

CHILDREN AND FAMILIES ACT 2014

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 2 – FAMILY JUSTICE

Section 14: Care, supervision and other family proceedings: time limits and timetables

135. *Subsection (2)* amends section 32(1) of the Children Act 1989, which relates to the timetabling of proceedings on an application for a care or a supervision order, to require the court to timetable care and supervision cases with a view to concluding them without delay and, in any event, within 26 weeks of an application being issued.
136. *Subsection (3)* inserts a series of new subsections into section 32. New subsections (3) and (4) require that particular regard is had by the court to the impact of the timetable on the welfare of the child when drawing up the timetable for a case, revising that timetable, or making any decision (excluding an extension under new subsection (5), dealt with below) which may give rise to a revision of the timetable. The starting point for the court when timetabling cases should always be that the proceedings should be disposed of without delay, and in any event within the applicable period, which will be 26 weeks in the absence of an extension.
137. New subsection (5) of section 32 allows the court to extend the maximum case duration to be observed when timetabling an application beyond the 26 week time limit, or beyond the end of any previous extension, only if the court considers that an extension (or further extension) is necessary to enable it to resolve the proceedings justly. A decision to extend the maximum case duration to be observed when timetabling the application will in almost every case be followed by a revision of the timetable for the case to take advantage of the extension, for example, by relisting the date of a hearing. When deciding whether to extend time, the court must have particular regard to the impact which any ensuing revision of the timetable would have on the welfare of the child to whom the application relates, or on the duration and conduct of the proceedings.
138. New subsection (7) of section 32 highlights, by way of guidance, that extensions should not be granted routinely, and should be seen as requiring specific justification.
139. The factors which may be relevant when the court is considering whether to extend time beyond 26 weeks, or beyond the end of a previous extension may include, for example, the disability or other impairment of a person involved in the proceedings, if that means that their involvement in the case requires more time than it otherwise would, or external factors beyond the court's control, such as parallel criminal proceedings, if that is relevant to the case.
140. New subsection (8) of section 32 provides that each separate extension of time made under *subsection (5)* is to last no more than 8 weeks (even where an extension is granted after the expiry of the period being extended).

*These notes refer to the Children and Families Act 2014
(c.6) which received Royal Assent on 13 March 2014*

141. New subsection (9) of section 32 gives the Lord Chancellor power by making regulations to vary the 26 week time limit or the 8 week time limit for extensions. Such regulations would be subject to the affirmative procedure by virtue of amendments contained in section 16(1).
142. New subsection (10) of section 32 provides for rules of court (Family Procedure Rules) to be able to make certain provision relating to the matters to which the court should have regard when deciding whether to extend the time limit to be observed when timetabling for disposal of an application.
143. *Subsection (4)(a)* removes the limits on the duration of interim care orders (ICOs) and interim supervision orders (ISOs) set out in section 38 of the Children Act 1989 (8 weeks for initial orders and 4 weeks for any subsequent orders). Instead the judge will be able to set the length of ICOs and ISOs for a period which is considered appropriate in the particular circumstances of the case, although no ICO or ISO can endure beyond the cessation of the proceedings themselves. Should an ICO or an ISO expire before the proceedings have been resolved, the court will be able to make a further order.
144. It is expected that when making an ICO or ISO it will usually be appropriate to align the duration of the ICO or ISO with the timetable for the proceedings (including any extensions that may have been granted), to avoid the need for the court to make multiple ICOs or ISOs within proceedings.
145. *Subsection (7)* makes minor amendments to section 32(1) of the Children Act 1989. *Subsection (7)(b)* clarifies that a court is required to draw up a timetable in the light of any provision in rules of court that is of the kind mentioned in subsection (2)(a) or (b) (whether or not the rules themselves are made by virtue of subsection (2)).
146. *Subsection (5), (6) and (8)* are consequential upon the change in wording contained within *subsection (7)*.