

15.10.08

Dear Legal Services Commission

Re :

- **Changes to the funding manual: the list of non-allowable disbursements in family cases (Volume 3, Part C - para 2.5)**
- **the guidance on excluded work (Volume 1, Part D - paras 5.7 and 5.9)**
- **the guidance on assessments of suitability for family mediation (Volume 3, Part C - para 20.9).**

The proposals for changes to the LSC manual in respect of funding should be abandoned.

If the LSC implement the proposed changes to the funding manual this will result in a number of children and their families being denied access to family life as a result of “contact centre fees being a client expense and not recoverable in any event”, para 5.9(1). It will make a nonsense of the ability of the courts to make orders for contact assessments if they cannot be funded.

The proposals do not take into consideration the fact that parents involved in court proceedings where contact is ordered at a contact centre often do not have the financial capacity to fund such orders. Furthermore, the children whose right it is to have a relationship with their family (Article 8 ECHR) rarely if ever have any disposable income to fund even in part contact costs. The proposals can only add for families to the already stressful and distressing impact of family breakdown.

In removing contact costs from scope the LSC assume that CAF/CASS can undertake the volume of work currently undertaken by contact centres despite the lack of additional funding to CAF/CASS to undertake this work.

The proposals set out “in respect of family proceedings in which the welfare of children is or maybe in question, it is a function of CAF/CASS and CAF/CASS Cymru to make provision for the children to be represented in such proceedings and provide information, advice and other support for the children and their families” para 5.9(2). If the LSC propose that the funding for such representation should be paid for by CAF/CASS alone this sets CAF/CASS as either sole providers or the gatekeepers for children’s representation. This may result in the denial of access to justice for the most vulnerable group of children who are caught up in the difficult and entrenched disputes of their parents. These children must be allowed access to skilled and independent representation and have equality of arms (Article 6 ECHR) without having their right to access to the courts determined by a commissioning body of the State.

There must be a full and proper consultation of the changes proposed, given their likely impact on the family Justice System and on those children and families who look to that system for support when they are at their most vulnerable.

We do not support the proposals as set on by the LSC.

Yours sincerely