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Chapter 1 : California Rules of Court

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It is essential to the maintenance of a democratic society that the public business be performed in an open and public manner and that the citizens of this state be fully aware of and able to observe the performance of public officials and attend and listen to the deliberations and decisions that go into the making of public policy. The people must be able to remain informed if they are to retain control over those who are their public servants. It is the only climate under which the commonweal will prosper and enable the governmental process to operate for the benefit of those who created it. This article shall be known and may be cited as "Open Meetings Law". As used in this article: Open meetings and executive sessions. A public body may adopt rules, consistent with recommendations from the committee on open government, reasonably governing the location of equipment and personnel used to photograph, broadcast, webcast, or otherwise record a meeting so as to conduct its proceedings in an orderly manner. Such rules shall be conspicuously posted during meetings and written copies shall be provided upon request to those in attendance. Copies of such records may be made available for a reasonable fee, determined in the same manner as provided therefor in article six of this chapter. If the agency in which a public body functions maintains a regularly and routinely updated website and utilizes a high speed internet connection, such records shall be posted on the website to the extent practicable as determined by the agency or the department, prior to the meeting. An agency may, but shall not be required to, expend additional moneys to implement the provisions of this subdivision. If the agency or authority maintains a website and utilizes a high speed internet connection, such open meeting shall be, to the extent practicable and within available funds, streamed on such website in real-time, and posted on such website within and for a reasonable time after the meeting. Public notice of the time and place of a meeting scheduled at least one week prior thereto shall be given or electronically transmitted to the news media and shall be conspicuously posted in one or more designated public locations at least seventy-two hours before such meeting. Public notice of the time and place of every other meeting shall be given or electronically transmitted, to the extent practicable, to the news media and shall be conspicuously posted in one or more designated public locations at a reasonable time prior thereto. The public notice provided for by this section shall not be construed to require publication as a legal notice. If videoconferencing is used to conduct a meeting, the public notice for the meeting shall inform the public that videoconferencing will be used, identify the locations for the meeting, and state that the public has the right to attend the meeting at any of the locations. If a meeting will be streamed live over the internet, the public notice for the meeting shall inform the public of the internet address of the website streaming such meeting. Conduct of executive sessions. Upon a majority vote of its total membership, taken in an open meeting pursuant to a motion identifying the general area or areas of the subject or subjects to be considered, a public body may conduct an executive session for the below enumerated purposes only, provided, however, that no action by formal vote shall be taken to appropriate public moneys: Attendance at an executive session shall be permitted to any member of the public body and any other persons authorized by the public body. Minutes shall be taken at all open meetings of a public body which shall consist of a record or summary of all motions, proposals, resolutions and any other matter formally voted upon and the vote thereon. Minutes shall be taken at executive sessions of any action that is taken by formal vote which shall consist of a record or summary of the final determination of such action, and the date and vote thereon; provided, however, that such summary need not include any matter which is not required to be made public by the freedom of information law as added by article six of this chapter. Minutes of meetings of all public bodies shall be available to the public in accordance with the provisions of the freedom of information law within two weeks from the date of such meeting except that

minutes taken pursuant to subdivision two hereof shall be available to the public within one week from the date of the executive session. Any aggrieved person shall have standing to enforce the provisions of this article against a public body by the commencement of a proceeding pursuant to article seventy-eight of the civil practice law and rules, or an action for declaratory judgment and injunctive relief. If the court determines that a public body has violated this article, the court may require the members of the public body to participate in a training session concerning the obligations imposed by this article conducted by the staff of the committee on open government. An unintentional failure to fully comply with the notice provisions required by this article shall not alone be grounds for invalidating any action taken at a meeting of a public body. The provisions of this article shall not affect the validity of the authorization, acquisition, execution or disposition of a bond issue or notes. In any proceeding brought pursuant to this section, costs and reasonable attorney fees may be awarded by the court, in its discretion, to the successful party. Nothing contained in this article shall be construed as extending the provisions hereof to: Committee on open government. The committee on open government, created by paragraph a of subdivision one of section eighty-nine of this chapter, shall issue advisory opinions from time to time as, in its discretion, may be required to inform public bodies and persons of the interpretations of the provisions of the open meetings law. Construction with other laws. Any provision of a charter, administrative code, local law, ordinance, or rule or regulation affecting a public body which is more restrictive with respect to public access than this article shall be deemed superseded hereby to the extent that such provision is more restrictive than this article. Any provision of general, special or local law or charter, administrative code, ordinance, or rule or regulation less restrictive with respect to public access than this article shall not be deemed superseded hereby. If any provision of this article or the application thereof to any person or circumstances is adjudged invalid by a court of competent jurisdiction such judgment shall not affect or impair the validity of the other provisions of the article or the application thereof to other persons and circumstances. For further information, contact:

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Chapter 2 : Local government | careers in law

An overview of the statutory requirements and procedure relating to public and private meetings held by local authorities operating a committee structure and those operating executive arrangements.

