

Family Courts in Crisis

On 1 April 2013 the government introduced large scale cuts to the provision of legal aid in both civil and criminal proceedings. The impact in just one year on the administration has been astonishing. Figures, which are attached, show that 12 months ago the majority (some 80%) of parties to family court proceedings, in particular those dealing with child contact, were represented by lawyers. The situation now, in spring 2014, is a virtual reversal, with seven out of 10 parties appearing as Litigants in Person (LIPs). This is having a major adverse effect on child welfare.

Solicitors and Cafcass workers are reporting that children find this extremely stressful and also it is adding delay to the resolution of the contact hearings. In addition, judges are having to intervene frequently to explain the law and their rights to parents, which is obviously an expensive intervention.

Cuts to legal aid are also having a dramatic effect on women who are the subject of domestic abuse, with many being unable to obtain legal aid for hearings to get non-molestation and/or restraining orders. In addition there is evidence from around the country that cuts in local authority funding to the voluntary sector are meaning that contact centres for access to children are being shut down or having their hours curtailed. These are often the only places where, predominantly, fathers can have contact with their children, supervised by social workers. In some cases the parties are having to travel over 30 miles to the remaining centres.

Concern is also being expressed about proposals for the introduction of the Single Family Court, currently going through parliament because of under-resourcing, court closures and again cuts to legal aid. Papers are attached. The specific data from two firms of Family Solicitors and the unpublished figures from Cafcass will follow.

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