

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 18 January 2016

Public Authority: Ministry of Justice
Address: 102 Petty France
London
SW1H 9AJ

Decision (including any steps ordered)

1. The complainant requested information relating to statistical data about court orders made in the Family Court together with information about domestic violence and child protection matters. To date he has not received a substantive response.
2. The Commissioner's decision is that MoJ has breached section 10(1) of the FOIA in that it failed to provide a response to the request within the statutory timeframe of 20 working days. He requires it to comply with the request or issue a valid refusal notice as set out in section 17 of the FOIA.
3. MoJ must take these steps within 35 calendar days of the date of this decision notice. Failure to comply may result in the Commissioner making written certification of this fact to the High Court pursuant to section 54 of the Act and may be dealt with as a contempt of court.

Request and response

4. On 24 September 2015, the complainant wrote to MoJ and requested information in the following terms:

"1. The quarterly data from 1st April 2015 to 30th June 2015 for Non-molestation Orders, Occupancy Orders, Prohibited Steps Orders, Residency Orders, Contact Order, Divorce Petition, Decree Nisi and Decree Absolute by each family court in each region in England and Wales. Please include the total number of each orders

for all courts in England & Wales.

2. In addition to providing the quarterly data 1st April 2015 to 30th June 2015 for all family courts in England & Wales for the NMO and Occupancy Order data that you provide to be further broken down into the sub-category of applicants for these orders that are given: ex-parte male, ex-parte women, on notice male & on notice female. Please include the total number of each orders for all courts in England & Wales.

3. Provide data on solicitor firms supporting the application for NMO and Occupancy Orders from 1st April 2015 to 30th June 2015 for each family court in each region in England and Wales. Please include the total number of each orders for all courts in England & Wales.

4. The quarterly data from 1st April 2015 to 30th June 2015 for number of civil legal aid applications for family matters and divorce each county / city area in each region of England and Wales.

5. The quarterly data from 1st April 2015 to 30th June 2015 for the supporting evidence for domestic violence: GP report/letter, injunction or protective order (NMO / Occupancy Order / DVPN / DVPO), letter from refuge, on-going criminal proceedings for a domestic violence, relevant conviction or caution, police bail, referral to DV Support Service, Social Services letter, There has been a finding of fact in the family courts of domestic violence by the other party giving, undertaking from the respondent, victim has been referred to a Multi-Agency Risk Assessment Conference)

6. The quarterly data from 1st April 2015 to 30th June 2015 for the supporting evidence for child protection: Child Protection Plan In Place, Conviction Or Caution For Child Abuse Offence, Finding Of Fact Of Child Abuse, Injunctive or Protective Order (NMO / Occupancy / DVPN / DVPO), On-going Criminal Proceedings For Child Abuse, Police Bail, Prohibited Steps In Addition To Application For Protective Order Or Injunction, Social Services Letter)

7. Regions to be defined as London, Midlands, North Eastern, North Western, South Eastern, South Western and Wales”.

5. On 28 September 2015 he added the following request:

“..I would also be grateful if you would provide me with the following information:

The names of the Designated Family Centre in each Designated Family Judge area and satellite Hearing Centres. In Sussex the designated family centre is in Brighton and the satellite hearing centres are Chichester, Eastbourne, Hastings, Horsham and Worthing”.

6. MoJ acknowledged receipt of those requests on 2 October 2015, treating them as a single request. However, it had not responded substantively by the date of this notice.

Scope of the case

7. The complainant contacted the Commissioner on 2 December 2015 to complain that he had not received a response to his requests.
8. The Commissioner wrote to MoJ on 7 December 2015. He asked it to respond within 10 working days.
9. The scope of this case is the determination of whether MoJ has complied with section 10 of FOIA.
10. For the purposes of this decision notice, the Commissioner has considered the two related requests as if they were one request.

Reasons for decision

11. Section 1(1) of FOIA states that upon receipt of a request a public authority must confirm or deny whether information is held, and if that information is held it must be communicated to the requester.
12. Section 10(1) of FOIA states that public authorities must comply with section 1(1) within 20 working days of receipt of the request.
13. Despite the intervention of the Commissioner, MoJ has still not responded to the complainant's request for information.
14. From the information provided to the Commissioner in this case it is evident that MoJ did not respond to the complainant within the statutory time frame and so it is in breach of section 10(1) of the FOIA.

Other matters

15. The delay in responding to this request will be logged as part of ongoing monitoring of the MoJ's compliance with the FOIA.

Right of appeal

16. Either party has the right to appeal against this decision notice to the First-tier Tribunal (Information Rights). Information about the appeals process may be obtained from:

First-tier Tribunal (Information Rights)
GRC & GRP Tribunals,
PO Box 9300,
LEICESTER,
LE1 8DJ

Tel: 0300 1234504

Fax: 0870 739 5836

Email: GRC@hmcts.gsi.gov.uk

Website: www.justice.gov.uk/tribunals/general-regulatory-chamber

17. If you wish to appeal against a decision notice, you can obtain information on how to appeal along with the relevant forms from the Information Tribunal website.
18. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

Signed

Jon Manners
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