PART 2Admission of public to meetings of local authority executives and their committees Meetings of local authority executives and their committees to be held in public 3. Subject to regulation 4, a meeting of a decision-making body must be held in public. Admission of the public to meetings of local authority executives and their committees 4. Procedures prior to private meetings 5. Procedures prior to public meetings 6. Access to agenda and connected reports for public meetings 7. Publicity in connection with key decisions 9. Cases of special urgency PART 4Recording of executive decisions and inspection of related papers or documents Recording of executive decisions made at meetings Recording of executive decisions made by individuals Inspection of documents following executive decisions Inspection of background papers PART 5Additional rights of members of the local authority and of members of overview and scrutiny committees Additional rights of access to documents for members of local authorities Additional rights of access to documents for members of overview and scrutiny committees Reports to the local authority where the key decision procedure is not followed Executive reports to the local authority PART 6General provisions relating to information Confidential information, exempt information and advice of a political adviser or assistant Inspection and supply of documents The Regulations make provision for public access to meetings and to information relating to decisions of local authority executives, and their committees. In addition, they provide for access to information relating to decisions made by joint committees of local authorities where these are solely comprised of executive members and are discharging executive functions. The Regulations also make provision for public access to documents where executive decisions are made by individual members or officers. The general principle of the Regulations is for the public to have access to meetings and documents where a local authority executive, committee or individual is taking an executive decision, as defined by regulation 2. Part 1 sets out preliminary matters and defines terms used in the Regulations. The purpose of Part 2 is to establish the presumption that meetings of local authority executives and their committees are to be held in public. Regulation 4 sets out the circumstances during which the public must be excluded from meetings. Regulation 5 sets out the formalities to be complied with before a private meeting is held. Regulation 6 sets out formalities to be complied with before a public meeting takes place. Rules relating to access to the agenda and reports for executive meetings are contained in regulation 7. Part 3 provides for specific requirements relating to executive decisions which are key decisions. Regulation 8 sets out the meaning of key decision and regulation 9 sets out the publicity requirements in relation to key decisions. Regulations 10 and 11 allow exceptions to these requirements. Part 4 deals with the recording of all executive decisions. In particular, regulations 12 and 13 require decisions to be recorded in a written statement. Regulations 14 and 15 set out the documents which must be made available for inspection by the public. Members of the local authority and of overview and scrutiny committees are given additional rights to access documents in Part 5. Regulation 17 sets out additional rights of members of overview and scrutiny committees in relation to decisions that committee is scrutinising and in certain circumstances the committee can access exempt or confidential information. An overview and scrutiny committee can require the executive to make a report to the local authority on matters which have not been dealt with as a key decision and which an overview and scrutiny committee consider should have been treated as such under regulation Regulation 19 is a reporting requirement that the executive provides reports to the local authority on all matters which have been treated as urgent under regulation Part 6 makes general provision relating to information. In particular, regulation 20 sets out general principles applicable to the whole instrument relating to the non-disclosure of confidential, exempt information or the advice of a political adviser or assistant. Regulation 21 establishes the manner in which documents required to be available for inspection by the Regulations are to be held at the

offices of the local authority. Regulation 22 sets out offences where documents have not been made available for inspection as required under these Regulations. No impact assessment has been produced in relation to these Regulations because no impact on the private or voluntary sector is foreseen. Section is amended by section 3 of, and Schedule 3 to, the Local Government Act c.

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Chapter 3 : Public Law Outline

The law and practice of local authority meetings. [Raymond S B Knowles] published as The law and practice relating to local authority meetings. Chichester: Rose.

