

GUIDE TO INFORMATION PUBLISHED BY THE FAMILY PROCEDURE RULE COMMITTEE

Part 1

Role of the Family Procedure Rule Committee

The Family Procedure Rule Committee was established by sections 75 - 80 of the Courts Act 2003¹ and is a Non Departmental Public Body sponsored by the Ministry of Justice.

The Committee is for making rules of court governing the practice and procedure to be followed in family proceedings. It must exercise its powers with a view to securing that the family justice system is accessible, fair and efficient. It must seek to make rules that are both simple and simply expressed.

Members of the Committee (defined in s 77 of the Act), who are unpaid, are selected through open competition and are expected to contribute actively to the formulation and discussion of rule proposals in meetings of the Committee and sub-committees. They must be willing to devote sufficient time to the preparation of Committee business. They must also be familiar with the administration of family justice. More information about the Family Procedure Rule Committee and its work, can be found on the Committee's website on <https://www.gov.uk/government/organisations/family-procedure-rule-committee>.

Freedom of Information Act 2000: Introduction

The Freedom of Information Act 2000² (the Act) establishes a **general right of access to all types of recorded information held by public authorities**, sets out exemptions from that right and places a number of obligations on public authorities. The Act applies

¹ Copies of the Courts Act 2003 are obtainable, for a charge, from the Stationery Office. A copy of the Act can be downloaded at no charge from the OPSI website at www.opsi.gov.uk

² Copies of the Freedom of Information Act 2000 are obtainable, for a charge, from the Stationery Office. A copy of the Act can be downloaded at no charge from the OPSI website at www.opsi.gov.uk

to a large number of public bodies, including Non Departmental Public Bodies such as the Family Procedure Rule Committee.

You are entitled, on application to the Secretary of the Family Procedure Rule Committee, (unless the information falls under one of the specific exemptions in the Act):

(a) to be informed in writing by the Secretary whether or not information of the description specified in your request is held; and

(b) if that is the case, to have the information communicated to you.

Under the Act, the Secretary of the Committee is required to deal with a request for information within 20 working days. The Act also provides that you may appeal to the Information Commissioner where you believe that we have not dealt with a request for information in accordance with the Act.

In most cases we will not charge a fee for processing Freedom of Information requests. The fee for processing Freedom of Information requests is prescribed by secondary legislation.

Publication Scheme: Introduction

Under the Freedom of Information Act 2000, all public authorities, including Non Departmental Public Bodies such as this Committee, are obliged to adopt and maintain a Publication Scheme specifying:

- ◆ the classes of information which they publish or intend to publish;
- ◆ the manner in which the information is, or is intended to be published; and
- ◆ whether the material is, or is intended to be made available to the public free of charge or on payment.

The Information Commissioner's Model Publication Scheme has been prepared and approved for this purpose, and can be found on the Family Procedure Rule Committee's webpage at: <https://www.gov.uk/government/organisations/family-procedure-rule-committee>. This Guide to Information is to be read in conjunction with the Model Publication Scheme. The purpose is to ensure that a large amount of information is readily available to members of the public, without the need for specific consideration under the Act, and to inform the public of the extent of the material that is available.

By 'readily available', we mean that the information is either available on our website, the Ministry of Justice website, another website, may be purchased from the Stationery Office or can be supplied immediately on receipt of a letter or telephone request to the Secretary to the Committee.

Part 2 below sets out the classes of information that the Family Procedure Rule Committee publishes or will make available on request under this scheme.

Publication Scheme: Who is Responsible?

The Head of the Secretariat to the Family Procedure Rule Committee has overall responsibility for the Family Procedure Rule Committee's Publication Scheme.

The person responsible for maintaining the Publication Scheme on a daily basis is:

The Secretary to the Family Procedure Rule Committee
Ministry of Justice
102 Petty France
London
SW1H 9AJ

Telephone: 0203 334 3181

Email: FPRCSecretariat@justice.gsi.gov.uk

Publication Scheme: Contacting the Family Procedure Rule Committee

If you wish to obtain a hard copy of any of the publications included in the scheme, please contact the Secretary by letter, email or telephone.

Publications: How much do they cost?

In **Part 2** below, we indicate for each class of information whether the class includes chargeable information or not. Where a class does not contain chargeable information, this means that a single copy or printout would be available for free, whereas requests for multiple copies or printouts may attract a charge for photocopying or postage purposes.

For each class in **Part 2**, one of the following categories, as indicated, will be applicable:

- (a) **Free of charge on website** (there is no charge by us although the user would, of course, have to meet any charges by their Internet Service Provider, personal printing costs, etc.). For those without internet access, a single printout of the information as displayed on the website would be available by post from the contact address above. However, requests for multiple printouts, or copies of archived documents that are no longer available on the internet, may attract a charge for the cost of photocopying, postage, etc. We would let you know the relevant charge at the time of your request and this would be payable in advance;

- (b) **Free of charge hard copy** (for example a leaflet, booklet or a printout from the Department's intranet site). A single copy would be available by post from the contact address above. However, requests for multiple printouts may attract a charge for the cost of photocopying, postage, etc. We would let you know the relevant charges at the time of your request and this would be payable in advance;

- (c) **Free of charge to view** at a designated office, but charges for a photocopy.
We would let you know the relevant charge at the time of your request and this would be payable in advance;
- (d) **Information available via a website**, but a charge may have to be paid before the main part of the information could be accessed. This may arise, for example where the website is used to deliver a value-added customised service, particularly where the basic data is also available to private sector users who may provide their own value-added service. Where this applies, the reason for the charge and the level of charges would be advertised; and
- (e) **Chargeable hard copy**, including “glossy” or other bound paper copies or, in some cases CD-ROM, video and other mediums, are chargeable.

