



Office of the Official Solicitor
and the Public Trustee

The Official Solicitor and the Public Trustee Annual Report

1 April 2012 to 31 March 2013

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I. The Year in Focus

- 1.1 The Lord Chancellor appoints us both as independent statutory office holders. We are sponsored by the Ministry of Justice. OSPT is an 'arm's length body' which exists to support our work. We are pleased to present this Annual Report for our offices (OSPT).
- 1.2 We are proud of and grateful to our teams for their hard work and dedication over the course of this year, which has enabled us to achieve so much for our clients. This is especially so against the backdrop of an ever growing caseload. The rise in the Official Solicitor's caseload in the Court of Protection: Healthcare and Welfare cases has this year primarily been seen in a significant increase (31%) in medical cases. These cases are by their nature urgent and often attract media interest; because the Official Solicitor acts as both litigation friend and solicitor in them, they absorb considerable resource. The flow of Public law children cases has not decreased and there is the additional pressure from the courts seeking to expedite the cases in anticipation of the 26 week target to be introduced by the Children and Families Bill when enacted and in force. In order to effectively manage these continuing work pressures, the Official Solicitor has run waiting lists, which have varied from time to time in length, in relation to his acceptance of invitations to act in both Healthcare and Welfare cases and public law children cases.
- 1.3 In November 2012, the International Child Abduction and Contact Unit (ICACU) took on operational responsibility for the Lord Chancellor's obligations under Hague 96. This has increased the responsibilities of the ICACU as the Convention covers a wide range of civil measures of protection concerning children and is aimed at improving the protection of children. In practice, this means that the ICACU now needs to engage more rapidly with a wider range of public authorities across England & Wales to help ensure that protective measures can be taken promptly.
- 1.4 On 1 November 2012 the Lord Chancellor, at the request of the Official Solicitor, revoked, as obsolete, under section 90(3) of the Senior Courts Act 1981, the direction given to his predecessor on 29 May 1963 to review all cases of persons committed to prison for contempt of court and to take such action deemed necessary.
- 1.5 We are ever conscious of the need to deliver value for money in our services. Given our increased litigation and international workloads, we had a small overspend against our budget this year. This overspend, whilst not favourable, was justified given the increased workload and was fully sanctioned by the Ministry of Justice.
- 1.6 We have also completed this year the process of contracting out investment advice and securities management in relation to the securities we each hold on behalf of the beneficiaries of our respective trusts and deputy services. By 31 March 2013 some £26m (slightly over 70%) of the total securities we hold had been transferred to our chosen provider.

- 1.7 We have quantitative targets as one measure of the service we are delivering to our respective clients. We have ensured that our limited resources have been directed to delivering essential client services in our clients' best interests and of a good enough quality. Our targets (Activity Measures) and the Service Standards that underpin them are at Annex 4.
- 1.8 We operate a robust case review system across all of our teams to provide reassurance as to the quality and timeliness of casework activity. In spite of some challenges, we have ensured that over 94.6% of the Official Solicitor's litigation cases and 100% of our trusts and deputy services have been reviewed either monthly or annually in line with the specific requirements of the case type.
- 1.9 The ICACU and the REMO unit have both experienced a significant increase in incoming work related to the implementation and delivery of new international legislation. This has had an inevitable impact during the year on the teams' ability to achieve the throughput targets, as shown in the table at Annex 4; however with the additional resources allocated to both teams during the course of the year, there has been considerable progress towards meeting those targets.
- 1.10 There has been a slight increase (to 33) in the number of complaints received this year. However this very small number of complaints, when set against the total case loads set out in Table 1 of Annex 3, reflects the high level of service and expertise that is delivered by our teams.
- 1.11 Our stewardship accounts for the third party funds for which we are separately responsible have been the subject of their annual audit by the National Audit Office, and we are pleased to be able to report that they received an unqualified audit opinion.