Or emailed to byelaws communities. The Secretary of State may request minor technical and formatting changes when giving leave to make the byelaw. The notice must state the consultation period, of not less than 28 days, within which the public may inspect the draft byelaws and also publish an address to which representations on the byelaws can be made within this period. The authority is free to state a longer consultation period, as byelaw proposals vary, some being more complex than others. The notice must also state the address, and if necessary the email address, to which members of the public may send representations about the proposed byelaw. Members of the public have the right to obtain copies of the proposed byelaws and the report, for a reasonable charge. Suggested wording of the newspaper notice is: Copies of the proposed byelaws will be kept at the offices of the Council at [address or addresses] and will be open to inspection without payment on any weekday during usual business hours for 28 days from the publication of this notice. The byelaw may also be viewed at [website address]. Written representations about the byelaws, including any objections, should be sent to [address] by [closing date]. It is for the local authority to determine how to proceed with any representations received. This 6 month period allows an adequate time for representations to be considered, for a council meeting to be arranged and a decision about whether to make the byelaws to be taken. A minor modification to a proposed byelaw is a modification that does not bring any new activity into the scope of the proposed byelaw or increase the scope of any prohibition or restriction on an activity. Where a local authority decides that a more than minor modification is required to the byelaw, then that local authority is making a major modification and so essentially creating a new byelaw. Accordingly, if a local authority decides that a major modification is required to the byelaw it must recommence the byelaw making process from the beginning, starting again at step 1. The byelaw should also be signed and dated. Where the byelaw is made by a parish council that does not have a seal, the byelaw should be made under the hands and seals of 2 members of the council. If members of a parish council do not possess personal seals, the imprint of a signet ring, coin or thumb will suffice. Sealing wax and parchment seals may be obtained from stationers. In this case, a suitable subscription to the byelaw would be: The local authority must publicise the fact that a new byelaw has been made at least 7 days before the day on which the byelaw comes into force. The local authority must also publicise the new byelaw on its website, if it has one, and publicise the new byelaw in such other manner as it sees fit. A county council must send copies to district councils if any in their area and a district council must send copies to the county council if any for their area. However, the district council need only send copies to a parish council or chairman of a parish meeting in their district if the byelaws apply to the parish area. A London borough council shall also send a copy of its byelaw to the proper officer of every parish council where the byelaw applies. This gives the local authority time to make the public aware that a new byelaw will be coming into force, and to erect any appropriate signage in the area where the proposed byelaws will apply to bring about compliant behaviour. Amending a byelaw The process for amending a byelaw is the same for making a new byelaw. The local council will need to consider the need for the amendment, consult, undertake a regulatory assessment and produce a report before seeking the approval of the Secretary of State to make the amendment. Once approval is given, the local authority must undertake formal consultation and consider any representations before deciding whether or not to make the amending byelaw or whether to make it with minor modification. Before amending a byelaw, a local authority should consider whether the byelaw needs to be retained at all, even in its amended state, as it may now no longer be required. For example, the issue the byelaw addressed may now be addressed through national legislation. If the byelaw does need amending, then the local authority should consider whether any set of byelaws that the particular byelaw appears in needs to be replaced in its entirety by byelaws based on the current version of the

relevant model byelaw. A byelaw is amended under the same power that enabled the making of that byelaw. The revocation byelaw should not be used where the local council is replacing an entire byelaw set with the current version of the relevant model byelaws. This is because any new set will contain a model revocation byelaw that should be used instead. In considering whether or not to revoke a byelaw, the council must follow this process. The local authority must prepare a draft of the proposed revoking byelaw. Councils may wish to use the model revocation byelaw. They must then undertake a regulatory assessment of the proposed revocation. The regulatory assessment must include at least the following considerations: The local authority must then publish a notice of its proposal to revoke the byelaw on its website, if it has one, in a local newspaper and in any case publicise the notice in any other manner as it sees fit. The local authority must consider all representations received, including objections, before making any decision about whether or not to revoke the byelaw. A minor modification to a proposed revoking of a byelaw is a modification that does not bring any new activity into the scope of the proposed revoking byelaw or increase the scope of any prohibition or restriction on an activity. If a local council decides that a more than minor modification is required to the byelaw, then that local council is making a major modification and so essentially revoking more than was originally intended and consulted upon. Accordingly, if a local council decides that a major modification is required to the byelaw it must recommence the byelaw revoking process from the beginning, starting again at step 1. The revoking byelaw should also be signed and dated. Where the revoking byelaw is made by a parish council that does not have a seal, the byelaw should be made under the hands and seals of 2 members of the council. The authority must publicise on its website, if it has one, a notice that the byelaw has been revoked and also publicise that the byelaw has been revoked in such other manner as it sees fit. The local authority must also make a copy of the revoking byelaw available to anyone who wishes to have a copy, at a reasonable charge. The local authority must also remove any signs relating to the now revoked byelaw. Model byelaws Model byelaws provide an example of what a byelaw should look like. Local councils should feel free to use the model byelaws and adapt them for their own needs. Local councils should not look to adopt wholesale the model byelaws, but instead should delete any byelaws that they do not need or which do not apply to them, so adapting the model byelaw to their particular circumstances. Variations to model byelaws While the model byelaws are tried and tested and designed to cover all eventualities MHCLG recognises that in some cases there may be unique local circumstances meriting a variation to the model byelaw. Where a local council does retain a model byelaw, any changes to the wording should be kept to a minimum. The local council is responsible for providing evidence for the need for each variation which then informs their deregulatory statement that they then publish on their website and submit to the Secretary of State. Model byelaws guidance Local councils should consult the individual guidance notes for model byelaws when using the model byelaws. Under the Local Government Act governing the making of byelaws, it is the responsibility of local councils to keep a copy of their byelaws. Members of the public who wish to view byelaws operating in their local area should contact their local council in the first instance. Local libraries may also have copies. Under the new arrangements local councils are required to keep a copy of byelaws made under the new arrangements, and make them available to the public. They may charge for copies. The proper officer at the local council is the responsible officer for endorsing printed copies of byelaws as a true copy.

