

## Birmingham Law Society Response to consultation

### “A consultation about the future arrangements for listing family work at Solihull Family Proceedings Court”

Proposal for closure of Solihull FPC from the 1/1/13

Q1. Do you agree that the arrangements for the delivery of family court services should be assessed against the following criteria:

**a. Do they enable the workload to be dealt with in an expeditious and efficient manner?**

Yes. The assessment criteria appears reasonable. The conduct of the case is ultimately the most important goal for all parties involved. The excellent transport links and proximity of Birmingham Civil Justice Centre to Solihull means that there does not appear to be an issue with transport or any other issues over and above the expeditious and efficient manner in which cases are conducted.

It is important to remember the function Solihull FPC serves to the Solihull Local Authority in particular. It is expected that this will not cause an issue for the Local Authority.

**b. Do the venues provide facilities that meet the needs of the parties, their representatives, the judiciary and those who support them whether by provision of legal advice or administration?**

Yes, it is important to take the following facts into account.

Sitting days

The position since July has been that there are two sitting days per week.

Administrative function

There is no administration function at Solihull FPC, so there may be a delay of one week for papers reaching Solihull from Birmingham FPC when the papers are couriered on a Thursday each week. No urgent matters can therefore be heard presently at Solihull FPC.

Judiciary/Legal Advisors

There are no specialist District Judges or designated family judges sitting at Solihull FPC. There are three Legal Advisors.

**c. Do they make the best use of judicial resources having regard to the needs of the court sitting patterns, the minimum sitting requirements of magistrates and the need for magistrates to maintain and develop their competence in this specialist work**

Yes. It is most concerning that since 2007, guidelines were issued to provide that the work of the Legal Advisor should not be less than 50%.

In response to the increase in family work, three full days were allocated to Solihull Magistrates Court. Even with these three allocated days, the Legal Advisors are not meeting the standards set by the Justices Clerks Society providing that 20% of the Legal Adviser's time should be spent upon Family Work.

The solution appears to be that the legal advisors should sit more – however the work is simply not being allocated to Solihull FPC to enable the legal advisors to deal with more work to maintain their expertise in the area of family work.

A reason why more cases appear not to have allocated to Solihull may be the time lag in the administration of papers and the choosing by Judges and Magistrates of where they would wish to sit. Justices have unsurprisingly chosen to sit in their “local courts” and for the majority this would not have been Solihull.

With a reduced servicing capability in terms of Judges, days and administration at Solihull FPC it is clear why the current Legal Advisors are not meeting minimum requirements to be considered as family specialists.

**d. Do they make best use of legal advisor resources having regard to the need to maintain and develop their competence in this specialist area of work, meet minimum expectations of their time commitment to the work and meeting the needs of the court when listing hearings?**

Yes. Please see answer to (c) above.

Capacity

It is clear that Birmingham Civil Justice Centre will have sufficient resources to take on any additional work to accommodate the workload from Solihull. The additional resources allocated to Birmingham FPC are to provide twice as many sitting days than are presently being used at Solihull FPC. It is more concerning and I believe I speak on behalf of all members of the Committee, when I say that the main concern of lawyers relates to the resources which will be available to accommodate the large rise in the number of “self-represented” parties from April 2013 when public funding will no longer generally be available.

There is statutory provision for a single court and the planned measures complement this.

**e. Are they conducive to efficient administration of family cases?**

With the single administration of family work it is difficult to see a system continuing where work is issued in one place and couriered to another.

The court file and queries need to be addressed in one venue.

It remains the case that the County Court remains the venue for proceedings running concurrently with divorce proceedings. When there has been a transfer from Birmingham County Court, experience of this, in practice, has been that cases are transferred to Birmingham FPC as opposed to being transferred to Solihull FPC. It makes sense for proceedings to be in the same building.

One practitioner has expressed a view that there is a perception of delay involved in conducting proceedings in Solihull FPC because of the court’s inability to issue applications.

**f. Are they cost effective?**

Efficiency in practice will undoubtedly produce a cost saving for all parties. I have not seen any data to estimate the anticipated cost savings of these measures.

A practitioner has expressed the view that there may be an increase in costs to the client for those firms based in Solihull travelling to Birmingham, which are not significant or the overriding consideration.