2. Financial Performance

- 2.1 **Unaudited Income and Expenditure Statement** The office is not required to produce its own audited accounts. The office's income and expenditure are an integral part of the MoJ's Annual Report and Accounts, which are subject to audit, and a summary of income and expenditure by activity is disclosed in the notes to the account (segmental analysis). The Budget Analysis is in table 3 in Annex 3.
- 2.2 Our gross **direct** operating costs (total administration costs less fee recoveries) for 2012/13 were £7,271m compared to £7,570m 2011/12.
- 2.3 Income received was £2,330m, of which £0.548m was trusts and deputy services. The remainder was made up of Property & Affairs (£1.163m), Child Trust Funds (£0.243m), Civil Litigation (£0.062m), Health & Welfare (£0.219m), and Divorce/Family (£0.092m).
- 2.4 The net assets under our control as at 31 March 2013 (£76,5m) are shown in table 2 at Annex 3. The values shown in the table are adjusted to take account of funds distributed in-year and represent the value as at 31 March 2013.

3. Governance

- 3.1 As independent statutory office holders, we are accountable for the performance of our joint office. We each have in place a Memorandum of Understanding with our sponsoring Department, the MoJ, that sets out how we will work together and with the MoJ.
- 3.2 To inform our decision making we meet on a monthly basis with the non-executive Management Advisory Board, which we jointly chair, to discuss progress against our annual plans and targets, budgetary matters and issues of concern. We also jointly chair a monthly Finance Sub-committee which helps us to manage our budget including fee recovery at a detailed level.
- 3.3 We work with MoJ Internal Audit and Assurance Division on an ad hoc basis. The National Audit Office's audit of our Stewardship accounts helps to assure the integrity of our management and financial systems in respect of our trusts and deputy services work, and to provide assurance that our internal risk management systems are proportionate.
- 3.4 We take feedback on our services from all sources very seriously. We have a robust complaints process and this year a total of 33 letters of complaint were recorded, some of which contained more than one grievance. Of these complaints 5 (15%) were fully justified, 12 (36%) were partly justified and 16 (49%) were not justified. This compares with 15 complaints in 2011/12 (of those 15 complaints, 0 were justified).
- 3.5 We set ourselves a target of providing substantive answers in 95% of the complaints we receive within 15 days and we achieved 100% this reporting year.
- 3.6 We had 39 formal letters of thanks for our work during this year.

4. Our People

Staffing

- 4.1 At the beginning of April 2011 we had 129.07 permanent staff (FTE), 11 agency staff and 3 unfilled vacancies. At 31 March 2013, the staffing profile had changed to 124.57 permanent staff (FTE), 14 agency staff and 8 unfilled vacancies. Some of the agency staff are filling vacancies pending the completion of permanent recruitment exercises and others are short term resources brought in to assist with necessary preparations for the office move to smaller premises, which takes place in August 2013.

Sick Absence

- 4.2 Sick absence averaged 10.08 days per person during 12/13, a small reduction from 10.81 in 11/12.

Staff Engagement

- 4.3 During 2012 we encouraged staff to complete the Ministry of Justice's staff engagement survey. As a result, we scored an engagement index of 65% set against an overall response rate of 76%. This was very pleasing. We scored particularly highly (over 90% positive responses) on staff having had a performance review in the last 12 months; staff being interested in the work they do; staff having the right skills for their job; staff knowing what is expected of them; staff feeling sufficiently challenged by their work; and staff getting a sense of accomplishment from their work. The 2011 staff engagement survey drew a participation rate of 70%, so this is a good increase in 2012 that in turn increases the statistical validity of the results.

Learning & Development

- 4.4 We encourage our staff to enhance their professional and personal performance, and to develop new skills through a range of training, including internal and external courses and seminars that are both funded and complimentary. Our objective is to provide such development within a tight training budget and, where possible, use is made of free training which takes place both in and out of office hours. Additionally, this year all staff undertook mandatory on-line training on information assurance and on fraud awareness.

5. Noteworthy Cases

Noteworthy cases

Re D (Costs) [2012] EWHC 886 (COP), [2012] COPLR 499 – medical treatment – whether pre 2005 Act approach survived enactment of Act

Re F (A Child) [2012] EWCA Civ 1770 appeal against refusal in care proceedings of the father's applications for direct contact, parental responsibility and a change of the child's surname. Appeal allowed and case remitted to the county court for re-hearing.