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Chapter 4 : Committee on Open Government, Open Meetings Law

Local government England Offering a reference guide to the prinipals and practice of local authority meetings, this edition has been updated to incorporate the many legislative changes, new cases and changing practices which have occurred.

Corporate governance trends 1. What are the main recent corporate governance trends and reform proposals in your jurisdiction? The main recent corporate governance trends in Germany are: An increased focus on exposure to personal risk and compliance and the implementation of safeguarding measures. An increased focus on diversity, specifically the internationalisation of board composition and the promotion of women to boards. The drive for increased professionalism and sector knowhow of supervisory boards. The main topics of these directives are: Transparency for institutional investors, asset managers and proxy advisors. What are the main forms of corporate entity used in your jurisdiction? The advantage of this type of private company is that personal liability is limited, like a stock corporation Aktiengesellschaft , AG but it is more flexible in terms of instructions by shareholders and tailor-made designs of the articles of association. AGs and SEs are very similar to each other. SEs have become quite popular as they are more flexible on employee co-determination Mitbestimmung. In addition, listed companies can also have the legal form of partnerships limited by shares Kommanditgesellschaft auf Aktien. Outline the main corporate governance legislation and authorities that enforce it. How influential are institutional investors and other shareholder groups in monitoring and enforcing good corporate governance? List any such groups with significant influence in this area. The AktG contains mandatory rules regarding the composition and duties of the three corporate bodies of an AG, which are the: The Co-determination Act Mitbestimmungsgesetz MitbestG is generally only applicable if a company solely or together with its affiliated group companies has more than 2, employees in Germany. The Act provides rules on the composition of the supervisory board and some of its special duties and requires that a special director for work affairs Arbeitsdirektor must be appointed by the management board. Different and more flexible rules for employee co-determination apply to an SE. The commission consists of managing and supervisory board representatives of listed companies and various stakeholders including institutional and retail investors, academics in economics and jurisprudence, auditors and a trade union representative. Shareholder activism in Germany has steadily increased in recent years. The spectrum of shareholder activism in Germany is rather broad, ranging from US special opportunity funds, international corporate governance activists to private corporate raiders. Has your jurisdiction adopted a corporate governance code? Although it is not legally binding, it still is influential. The DCGK contains recommendations and suggestions of internationally and nationally accepted standards for successful and responsible corporate governance. The DCGK includes guidance on all significant matters for good corporate governance, in particular: Shareholders and the general meetings. Co-operation between management boards and supervisory boards. Financial reporting and auditing. The DCGK follows the principle of "comply or explain". The declaration must state the extent to which the company complied with the code in the previous year. Any full or partial non-compliance with the code must be explained. Blue chip companies aim to fully comply with the DCGK, whereas medium-sized companies often partially deviate from certain rules. Corporate social responsibility and reporting 5. Is it common for companies to report on social, environmental and ethical issues? Generally, starting from 1 January , any company limited by shares Kapitalgesellschaft must report on environmental and ethical issues as part of a "non-financial declaration" section b, German Commercial Code Handelsgesetzbuch. The report must also contain aspects relating to ecological sustainability as well as ethical and social responsibility. Board composition and restrictions 6. Structure A stock corporation Aktiengesellschaft AG must have a two-tier board structure consisting of the management board and the supervisory board. A European company Societas Europaea SE can choose between a one-tier and a two-tier board structure, however most German SEs opt for the two-tier board system. The supervisory