Copyright

The Family Procedure Rule Committee retains copyright (and database rights where applicable) in all the material in this scheme except where individual material shows otherwise, for example, where it is shown as Crown Copyright.

Material in this scheme in which the Family Procedure Rule Committee has copyright or database rights may be copied and reproduced without formal permission, provided:

- (a) it is copied or reproduced accurately and is not used in any misleading context;
- (b) where material is being copied or reproduced for others, the source of material is identified and the copyright status acknowledged; and
- (c) the copying or reproduction is not for financial benefit.

For material in which copyright or database rights are retained by other organisations, formal permission is required before this is copied or reproduced.

Comments and complaints about the Publication Scheme

If you have any comments about our Publication Scheme, or if you think we have not supplied information in accordance with our scheme, then you should write in the first instance to:

The Secretary
The Family Procedure Rule Committee
Ministry of Justice
102 Petty France
London
SW1H 9AJ

If, after the investigation of your complaint, you remain dissatisfied, then you may ask for the matter to be reviewed internally. If you are still dissatisfied, then you may refer your complaint to the Information Commissioner.

We aim to deal with the investigation of complaints within 20 working days, and we aim to complete internal reviews also within 20 working days.

Part 2

Classes of Information

The Publication Scheme is a complete guide to the information routinely published or made available on request by the Family Procedure Rule Committee. It is not a list of the actual publications or information provided on request, since this will change as information is published or disclosed, but rather it is a description of the classes or types of information published. The classes of information are described below.

Information that falls into the classes below will be published or made available, as the case may be, free of charge, unless otherwise indicated, and retained in line with Public Record Office Guidance.

Information that falls into the classes below will be made available free of charge on request to the Secretary of the Committee as provided for in this Scheme, unless otherwise indicated, and retained in line with Public Record Office Guidance.

WHO WE ARE AND WHAT WE DO

Class:	Annual Reports of the Family Procedure Rule Committee
Description:	Annual reports summarising the membership of the Committee and the work undertaken by members in the reporting period.
Format:	Hard copy PDF Reports for the Committee from 2005 are published on-line
Charge category:	(b)

HOW WE MAKE DECISIONS

Class:	Minutes of Committee meetings, to the extent that no exemption is claimed under the Freedom of Information Act 2000
Description:	Minutes available from 11 November 2004, the date of the Committee's first meeting
Format:	Hard copy PDF Minutes of meetings from February 2016 are published on-line
Charge category:	(a) and (b)

Class:	Agendas of Committee meetings
Description:	Agendas of Committee meetings from 11 November 2004, the date of the Committee's first meeting
Format:	Hard copy PDF Agendas for Committee meetings from February 2016 are published on-line
Charge category:	(a) and (b)

Class:	Consultation Papers published by the Committee
Description:	Papers published by the Committee pursuant to its decision to consult (which flow from its statutory duty to consider consulting)
Format:	Hard copy PDF Consultation Documents from February 2016 onwards are published on-line
Charge category:	(a) and (b)

Class:	Supporting Papers
Description:	Papers referred to in the Committee's Minutes, to the extent that no exemption is claimed under the Freedom of Information Act 2000 in respect of part or all of the paper.
Format:	Hard copy PDF
Charge category:	(b)

Class:	Members' Responses to Supporting Papers
Description:	Members' responses to Supporting Papers, to the extent that no exemption is claimed under the Freedom of Information Act 2000 in respect of part or all of the paper.
Format:	Hard copy PDF
Charge category:	(b)

OUR POLICIES AND PROCEDURES

Class:	Code of Practice
Description:	List of values and standards to be upheld in public life
Format available:	Hard Copy MS Word File
Charge category	(b)

LISTS AND REGISTERS

Class:	Register of members' interests
Description:	List of current members' direct and indirect pecuniary interests, which members of the public might reasonably think could influence Committee member's judgement, reviewed on a yearly basis.
Format available:	Hard Copy MS Word File
Charge category:	(b)

Part 3

Requests for personal information: the Data Protection Act 1998

You have a statutory right of access (certain exemptions apply) to personal data about yourself under the Data Protection Act 1998³. The right of access here is to personal data held on computer or on structured manual files, and you are entitled to be informed whether any personal data is being held by the "data controller" (the Ministry of Justice in this instance) and, if so:

- ◆ to be given a description of the data in question;
- ◆ to be told for what purposes the data are processed; and
- ◆ to be told of the recipients or classes of recipients to whom the data are or may be disclosed.

³ Copies of the Data Protection Act 1998 are obtainable, for a charge, from the Stationery Office. A copy of the Act can be downloaded at no charge from the OPSI website at www.opsi.gov.uk

You are also entitled to be given a copy of the information with any unintelligible terms explained and to be given any information available to the Family Procedure Rule Committee as to the source of the data.

If you wish to apply for access to your personal data, known as a “subject access request”, you should write to the Family Procedure Rule Committee at the above address. A request for access to personal data must be dealt with promptly and, in any event, within forty days of the receipt of the request. We may charge a fee, not exceeding £10.

If you consider that a request by you for access to your personal data was not dealt with in accordance with the Data Protection Act 1998, you may take further action as follows:

- (a) You may write to the court alleging a failure to comply with the subject access provisions of the 1998 Act;
- (b) You may write to the Information Commissioner, who may do one of the following:
 - (i) make an assessment as to whether or not it is likely or unlikely that the Family Procedure Rule Committee has complied with the 1998 Act;
 - (ii) issue enforcement proceedings if he is satisfied that the Family Procedure Rule Committee has contravened one of the Data Protection Principles; or
 - (iii) recommend that you apply to court alleging a failure to comply with the subject access provisions of the 1998 Act.