X Primary Care Trust v XB [2012] EWHC 1390 (FAM), [2012] COPLR 577 – advance decision

A Local Health Board v J [2012] All ER (D) 146 – PVS – withdrawal of ANH

CYC v PC and NC [2012] COPLR 670 – capacity

NHS Trust v K & Ors [2012] EWHC 2922 (COP), [2012] COPLR 694 – medical treatment of woman suffering from mental illness

A Local Authority v AK and Others [2012] EWHC 829 (COP) - whether a severely brain damaged man had capacity to marry

A Local Authority v E and others [2012] EWHC 1639 (COP), [2012] COPLR 441 – whether force feeding an anorexic in their best interests

Re SK (by his litigation friend, the Official Solicitor) [2012] EWHC 1990 (COP), [2012] COPLR 712 - joinder of parties to COP proceedings; whether parties to related civil proceedings satisfied the test for joinder in the COP

XCC v AA and others [2012] EWHC 2183 (COP), [2012] COPLR 730 – inherent jurisdiction non-recognition of marriage

A, B and C v X and Z [2012] EWHC 2400 (COP), [2013] COPLR 1 – capacity

The NHS Trust v L and others [2012] EWHC 2741 (COP), [2013] COPLR 139 – whether force feeding an anorexic in best their interests

An NHS Trust v DJ & Ors [2012] EWHC 3524 (COP) – futility of medical treatment – on appeal sub nom *Aintree University Hospitals NHS Foundation Trust v James* (by his litigation friend, the Official Solicitor) and others [2013] EWCA Civ 65, 131 BMLR 124

J Council v GU, J Partnership NHS Foundation Trust, Care Quality Commission and X Ltd [2012] EWHC 3531 (COP), [2013] COPLR 83 – monitoring of restrictive measures

Public Trustee v. Butler [2012] EWHC 858 (Ch) - construction of provisions in will void for uncertainty

Re JC; D v JC, JG, A, B, C [2012] COPLR 540 - application for a statutory will

Re AW (permanent vegetative state) [2013] EWHC 78 (COP) – withdrawal of ANH

PS v LP [2013] EWHC 1106 (COP) - contact

NT v FS & Ors [2013] EWHC 684 (COP) – capacity – statutory will

A Primary Care Trust v LDV (by her litigation friend, the Official Solicitor) and others [2013] EWHC 272 (Fam) – deprivation of liberty

Baker Tilly v Makar [2013] EWHC 759 (QB) – appeal against finding that a party was a protected party

6. Outreach

6.1 During the year, we have continued to enhance the profile of the office and raise awareness of the breadth of our work both within and outside the Ministry of Justice. We have participated in the Open House event at the Royal Courts of Justice. We also once again fielded a team for the London Legal Walk in May 2012.

6.2 Outreach activities have also taken place during the year. They included:

- Visit by the Official Solicitor for Queensland, Australia
- Presentation by the Official Solicitor to Diversity and Community Relations Judges at the Judicial College
- Visit by the Rev Professor Bryan Vernon and Durham Medical Students
- Deprivation of Liberty Safeguards meeting with the DoH
- Moj MCA Strategy Board meetings
- Adult Safeguarding Roundtable Discussion at the Law Society
- Family Justice Board meetings
- Presenting at the Wiltshire Family Justice Council annual conference in June 2012
- Presenting at a Housing Law conference, June 2012
- Provided training at a workshop The Chancery Bar Conference, December 2012
- Presenting at the Chase de Vere "Court of Protection Update for Professional Deputies, July 2012
- Speaker at Chase de Vere Professional Deputies Day, March 2013
- Provided training at The Judicial College, September 2012
- Provided training to charities at Withers, January/February 2012
- Presenting at Bristol Court of Protection Seminar, November 2012
- Presenting at a meeting of the children's committee of the Law Society
- Presenting at a conference organised by Stour Chambers
- Training for LexisNexis on Property and Affairs applications in the Court of Protection via Webinar
- Presenting to the Solicitors for the Elderly (London Branch), Sept 2012
- Presenting at the LexisNexis Practice and Procedure in the Court of Protection Conference, February 2013