board Aufsichtsrat appoints, supervises and advises the management board, but cannot make any executive decisions or give formal orders to the management board. The company is represented by the management board. Only when acting towards the management board can the company be represented by the supervisory board. The supervisory board appoints the members of the management board. For companies with more than employees in Germany, the supervisory board must consist of one third of employee representatives One-third Participation Act, Drittelbeteiligungsgesetz. Employees of affiliated companies that are linked to upstream companies by a domination agreement Beherrschungsvertrag are attributed to that upstream company. For companies or group of companies with more than 2, employees in Germany, half of the supervisory board members must be employee representatives Co-determination Act, Mitbestimmungsgesetz. Number of directors or members Management board. The management board consists of one or more members. For companies with a registered share capital of more than EUR3 million, the management board must consist of at least two persons, unless the articles of association stipulate that it may also comprise of one person. The supervisory board of an AG must consist of at least three members. The articles of association can provide for a higher number, but if the company is regulated under any co-determination statute, the number must be divisible by three. The maximum number of supervisory board members depends on the nominal share capital. The maximum of 21 members is reached with a nominal capital of more than EUR10 million. Under the Co-determination Act MitbestG , which is applicable to companies with more than an aggregate of 2, employees solely or in the group in Germany, the supervisory board consists of the same number of shareholder representatives and employee representatives and has 12, 16 or 20 members, depending on the members of employees. Are there any general restrictions or requirements on the identity of directors? Age There are no general restrictions on the age of members of the management or supervisory board. However, the corporate governance code Deutscher Corporate Governance Kodex DCGK recommends an age limit for the members of each of these corporate bodies, which should be chosen freely by the company. Nationality There are no legal requirements on the nationality of members of the management board and the supervisory board. Non-German members from certain countries must obtain a work permit in Germany to act as members of a management board. The DCGK recommends that the supervisory board should, when appointing the management board and when determining concrete objectives for its own composition, consider the principle of diversity, which also includes internationality. This quota applies to the entire board. In addition, there is a "softer" women quota individually determined by each affected company for the members of the management board and the supervisory board, and the two uppermost levels of the management of companies that are listed or subject to co-determination or both. Are non-executive, supervisory or independent directors recognised or required? Recognition Companies with a two-tier board structure that is, a stock corporation Aktiengesellschaft AG and, depending on the chosen structure, a European company Societas Europaea SE must have a supervisory board see Question 6. Board composition There are no requirements on independence for management boards. However, the members of a management board cannot also be members of the supervisory board. No more than two former members of the management board should be members of the supervisory board. In addition, supervisory board members should not be members of governing bodies of, or exercise advisory functions at, significant competitors of the company. Independence See above, Board composition. Supervisory board members are considered non-independent if they have a personal or business relationship with the corporation, its governing bodies, a controlling shareholder or a company affiliated with the controlling shareholder that may cause a substantial and not merely temporary conflict of interest. Are the roles of individual board members restricted? Management board members of companies with two-tier board structures cannot be members of the supervisory board and vice versa. In addition, supervisory board members cannot be permanent substitutes of management board members but a temporary substitute for up to one year is allowed. Specific restrictions apply for supervisory board positions in banks and insurance companies, for example a managing director of a bank can only be member of supervisory boards of two other companies section 25d 3 , German Banking Act Kreditwesengesetz KWG. Within each board, members have the same

rights and duties. This also applies to the shareholder and employee representatives in co-determined supervisory boards see Question 6. How are directors appointed and removed? Is shareholder approval required? Appointment and removal of members of the management board The supervisory board appoints and removes the members of the management board by resolution. The employee representatives are elected and removed according to the applicable co-determination act. The maximum term of appointment for management board members is five years. In both cases, re-appointment is possible. Do directors have to be employees of the company? Directors employed by the company Neither the members of the management board nor the members of the supervisory board except for the employee representatives, if applicable are employees of the company. Typically, management board members have a service contract with the company, which is not subject to employee protection rules. For the disclosure requirements of remuneration and "say on pay" resolutions, see Question Are directors allowed or required to own shares in the company? There are no legal restrictions or requirements regarding the ownership of shares in a company. Of course, directors must comply with insider trading rules. In addition, any dealings with shares of the company and related derivatives must be disclosed to the public see Question Is its disclosure necessary? The supervisory board must ensure that the remuneration is reasonable, in relation to the duties and performance of the individual member of the management board and the situation of the company and that it does not exceed the usual compensation without special reason. In listed companies, the remuneration structure must be focused on the sustainable growth of the company. For listed companies, the corporate governance code corporate governance code Deutscher Corporate Governance Kodex DCGK recommends that monetary remuneration should comprise fixed and variable components. The amount of remuneration should be capped, both regarding variable components and in the aggregate. Variable remuneration components should be based on demanding and relevant comparison parameters. Variable remuneration components generally have a multiple-year assessment basis that should have essentially forward-looking characteristics.

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Chapter 5 : Structure of local government - Governance - Local Government - LexisÂ®

*Local Authority Meetings: A Manual of Law and Practice [Raymond S.B. Knowles, Tim Harrison] on www.nxgvision.com *FREE* shipping on qualifying offers. Offering a reference guide to the prinipals and practice of local authority meetings, this edition has been updated to incorporate the many legislative changes.*

Non-law-related positions Local government There are around 4, solicitors working in local authorities in England and Wales. The size of the authority determines whether there is a legal department, and if so how many lawyers are employed. The legal services section is expected to provide a broad range of legal advice including housing, planning, environment and welfare. Despite years of cuts in funding and increased pressure from central government, even relatively small councils still employ thousands of individuals and have huge budgets. What is the role? The workload of the local government lawyer is really not too different from that of many of their counterparts in private practice. There is a wide range of work to be done and many lawyers will increasingly specialise as their careers develop. However, one major difference is that like their counterparts in industry, the local government legal team will be far more proactive in the formulation of proposed policies than those in private practice law firms. The opportunities for management, both legal and general, are well established. Indeed, the role of the senior solicitor or county secretary within local government is similar to that performed by a company secretary. Training in local government There are approximately training contracts available in local government, but competition is strong and the application process is rigorous. The SRA carries a list of those authorities that are authorised to take on trainees. Why be a local government lawyer? The opportunity of working in a political environment with a sense of community service and clear management potential appeals to many people, not just lawyers. The vast range of legal work that the local government legal section will undertake makes for a stimulating and lively workplace. Many lawyers decide to follow this path early on, and do their training within a local authority legal section, going on to full careers within councils. Others may come after training at a law firm, having decided on a public sector career over those offered by private practice. Working in this sector also offers a flexibility that few other areas of the law can offer, with for instance much easier access to part-time positions throughout the career. Career path Training within a local government legal department does not limit your career choices. A move into private practice is not uncommon, nor is a switch into industry. Those with managerial skills may move easily into senior positions in councils, whilst the opportunities to specialise in many different areas of law are good.

