

Resolution working for you - Pathfinder/Child Focussed Model Courts Pilot

In March we reported on discussions between Resolution, other practitioner representative groups and the Ministry on difficulties caused because the current legal aid private family law representation fee scheme was not designed to apply to the expedited process used in the Pathfinder/Child Focussed Model Courts Pilot.

As the Pathfinder hearings run on much shorter timescales than the standard Child Arrangements Programme, practitioners often have only a few days between receiving documentation and the hearing. The LAA routinely requests both parties' statements in order to decide to extend the scope of legal aid for the hearing. The timeframes often make producing these statements in time impossible.

The result of this is that the practitioners cannot obtain legal aid approval for an amendment. They are therefore not funded to attend the hearings on behalf of their clients and we hear that some vulnerable clients are attending hearings unrepresented.

We have submitted proposals to the MoJ which we believe would overcome the difficulty in relation to legal aid cover. The MoJ say they have submitted these to Ministers. The representative bodies have emphasised that this is an urgent issue.

A ministerial decision is awaited. In the meantime, the MoJ have advised that providers should contact the LAA Customer Service Team - 0300 200 2020 - if they have a submission which they are concerned will not be processed in time prior to the hearing. The LAA generally aims to expedite a submission where the relevant hearing is within 5 working days. However, it is not guaranteed and so we hope the MoJ will authorise a better solution.