- Article published in the Elderly Law Journal on "Costs in the Court of Protection"
- Contributing to the Court of Protection Practice 2013
- Membership of the Court of Protection User Group
- Membership of the Law Society's Mental Health and Disability committee (until September 2012)
- Representation by the ICACU and the REMO unit at the European Judicial Network
- Presentation by the REMO unit at the conference for Recovery of Maintenance in the EU and Worldwide in Heidelberg, Germany
- Presentation by the REMO unit at the REMO Central Authority conference organised in Latvia
- The ICACU presenting a paper at a conference organised by the Polish Embassy
- The ICACU facilitating at Regional Police Seminars
- The ICACU attending the Child Abduction Co-Ordination Group
- Visits to the ICACU by delegations and representatives from Japan, Slovakia, Canada and the Czech Republic
- At the invitation of the Foreign and Commonwealth Office the ICACU visited government officials, NGOs and a symposium in Japan
- The ICACU participated in research by Cardiff University Law school, funded by the Nuffield foundation
- Visits to the REMO unit by delegations from Latvia and the Czech Republic and by MoJ Legal Advisers
- Liaison by the REMO Unit with EU and non-EU colleagues, and with colleagues in Her Majesty's Courts and Tribunals Service
- Visit by the REMO unit to the Hungarian Central Authority
- Membership of the International Family Law Committee

Alastair Pitblado

Alastair Pitblado

Eddie Bloomfield

Eddie Bloomfield

Annex I

Aims, functions and business activities of the Official Solicitor

AI.1 The Official Solicitor's aims are

AI.1.1 to prevent injustice to the vulnerable by:

- acting as last resort litigation friend, and in some cases solicitor, for adults who lack mental capacity and children (other than those who are the subject of child welfare proceedings) in court proceedings because they lack decision making capacity in relation to the proceedings. As litigation friend the Official Solicitor “steps into the shoes” of the client who lacks litigation capacity. His role is to carry on the litigation on behalf of the client and in his best interests. For this purpose the litigation friend must make all the decisions that the client would have made, had he been able. The litigation friend is responsible to the court for the propriety and the progress of the proceedings
- acting as last resort administrator of estates, trustee and as deputy in relation to Court of Protection clients
- being appointed, in place of a parent, to act as the registered contact in the administration of the Government's Child Trust Fund scheme for looked after children in England and Wales when there is no other suitable person to do so

AI.1.2 to assist the High Court, Court of Protection and Court of Appeal by

- acting as advocate to the court¹ providing advice and assistance to the court and
- under *Harbin v Masterman*² making enquiries and reporting to the court on any matter which the court thinks fit to direct in order to “ascertain the truth” or “find out the facts”.

AI.2 He also

- through the International Child Abduction and Contact Unit (ICACU) carries out in England and Wales the operational functions of the Lord Chancellor, who is the Central Authority under the 1980 Hague Convention on the Civil Aspects of

¹ Pursuant to the Joint Memorandum of the Attorney General and the Lord Chief Justice of 19.12.01.

² [1896] 1 Ch 351.

International Child Abduction and the European Convention on Recognition and Enforcement of Decisions Concerning Custody of Children and on Restoration of Custody of Children and EU Regulation, No 2201/2003, concerning Jurisdiction and the Recognition and Enforcement of Judgments in Matrimonial matters and matters of parental responsibility. Also, with effect from 1 November 2012, the 1996 Hague Convention on Jurisdiction; Applicable law, Recognition; Enforcement and Co-operation in respect of parental responsibility and measures for the protection of children for England only.

- through the Reciprocal Enforcement of Maintenance Orders (REMO) Unit carries out in England and Wales the operational functions of the Lord Chancellor who has responsibility for international maintenance claims including, with effect from 18 June 2011, the operational functions of the Lord Chancellor as Central Authority for Council Regulation (EC) No4/2009 ('the Maintenance Regulation).
- administers estates and trusts as administrator/trustee of last resort, among which he manages a number of trust funds for children, most of which arise from awards by the Criminal Injuries Compensation Authority. He is the property and affairs deputy of last resort appointed under the Mental Capacity Act 2005.

AI.3 Civil Litigation Division: there is a wide range of cases in which the Official Solicitor acts as litigation friend e.g. personal injury claims, possession actions or applications in respect of estates. Other cases may involve representing an estate of a deceased person, usually in circumstances in which some person wishes to claim against an estate for which no-one is willing to act and where no grant has been taken out. He acts for claimants in applications for judicial review of decisions of public authorities and acts in applications for the displacement of nearest relatives under the Mental Health Act 1983. An increasing number of cases involve debt and/or bankruptcy proceedings. Most of this litigation is conducted through external solicitors, but a minority is handled in-house.