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Chapter 6 : CiNii Books - Knowles on local authority meetings : a manual of law and practice

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This must be cross-referenced to the Chronology; Previous court orders and emergency steps; Previous assessments. Wishes and feelings of the child ren ; Timetable for the child; Delay and timetable for the proceedings. Realistic placement options by reference to a welfare and proportionality analysis; Contact framework. The local authority materials must be succinct, analytical and evidence-based. Assessment and analysis are crucial. Local Authority Case Summary A document prepared by the Local Authority legal representative for each case management hearing in the prescribed form. A threshold analysis; A case management analysis, including an analysis of the timetable for the proceedings, an analysis of the Timetable for the Child and the evidence which any party proposes is necessary to resolve the issues; A parenting capability analysis; A child impact analysis, including an analysis of the ascertainable wishes and feelings of the child and the impact on the welfare of the child of any application to adjourn a hearing or extend the timetable for the proceedings; An early permanence analysis including an analysis of the proposed placements and contact framework, by reference to a welfare and proportionality analysis; Whether and if so what communication it is proposed there should be during the proceedings with the child by the court. Flexible Powers of the Court Although the Public Law Outline sets out a prescribed set of stages, it also provides for flexibility at any stage of the proceedings. Steps, which the court will ordinarily take at the various stages of the proceedings, may be taken at another stage if the circumstances of the case so merit. The flexible powers of the court include the ability for the court to cancel or repeat a particular hearing, to give directions without a hearing including setting a date for the Final Hearing or a period within which the final hearing will take place , or to take oral evidence at the Case Management Hearing, Further Case Management Hearing or Issues Resolution Hearing. Where a party has requested an urgent hearing: To enable the court to give immediate directions or orders to facilitate any case management issue which is to be considered at the CMH; or To decide whether an ICO is necessary. The court may list such a hearing at any appropriate time before the CMH and give directions for that hearing. It is anticipated that an urgent preliminary case management hearing will only be necessary to consider issues such as jurisdiction, parentage, party status, capacity to litigate, disclosure and whether there is, or should be, a request to a Central Authority or other competent authority in a foreign state or consular authority in England and Wales in an international case. It is not intended that any urgent hearing will delay the CMH. It is expected that full case management will take place at the CMH. It follows that the parties must be prepared to deal with all relevant case management issues, as identified in Stage 2 â€" Case Management Hearing. A FCMH should only be directed where necessary and must not be regarded as a routine step in proceedings. It is vital that the first Case Management Hearing is effective in order to meet the week deadline. It is expected that full case management will take place at the Case Management Hearing. The parties must be prepared to deal with all relevant case management issues, as identified in Stage 2 â€" Case Management Hearing. The Timetable for the Child and the Timetable for Proceedings 7. The Timetable for the Proceedings is set having particular regard to the Timetable for the Child, and the Timetable for the Child needs to be reviewed regularly. Where adjustments are made to the Timetable for the Child, the Timetable for the Proceedings will have to be reviewed consistently with the aim of resolving the proceedings within 26 weeks or the period of time specified by the court. If proceedings can be resolved sooner than 26 weeks, then they should be. Examples of the dates the court will take into account when setting the Timetable for the Child are the dates of: Where more than one child is the subject of the proceedings, the court should consider and will set a Timetable for the Child for each child. The children may not all have the same timetable, and the court will consider the appropriate progress of the proceedings in relation to each child. Where there are parallel care proceedings and criminal proceedings against a person

