lincolns Inn Fields  
London  
WC2A 3PB

9 November 2024

Dear Sharon and Somia,

## **Public Law Practice Note for London**

I write to you in my capacity as Family Presiding Judge for London. I would be very grateful if a copy of this letter could also be provided to the ALC members individually.

As you know, HMCTS gathers statistics on the issue, case management and determination of public law proceedings. Those statistics allow us to assess the extent to which we are meeting the legal requirement set by Parliament to determine care proceedings within 26 weeks.

As the President of the Family Division made clear in his latest *View from the President's Chambers*, the data gathered consistently demonstrates that London is struggling to achieve the change of culture that is required by the Public Law Outline Relaunch. My recent judgment in *London Borough of Enfield v E (Unconscionable Delay)* [2024] EWFC 183 represents a particularly concerning example of this difficulty. It is acknowledged that London faces particular challenges that may impact on performance. However, since the relaunch of the PLO on 16 January 2023, other major metropolitan centres in England and Wales have achieved significant progress towards complying with the law that sets the time limit for care proceedings. As at 4 November 2024, the Northern Circuit had 48 outstanding public law cases over 90 weeks in duration, the North East Circuit 19 cases and the Midland's Circuit 16 cases. As at 4 November 2024, London had 130 cases over 90 weeks in duration.

Significant work has been undertaken in London by the DFJs and statutory agencies to improve practice, increase efficiency and reduce delay. A court is being set up to tackle the backlog of private law applications, HMCTS has reviewed all outstanding public and private law cases to ensure the data on current delays is accurate, the Trailblazers project has been seeking to address delay in public law proceedings and Cafcass has been working to reduce requests for filing extensions and addendum reports and to ensure robust consideration of whether additional expert evidence is necessary. London has recently secured additional funding from government for the current financial year for extra sitting days to continue to address the backlog in private law cases.

These efforts are now being incorporated into a Family Justice Strategy for London. As part of that strategy I intend, with the permission of the President and the support of the Lady Chief Justice, to issue a Practice Note for London in order to address the matters that I have identified as driving the current disparity in performance in public law proceedings.

In particular, the Practice Note will look to ensure rigorous adherence by legal practitioners to the rules of court, to reduce the number of assessments and expert reports sought, to make more efficient use of court resources by reducing significantly the number of hearings per case and limiting care proceedings to their proper statutory scope by dealing *only* with those issues the court is required to decide in order to determine the proceedings, to compel a far greater focus by legal practitioners on planning and preparation for case management hearings and to ensure the proper use of the Issues Resolution Hearing to resolve or narrow issues.

The work of the family justice system is a human endeavour which, of course, cannot be reduced to the question of performance alone. However, work done by Cafcass with children shows clearly that delay in making decisions about their lives increases their feelings of stress and anxiety about what is happening to them, disrupts their important family relationships and affects their schooling and friendships. In short, delay in proceedings is harmful for them.

Within that weighty context, I know that public law legal practitioners will work hard to ensure compliance with the requirements of the forthcoming Practice Note when it is launched.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Mr Justice MacDonal', followed by a period.

**Mr Justice MacDonal**

**Family Presiding Judge for London**