AI.4 Divorce Litigation Division: the Official Solicitor acts as litigation friend in divorce and ancillary relief proceedings, representing adults who lack capacity. In most cases, external solicitors are instructed, save with regard to the main suit, which is (generally) handled in-house.

AI.5 Family Litigation Division: the Official Solicitor acts as litigation friend of adults who lack litigation capacity and of children in family proceedings (but not of a child whose welfare is the subject of the proceedings, as that is the responsibility of CAFCASS). The majority of the cases in which he acts are public law children proceedings including placement proceedings, but he is also increasingly asked to act in private law children cases as litigation friend. He may be asked to act for any party lacking litigation capacity – in most cases this will be a parent but it may also be an intervenor. In most cases, external solicitors are instructed.

- AI.6 Court of Protection:** Healthcare and Welfare Cases: the Official Solicitor acts as litigation friend of “P” (and any protected party) in proceedings in the Court of Protection relating to “P”’s welfare. The Official Solicitor acts as solicitor for “P” in healthcare cases and instructs external solicitors to provide litigation services in other welfare cases. “P” is the name given by the 2005 Act and the Court of Protection Rules 2007 to a party who lacks, or may lack, capacity and whose personal welfare is, or property and affairs are, the subject of an application to the Court of Protection. Other parties to Court of Protection proceedings who lack capacity to conduct the proceedings are known, as in proceedings in other courts, as “protected parties”.
- AI.7 Court of Protection:** Property and Affairs: the Official Solicitor acts as litigation friend and solicitor for people who lack capacity in proceedings concerning their property and affairs before the Court of Protection.
- AI.8 Acceptance criteria:** the Official Solicitor expects three criteria to be established before he will accept appointment as litigation friend:
- that there is undisputed evidence (or the court has made a finding) that the party (or intended party) lacks capacity to conduct the proceedings (or in Court of Protection proceedings evidence or a finding with regard to P’s decision making capacity)
 - that, on the basis of the information available to him, there is no one else suitable and willing to act as litigation friend
 - that there is security for the costs of legal representation of “P” or the protected party or the case falls in one of the classes in which, exceptionally, he funds the litigation services out of his budget, in accordance with long standing practice.
- AI.9 Costs:** as last resort litigation friend, the Official Solicitor has never sought to, and indeed could not in many cases, recover his costs of being litigation friend. But the Official Solicitor may make his involvement in proceedings conditional on his costs of obtaining or providing legal services being secured from external sources, except in cases involving medical treatment, where his involvement has long been regarded a matter of necessity, or where he is invited by the court to provide an advocate to the court or make enquiries under *Harbin v Masterman*.
- AI.10 External funding sources:** those external sources may be
- the Legal Services Commission³ where the Official Solicitor’s client is eligible for public funding

³ Legal Aid Agency from April 2013

- the client's own funds where either the client has financial capacity or the Court of Protection has given the Official Solicitor authority to recover the costs from the client
- a Conditional Fee Agreement (e.g. in personal injury claims)
- an undertaking from another party to pay his costs
- the funds in dispute where the case involves a trust or estate

AI.II Trusts, estates and deputyships: both the Official Solicitor and the Public Trustee operate a strict policy of accepting new cases only in the last resort. The broad acceptance criteria applied are to accept cases only where:

- the beneficiaries (or one of them) are vulnerable or under legal disability (minority or lack of mental capacity) and no-one else is apparently able or suitable to act for them;
- a trustee or personal representative is necessary to resolve legal proceedings and a suitable or agreed alternative cannot be found;
- without intervention, the assets might be lost or fall into the wrong hands because the real beneficiary(ies) have not been ascertained;
- the Public Trustee is named as executor and there is no suitable alternative person available and willing to act.

In addition they will usually wish to be satisfied that funding is available for their fees or costs and that the total costs of administration will not exhaust the net estate or fund.

