



**IN THE FIRST-TIER TRIBUNAL
GENERAL REGULATORY
CHAMBER (CHARITY)**

Appeal number: CA/2020/0012

BETWEEN:

CHILD SMILE EVERYWHERE

Appellant

- AND -

THE CHARITY COMMISSION FOR ENGLAND AND WALES

Respondent

DIRECTIONS

Upon the Tribunal having received a Notice of Appeal on 23 June 2020

IT IS NOW DIRECTED AS FOLLOWS:

1. The Response is due by no later than 5 pm on 28 July 2020.
2. The Reply (which is optional) is due by no later than 5 pm on 25 August 2020.
3. Secondary disclosure (or confirmation that there is none) is due by no later than 5 pm on 8 September 2020.
4. The parties are now invited to agree further Directions between them, in accordance with the following provisions:
5. This appeal does/does not fall under the Fast Track Protocol. The parties do/do not wish to follow the Fast Track Protocol (if applicable)¹.
6. A telephone Case Management Hearing will take place on # at #

¹ https://www.judiciary.uk/wp-content/uploads/2020/03/2020_03_23_General-Regulatory-Chamber-Chamber-Presidents-Guidance-on-Ways-of-Working-during-Coronavirus-Out-1.pdf

7. The parties have agreed to a determination on the papers. The Tribunal has agreed/not agreed to determine this appeal without a hearing.

Or:

8. The parties have requested an oral hearing. Under the contingency arrangements in place during the current public health emergency, the Tribunal is listing all cases where an oral hearing is to take place as a 'remote hearing', which means a hearing where some or all participants attend by telephone or video link. If any party is unable to access a remote hearing they must contact the Tribunal immediately to explain why.
9. The remote hearing will take place on a date to be fixed in # 2020, with a time estimate of #
10. The parties must provide the Tribunal by 5 pm on 25 August 2020 with any dates during the month of November 2020 when they, or any witnesses, would be unable to attend a remote hearing.
11. The parties have agreed between them the following timetable relating to the service of witness statements and the preparation of an agreed electronic hearing bundle.
12. [No later than 14 days before the hearing], the parties must confirm to each other and inform the Tribunal which witnesses (if any) they require to attend the hearing for the purpose of answering questions.
13. [No later than 7 days before the hearing], the parties must provide the Tribunal with the names and contact details of each person who will attend the hearing, and must explain the role of that person in the hearing – e.g. Appellant, representative, witness, etc.
14. Invitations to join the remote hearing will be sent by email to all persons who have been notified as attending. Any person who has not received an invitation – which includes a telephone number and/or video link – 2 working days before the hearing must contact the GRC by telephone on 07394 414142.
15. Although the hearing is being conducted remotely, the hearing remains a Tribunal hearing. The usual rules and formalities continue to apply.

Electronic Bundle

16. The hearing bundle must be provided electronically.
17. The Respondent shall provide the Appellant and the Tribunal with an agreed, paginated, electronic bundle with an index by no later than one month before the hearing date. Electronic bundles should contain only documents that are essential to the remote hearing. The Tribunal's requirements for the format of electronic bundles are attached to these Directions.
18. The Tribunal is currently unable to post hard copies of bundles to parties. If any party is unable to access an electronic bundle, they must contact the Tribunal immediately to explain why.

19. The Parties must also provide the following to the Tribunal by email no later than 7 days before the hearing date:
- a. Their respective statements of case (which should not exceed 20 pages in length, written in .12 font);
 - b. A schedule of agreed facts;
 - c. A schedule of issues in dispute;
 - d. An agreed Chronology; and
 - e. A list of suggested pre-reading, including an electronic authorities bundle (if relevant) containing only those authorities referred to in the statements of case.

Open Justice and recording

20. The Tribunal will take reasonable steps to ensure that the hearing is of an open and public character, including potentially by giving notice to the public that the hearing is taking place remotely, and providing a contact address at which to obtain details of how to attend remotely.
21. The hearing will be recorded. It is an offence, and may amount to a contempt of court, to make or attempt to make an unauthorised recording or transmission of an image or sound made or transmitted during remote proceedings.

Cooperation

22. The Parties are reminded that they are required by the overriding objective to cooperate with each other, and with the Tribunal, as confirmed by the Upper Tribunal in *Dorset Healthcare NHS Foundation Trust v MH* [2009] UKUT 4 (AAC)², (paragraph 13). This includes a requirement to liaise with each other concerning procedural matters; to identify and clarify issues; to agree a course of action; and to identify and agree any additional directions required, before they refer a matter to the Tribunal.

JUDGE ALISON MCKENNA (CP)

DATED: 30 June 2020

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² <http://administrativeappeals.decisions.tribunals.gov.uk//Aspx/view.aspx?id=2607>