Written evidence from the Family Law Committee of Birmingham Law Society (CTS0034)

Formed of a range of professionals working in the family justice system, the Family Law Committee aims to promote the Midlands as a centre of national excellence for the sector.

The committee’s current objectives include improving access to specialist financial judges in relevant finance cases; addressing the significant increase in the number of applications relating to children issued at courts across the Midlands; and offering a greater range of ADR services to accommodate the increase in LiPs, thus reducing the volume of cases dealt with by the courts (and subsequently reducing the delay and expense involved for all).

1. What will be the likely effects of the reforms, both implemented and proposed, on access to justice in relation to:
   a. civil justice?
   b. family justice?

Digitalisation provides a platform for access to justice in terms of the online issue and filing of applications and documents. However, there is a concern in the profession that this may encourage persons not to seek advice from the legal profession.

The concern is that whilst the system for online divorce has been in place since 2018, there may be greater scope for divorcing parties, not to address their financial claims as part of the process.

The progress of the system has been slow, although there has been a significant uptake in the use by LiP. For example, the legal profession have not yet been able to access this and persons have not been able to apply to progress the divorce online to the Decree Nisi and Absolute stages.

   c. criminal justice?
   d. administrative justice, particularly as delivered by the tribunals system? e. those who are digitally excluded or require support to use digital services?

2. What are the effects on access to justice of court and tribunal centre closures, including the likely impact of closures that have not yet been implemented; and of reductions in HMCTS staffing under the reform programme? For users, how far can online processes and video hearings be a sufficient substitute for access to court and tribunal buildings?

The profession and all users will need to be organised in terms of the filing of documents on time to enable this to work.

The Personal Support Unit, led by Charlotte Rook at Birmingham Family Court would be a significant loss for those not able to access such technology.
There is an opportunity for this to be a significant advantage in terms of time saving and costs, but providing that the legal profession have adequate technology and processes in place to manage this efficiently.

3. Have the Ministry of Justice and HMCTS consulted effectively on the reforms, and maintained sufficient communication, with:

   a. Judicial office holders at all levels of seniority?

   b. The legal professions and the advice sector?

On behalf of the Family Law Committee BLS members are fortunate to have HHJ Robin Rowland leading the Specialist Financial Remedy Court, at Birmingham Family Court and as a consequence we have been well informed.

   c. Other relevant stakeholders?

4. Have the Ministry of Justice and HMCTS taken sufficient steps to evaluate the impact of reforms implemented so far, including those introduced as pilots; and have they made sufficient commitment to evaluation in future?

   Yes.