Annex 2

Aims, functions and business activities of the Public Trustee

A2.1 The Public Trustee administers trusts and estates where he has accepted appointment to do so. The Public Trustee acts as executor and also as administrator of the estates of deceased persons and as a trustee of trusts in the interests of vulnerable individuals or persons under disability or where there are differences between executors, trustees or beneficiaries. Additionally, the Public Trustee deals with the recording (for a fee) of applications for Notice to quit under the Law of Property (Miscellaneous Provisions) Act 1994 which are served on property originally occupied by someone who is now deceased and for whom personal representatives are not acting.

A2.2 Both the Official Solicitor and the Public Trustee operate a strict policy of accepting new cases only in the last resort. The broad acceptance criteria applied are to accept cases only where:

- the beneficiaries (or one of them) are vulnerable or under legal disability (minority or lack of mental capacity) and no-one else is apparently able or suitable to act for them;
- a trustee or personal representative is necessary to resolve legal proceedings and a suitable or agreed alternative cannot be found;
- without intervention, the assets might be lost or fall into the wrong hands because the real beneficiary(ies) have not been ascertained;
- the Public Trustee is named as executor and there is no suitable alternative person available and willing to act.

In addition they will usually wish to be satisfied that funding is available for their fees or costs and that the total costs of administration will not exhaust the net estate or fund.

A2.3 The Public Trustee's charges in respect of his trusts and estates work are by way of percentage and other fees charged under the Public Trustee's (Fees) Order 2008 (SI 2008/611) made under the Public Trustee Act 1906, as amended.

Annex 3

Case and other statistics

Table 1: Case statistics

Table 1: Case statistics	New Cases Accepted			Cases in hand ⁴		
	11/12	12/13	% change	11/12	12/13	% change
Civil Litigation	756	695	-8.06	990	909	-8.18
Family Litigation	796	811	1.88	588	590	+0.30
Divorce	105	90	-14.28	314	280	-10.83
CoP - property & affairs	551	518	-5.98	330	372	+12.73
CoP - health & welfare	358	333	-6.98	582	546	-6.19
ICACU	611	714	16.85	492	588	+16.67
REMO	1720	2841	65.17			
Child Trust Funds	1168	1164	0.34%	8670	9479	+8.53
OS Estates and Trusts	6	7	16.66%	159	148	-6.92
PT Trusts	4	0	-100%	106	78	-26.46
Deputyships	0	0	-	33	32	-3.03

Table 2: Assets under OSPT control as at 31 March 2013 (£'000s)

	2011-12	2012-13
Investments	37,697	54,497
Property and Chattels	14,840	12,563
Cash on Deposit	11,413	8,419
Debtors	540	1,661
Creditors	-495	-611
	£63,995	£76,529

⁴ Cases in hand figure at 31 March 2013

Table 3: Budget

Budget Analysis	Litigation		Trust & Deputy Services		Total	
	11/12	12/13	11/12	12/13	11/12	12/13
	£000	£000	£000	£000	£000	£000
Paybill excl agency staff	4,275	4,805	1,273	896	5,548	5,701
Other admin costs	1,680	1,474	342	96	2,022	1,570
Total Admin Costs	5,955	6,279	1,615	992	7,570	7,271
Total Non Cash Costs	1,919	2,413	639	494	2,558	2,907
Total Full Cost	7,874	8,692	2,254	1,486	10,128	10,178
Fee Recoveries	-1,302	-1,782	-1,119	-548	-2,421	-2,330
Net Position	6,572	6,910	1,135	938	7,707	7,848

Annex 4

Activity Measures and Service Standards April 2012 – March 2013

Activity Measures ⁵	Target	Outturn 12-13	Outturn 11-12
1. To respond to all communications in line with service standards 1 to 5	95%	96.24%	73.90%
2. To carry out detailed case reviews of all litigation cases every 3 months and all TDS cases on an annual basis, and ensure all identified issues are actioned	95%	82.14%	94.88%
3. All cases referred to the International Division to be processed within the target times in line with service standards 10 to 15	98%	94.10%	91.40%
4. In Court of Protection property and affairs cases, a substantive response to the application issued within 20 working days of the application being received	90%	75.90%	80.20%
5. Raise at least £1.75m in fees and costs	£1.79m	£2.33m	£2.4m