connected with the child for a serious offence against the child, linked directions hearings should where practicable take place as the case progresses. The timing of the proceedings in a linked care and criminal case should appear in the Timetable for the Child. The time limit of resolving the proceedings within 26 weeks applies unless a longer timetable has been set by the court in order to resolve the proceedings justly. In these proceedings, early disclosure and listing of hearings is necessary. See also Protocol and Good Practice Model: Without delay; and In any event, within 26 weeks beginning with the day on which the application was issued. The court will have regard to: The impact which the timetable or any revised timetable would have on the welfare of the child; and The impact which the timetable or any revised timetable would have on the duration and conduct of the proceedings. The court will use the Timetable for the Child to assess the impact on the welfare of the child, and to draw up and revise the Timetable for the Proceedings. A standard timetable and process is expected to be followed in respect of the giving of standard directions on issue and allocation and other matters which should be carried out by the court on issue, including setting and giving directions for the Case Management Hearing. Extensions are not to be granted routinely and require specific justification. When deciding whether to extend the timetable, the court must have regard to the impact of any ensuing timetable revision on the welfare of the child. Applications for an extension should, wherever possible, only be made so that they are considered at any hearing for which a date has been fixed or for which a date is about to be fixed. Where a date for a hearing has been fixed, a party who wishes to make an application at that hearing but does not have sufficient time to file an application notice should as soon as possible inform the court if possible in writing and, if possible, the other parties of the nature of the application and the reason for it. The party should then make the application orally at the hearing. The reason s for extending a case should be recorded in writing in the Case Management Order and orally stated in court, so that all parties are aware of the reasons for delay in the case. An initial extension may be granted for up to eight weeks or less if directed. A further extension of up to eight weeks may be agreed by the court. There is no limit on the number of extensions that may be granted. If a further extension is granted, the Case Management Order should: State the reason s why it is necessary to have a further extension; Fix the date of the next effective hearing which might be a period shorter than a further eight weeks ; and Indicate whether it is appropriate for the next application for an extension of the timetable to be considered on paper. Extensions should generally be considered at a hearing â€" this can be by telephone or by any other method of direct oral communication. Use of Experts One of the threads of the overall aim of reducing the time taken to deal with proceedings is a change in the emphasis on, and a resulting reduction in, the use of expert evidence. Revised Rules and Practice Directions came into force on 31 January relating to expert evidence. These were put onto a statutory footing by section 13 of the Children and Families Act This new test also applies to permission to instruct an expert and for a child to be examined or assessed for the purpose of the provision of expert evidence; The inclusion of specific factors to which the court is to have particular regard in reaching a decision whether to give permission relating to expert evidence, including: An application for permission to instruct an expert should state the questions which the expert is required to answer and the court will give directions approving the questions that are to be put to the expert. Decisions about commissioning such evidence should be made early in the proceedings, usually at the Case Management Hearing. This additional material should be delivered within the timeframes set by the court. Where compliance becomes problematic the local authority will notify the court without delay and in advance of the deadline and seek an extension. Both the local authority social worker and the local authority advocate should be in command of the essential evidence and equipped to present this clearly and confidently to the court. The social worker should also be clear on the degree of certainty in the conclusions they have drawn and have to hand the key facts and dates to support their judgements. It is essential that the social worker and the local authority solicitor have regular contact during the course of the proceedings, and that the progress of the case is kept under constant review. This will include discussion of any disclosure issues, which may need to be the subject of directions by the Court. Case Management Checklist and Flowcharts Records of key discussions with the family; Key LA minutes and records for the child; Pre-existing care plans e. Only

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Checklist documents in a are to be served with the application form. Checklist Documents in b are to be disclosed on request by any party. Checklist documents are not to be: Within a day of issue Day 2: Not before day 12 and not later than day A FCMH is to be held only if necessary, it is to be listed as soon as possible and in any event no later than day Court gives detailed case management directions, including: As directed by the court, in accordance with the timetable for the proceedings. Notify the court immediately of the outcome of the discussion at the meeting; File a draft Case Management Order with the court by 11a. Court issues Case Management Order. The local authority should ensure that documents relating to family court proceedings are not included in the files to be examined by the police. Instead, the local authority will provide a list of such documents without describing what they are e.

