

Response to Request for Information

Reference FOI 000986
Date 20 March 2017

Family Law Proceedings

Request:

I am writing to make a Freedom of Information request based on the questions below.

For the past 6 months in family law proceedings, please provide answers to the following questions:

1. What was the total number of cases where the other side was a litigant in person/self-represented?
Your request for information has now been considered. Unfortunately City of Wolverhampton Council cannot supply the information you requested for the reasons set out below. Section 17 of the Freedom of Information Act 2000 requires City of Wolverhampton Council, when refusing to provide such information (because the information is exempt) to provide you, the applicant with a notice which:
 - (a) states the fact,
 - (b) specifies the exemption in question and
 - (c) states (if that would not otherwise be apparent) why the exemption applies:

In relation to your particular request, the following exemption applies:

Section 12 - Exemption where cost of compliance exceeds appropriate limit

We can confirm that the Council holds information falling within the description specified in your request. However, Section 12 of the Freedom of Information Act 2000 allows a public authority to refuse a request if the cost of providing the information to the applicant would exceed the 'appropriate limit' as defined by the Freedom of Information.

The Regulations provide that the appropriate limit to be applied to requests received by local authorities is £450 (equivalent to 18 hours of work). In estimating the cost of complying with a request for information, an authority can only take into account any reasonable costs incurred in:

- (a) *Determining whether it holds the information,*

- (b) *Locating the information, or a document which may contain the information,*
- (c) *Retrieving the information, or a document which may contain the information,*
- and
- (d) *Extracting the information from a document containing it.*

For the purposes of the estimate the costs of performing these activities should be estimated at a rate of £25 per hour.

We do not keep statistics for litigants who appear in person in family cases. In the majority of our public law cases where the local authority is the applicant there are no litigants in person in care cases because public funding is available for parents and some other family members.

If there are any such litigants in person in order to check we would have to go through each individual case and check which would exceed the time provision for this as it would take an inordinate amount of time. This would be a manual exercise and as such we believe that the aggregated time it would take to collate the information would be in excess of 18 hours (equivalent to a notional cost of £450).

In respect of private family law cases where the local authority are not a party we would not have these figures because we are not parties and are usually only involved to file and serve reports on behalf of children's services and provide them with advice and support.

2. What was the total number of cases where the council had to prepare paperwork such as bundles for the other party?
In respect of bundles/paperwork in the last 6 month we have not prepared paperwork or bundles.
3. How many of these cases were concerned about children?
All of the cases we are involved with in the family court would relate to children.