⁵ Activity Measures are underpinned by the attached set of service standards that both feed into the Activity Measures and provide additional management information on progress

Service Standards		Target 11-12
Correspondence		
I	We aim to respond fully to all incoming written correspondence, including emails, <u>within 20 working days</u> of receipt	95%
II	If we are not going to be able to provide you with a full response in that time, we will either send you an acknowledgment immediately, or a letter <u>within 10 working days</u> to let you know when we will be able to reply fully	
III	If you have complained, we aim to respond to you fully within <u>15 working days of receipt</u>	
IV	Written requests under the Freedom of Information Act 2000 (where it applies) will be dealt with <u>within 20 working days</u>	
V	Written subject access requests under the Data Protection Act will be dealt with <u>within 40 calendar days</u>	
Correspondence		
VI	To ensure that we act promptly and effectively, we will carry out regular detailed case reviews of all ongoing cases in addition to the current activity	95%
VII	If your case is with the Litigation teams, it will be reviewed quarterly	
VIII	If your case is with the Trusts and Deputy Services Team its various elements will be reviewed annually – tax, investment review, annual account or statement and case progression	
IX	If your case is with the Child Trust Funds Team it will be reviewed annually	

International Cases ⁶		
X	All complete REMO applications will be processed within <u>5 working days</u>	98%
XI	All complete ICACU outgoing return applications will be forwarded to Central Authorities within <u>5 working days</u>	
XII	All complete ICACU incoming applications will be forwarded to Solicitors within <u>1 working day</u>	
XIII	All complete ICACU applications for access, the European Union Convention and Brussels II will be actioned within <u>10 working days</u>	
XIV	We will seek to ensure that documents sent for translation are returned within the target time	
XV	All incomplete REMO and ICACU applications will be returned within <u>5 working days</u>	
Court of Protection – Property and Affairs		
XVI	In Court of Protection property and affairs cases, we will provide a substantive response to the application issued within <u>20 working days</u> of the application being received	90%
Fees and Costs		
VIII	We will ensure all clients are informed about the charging regime that applies to them when our involvement begins	£1.79m
IX	Raise at least £1.75m in fees and costs	

⁶ Where 'complete' is specified, this means that all elements of the application including supporting documents and any required translations must have been obtained.

Annex 5

ICACU - Annual case statistics for calendar year 2012

The table below shows the amount of return and contact cases which were processed and case managed by the ICACU during 2012. The table also shows the outcomes of the cases which were concluded during 2012. The cases involved children taken to or taken away from over 50 different countries worldwide.

	Incoming return cases	Out going return	Incoming contact cases	Out going contact
Cases carried over from 2011	63	175	42	59
New cases arising during 2012	229	220	28	37
Cases Rejected by ICACU	8	6	2	1
Cases Rejected by foreign Central Authority		13		2
Child not Traced	3	3		
Child Traced to non Convention Country		2		
Child Traced to other Convention Country	2		2	
Cases Withdrawn	49	79	24	33
Voluntary Return	27	84		
Judicial Return	107	42		
Judicial Refusal	16	22		
Contact ordered or agreed	18	10	8	11
Contact refused				
Cases pending at end of 2012	62	134	34	49

Please note that the above table provides statistical information for the 2012 calendar year. In line with the 'Guide to Good Practice' Central Authorities are encouraged to maintain accurate statistics concerning the cases dealt with by them under the convention, and to make annual returns of statistics to the Permanent Bureau in the Hague.

Other cases brought under specific articles of the Revised Brussels II Regulation

The table below shows the number of requests the ICACU processed under the various articles of the Revised Brussels II Regulation. The statistics do not necessarily show all cases, as action in some instances can be taken without going via the Central Authority. For example in Article 15 cases, co operation can either be direct between courts or through the central authorities.

New cases arising during 2012	Incoming request	Outgoing request
Article 15 - Transfer to a court better placed to hear the case	4	0
Article 39 - Recognition of a judgment concerning parental responsibility	1	2
Article 41 - Enforcement of existing contact order	7	4
Article 42 - Return of the child by a certified judgment	1	1
Article 55 - Co operation on specific cases	67	57
Article 56 - Placement of a child in another member state	20	7



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Alternative formats considered upon request