Chapter 7 : Knowles on Local Authority Meetings, 8th edition

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This must be cross-referenced to the Chronology; Previous court orders and emergency steps; Previous assessments. Wishes and feelings of the child ren ; Timetable for the child; Delay and timetable for the proceedings. Realistic placement options by reference to a welfare and proportionality analysis; Contact framework. The local authority materials must be succinct, analytical and evidence-based. Assessment and analysis are crucial. A threshold analysis; A case management analysis, including an analysis of the timetable for the proceedings, an analysis of the Timetable for the Child and the evidence which any party proposes is necessary to resolve the issues; A parenting capability analysis; A child impact analysis, including an analysis of the ascertainable wishes and feelings of the child and the impact on the welfare of the child of any application to adjourn a hearing or extend the timetable for the proceedings; An early permanence analysis including an analysis of the proposed placements and contact framework, by reference to a welfare and proportionality analysis; Whether and if so what communication it is proposed there should be during the proceedings with the child by the court. It is vital that the first Case Management Hearing is effective in order to meet the week deadline. It is expected that full case management will take place at the Case Management Hearing. The parties must be prepared to deal with all relevant case management issues, as identified in Stage 2 - Case Management Hearing. The Timetable for the Proceedings is set having particular regard to the Timetable for the Child, and the Timetable for the Child needs to be reviewed regularly. Where adjustments are made to the Timetable for the Child, the Timetable for the Proceedings will have to be reviewed consistently with the aim of resolving the proceedings within 26 weeks or the period of time specified by the court. If proceedings can be resolved sooner than 26 weeks, then they should be. Examples of the dates the court will take into account when setting the Timetable for the Child are the dates of: Where more than one child is the subject of the proceedings, the court should consider and will set a Timetable for the Child for each child. The children may not all have the same timetable, and the court will consider the appropriate progress of the proceedings in relation to each child. Where there are parallel care proceedings and criminal proceedings against a person connected with the child for a serious offence against the child, linked directions hearings should where practicable take place as the case progresses. The timing of the proceedings in a linked care and criminal case should appear in the Timetable for the Child. The limit of resolving the proceedings within 26 weeks applies unless a longer timetable has been set by the court in order to resolve the proceedings justly. In these proceedings, early disclosure and listing of hearings is necessary. See also Protocol and Good Practice Model: Without delay; and In any event, within 26 weeks beginning with the day on which the application was issued unless the Court considers the case exceptional. The court will have regard to: The impact which the timetable or any revised timetable would have on the welfare of the child; and The impact which the timetable or any revised timetable would have on the duration and conduct of the proceedings. The court will use the Timetable for the Child to assess the impact on the welfare of the child, and to draw up and revise the Timetable for the Proceedings. A standard timetable and process is expected to be followed in respect of the giving of standard directions on issue and allocation and other matters which should be carried out by the court on issue, including setting and giving directions for the Case Management Hearing. Extensions are not to be granted routinely and require specific justification. When deciding whether to extend the timetable, the court must have regard to the impact of any ensuing timetable revision on the welfare of the child. If the social worker or Legal Services are aware of any factor that means that an extension to the 26 week timetable will be necessary then an application should be made to extend the timetable at the earliest opportunity. It is important that all Court directions are complied with- non-compliance with directions will

not be considered a good reason for extending the timetable. In Re W a child the President stated: The court is entitled to expect - and from now on family courts will demand - strict compliance with all such orders. Non-compliance with orders should be expected to have and will usually have a consequence. A person who finds himself unable to comply timeously with his obligations under an order should apply for an extension of time before the time for compliance has expired. It is simply not acceptable to put forward as an explanation for non-compliance with an order the burden of other work. Non-compliance with an order, any order, by anyone is bad enough. It is a particularly serious matter if the defaulter is a public body such as a local authority. Where a date for a hearing has been fixed, a party who wishes to make an application at that hearing but does not have sufficient time to file an application notice should as soon as possible inform the court if possible in writing and, if possible, the other parties of the nature of the application and the reason for it. The party should then make the application orally at the hearing. The reason s for extending a case should be recorded in writing in the Case Management Order and orally stated in court, so that all parties are aware of the reasons for delay in the case. The relevant test for justifying an extension of time in care proceedings was whether it was "necessary", as stated in the Children Act s. In respect of the new statutory framework the President in Re S a child made a number of points: The 26 week time limit is a mandatory limit which must be complied with, subject to the statutory exception set out in the new s. In this judgment he said at paragraph However, extensions should not be granted in the hope that something may turn up. First, is there some solid, evidence based, reason to believe that the parent is committed to making the necessary changes? If so, secondly, is there some solid, evidence based, reason to believe that the parent will be able to maintain that commitment? An initial extension may be granted for up to eight weeks or less if directed. A further extension of up to eight weeks may be agreed by the court. There is no limit on the number of extensions that may be granted. If a further extension is granted, the Case Management Order should: State the reason s why it is necessary to have a further extension; Fix the date of the next effective hearing which might be a period shorter than a further eight weeks ; and Indicate whether it is appropriate for the next application for an extension of the timetable to be considered on paper. Extensions should generally be considered at a hearing - this can be by telephone or by any other method of direct oral communication. Revised Rules and Practice Directions came into force on 31 January relating to expert evidence. These were put onto a statutory footing by section 13 of the Children and Families Act This new test also applies to permission to instruct an expert and for a child to be examined or assessed for the purpose of the provision of expert evidence; The inclusion of specific factors to which the court is to have particular regard in reaching a decision whether to give permission relating to expert evidence, including: Case Management Checklist and Flowcharts 2. Records of key discussions with the family; Key LA minutes and records for the child; Pre-existing care plans e. Only Checklist documents in a are to be served with the application form. Checklist Documents in b are to be disclosed on request by any party. Checklist documents are not to be: Within a day of issue Day 2: Court gives detailed case management directions, including: Notify the court immediately of the outcome of the discussion at the meeting; File a draft Case Management Order with the court by 11a.

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(f) Open meetings of an agency or authority shall be, to the extent practicable and within available funds, broadcast to the public and maintained as records of the agency or authority.