



Founded 1818

Kent Law Society

From The Honorary Secretary

2 March 2012

By email to Michael.Keen@hmcts.gsi.gov.uk

Dear Sir

Kent Law Society

Response to reduction of Face to Face Service Provision in the Civil and Family Courts

Kent Law Society

Founded in 1818, Kent Law Society is one of if not the oldest law society in England and Wales. The society has over 600 members who are practising solicitors living or working within the county. Our members work both in the public and private sector. Their practices range from sole practitioners to multi partner practices or companies working in all disciplines of law.

The county has a population of over 1,500,000 and is approximately 1,440 square miles.

Our members serve to represent the interests of the local communities which they seek to serve.

Introduction

This letter is a formal response made by Kent Law Society in answer to the reduction in Face to Face service provision by HM Courts and Tribunals Service in the Civil and Family Courts.

This response is made specifically to deal with the proposals for the reduction of services at Court within the county of Kent but many of the issues or considerations raised will have a bearing upon the proposals in neighbouring counties.

This response deals with the general principles, issues and considerations and other local law societies and local practitioners may respond dealing with specific issues touching and concerning their particular local Courts.

Our concerns

The consultation refers to the potential closure of County Court counters for all but 2 hours a day from April this year, for all Court users no matter what disabilities or issues they may have. This coupled with the government's avowed intention to cut back the legal aid bill will have a huge impact on access to justice for members of the public.

The letter from HMCTS refers to the Framework for the Provision of Front Office Services in the Civil Courts issued in September 2008. Observations from KLS Members on this include the fact that this Framework envisaged modernisation of the delivery front office service including increased use of IT, outreach surgeries, extending authorisation to other court staff to take oaths, free telephone service available at Court offices and other Government offices, secure deposit/drop off of facilities, payment machines and other forms of delivery that would have had a modernising effect on the delivery of face to face service without reducing the level of that service to the detriment of the local population. This has not taken place.

In the family Courts, particularly, many of our practitioners have already experienced a surge in litigants in person and many of these are vulnerable and need assistance. If they cannot get that assistance from a solicitor because of legal aid cuts or limited means then their last source of assistance is often the Court staff.

Although it is clear that additional information is available on line and such online services may help fill the gap, many litigants in person do not have access to computers or know where to turn for such advice. A large number of people are unable in any event to process information available on the internet or on phone help-lines, due to lack of education and learning disabilities. Other agencies, such as the CAB, are also being cut back and cannot take over the burden of this.

Our members also have concerns that the proposals could have the consequence of making the administration of justice even less efficient. There are often occasions in a practitioner's career when quick clarification of a point with the Court office has saved time, cleared up confusions and inconsistencies and generally promoted the administration of justice. This is particularly frustrating for local practitioners when it appears clear to our members that these proposed changes are most likely only needed in the first place because of cut backs in front line Court staff.

In terms of swearing of oaths and making declarations, many members of the public are advised by their legal representatives to use the Court service as it is free but may find the limitations on the times they can attend Court to do this prohibitive – particularly if they are also relying on public transport to get to Court in the first place.

In addition, members of Kent Law Society are very concerned to find that, whilst they have received correspondence from HMCTS referring to a consultation being launched in respect of which their views are sought and in respect of which no decisions have apparently yet been taken, correspondence was also received directly from HMCTS referring to the Maidstone County Court and stating that the proposed changes would be implemented from 2 April 2012. This does not indicate that this is a consultation but a decision that has already been taken. In any event the proposed implementation period is so soon after the consultation period ends that no proper consideration could be given to any representations made.

Members of Kent Law Society also question whether HMCTS has carried out its public sector equality duties pursuant to section 149 of the Equality Act 2010. This of course now requires public bodies to consider all individuals when carrying out their day to day work including in delivering services. It requires public bodies to have due regard to the need to eliminate discrimination, advance equality of opportunity, and foster good relations between different people when carrying out their activities. Surely these latest proposals, if implemented, are in direct contravention of this as they can only seek to reduce the good relations between the Courts and members of the public and indeed discriminate against some more vulnerable groups of people?

Conclusion

In summary in the view of Kent Law Society and its members these cuts come at the wrong time when the proposals to remove legal aid mean that litigants in person will need more rather than less time in Court. Kent Law Society concludes that these proposals should not be pursued and requests that HMCTS considers all possibilities for modernisation and consults the judiciary, the Courts' Board, and all relevant user groups in order to establish how the service can be modernised in a way that does not detrimentally affect the local population and practitioners.

Yours faithfully

A handwritten signature in black ink that reads "Emma Palmer". The signature is written in a cursive style with a large initial 'E'.

Emma Palmer
Honorary Secretary
Kent Law Society

**Response to Proposals on Modernisation of Face to Face Service
Provision in the Civil and Family Courts**

In order for us to understand how these proposals might affect different groups of people we ask that you complete the information in this form when providing your responses.

The personal data you provide will be treated in the strictest confidence and held securely.

You may not receive a direct reply on the issues you have raised but they will be taken into account before any decision is made on the proposals outlined.

Name

EMMA PALMER

Organisation
(if applicable)

KENT LAW SOCIETY

Age

16 to 24

25 to 34

35

45 to 54

55 to 64

65+

Disability: The Equality Act 2010 defines a disabled person as:
Someone who has a physical or mental impairment and the impairment has a substantial and long-term adverse effect on his or her ability to carry out normal day-to-day activities.

Do you consider yourself to be disabled as defined in the Equality Act 2010?

Yes

No

Prefer not to say

Comments
(please outline
your comments
on the proposals
here)

Please see attached.

To Return to : Michael Keen, Communications Manager
email address: Michael.keen@hmcts.gsi.gov.uk
Postal Address: 5th Floor, Fox Court, 14 Grays Inn Road, London, WC1X 8HN to be received by **2 March 2012**.