

Ministry of Justice - Enhanced fees for
divorce, possession claims and general
applications in civil proceedings and
consultation on further fees proposal

Thompsons Solicitors' response -
15 September 2015



STANDING UP FOR YOU
www.thompsons.law.co.uk

As a law firm specialising in personal injury and employment law, the majority of Thompsons' work is not directly affected by the new proposals set out in this latest consultation on fees in civil justice. However, Thompsons is concerned that these plans are indicative of a worrying general direction of travel in the government's approach to the civil justice system and we oppose these increases as we opposed those that were forced on the injured in personal injury claims and on those with employment disputes by the coalition government.

As with previous consultations, to which we have also responded, Thompsons believes that the government is advocating changes which have severe implications for access to justice. As an essential characteristic of an open and democratic society, full and equal access to justice is a principle all governments should do everything to, at a minimum, preserve and, ideally, strengthen.

From our experience in the employment rights field, the last government's introduction of tribunal fees has had a hugely negative impact on the ability of people of low and average incomes to access justice. A House of Commons Library note (January 2015) showed that between October 2013 and September 2014 over 32,000 fewer single claim cases went to Tribunal compared to the previous year (a decrease of 64%) and there were over 3,500 fewer multiple claim cases (a drop of 67%). An Acas report (July 2015) showed that 26% of claimants who could not settle their case with their employer through Early Conciliation were then put off lodging a claim in the Tribunal due to the fee.

The government's warm words about concern with access to justice were laid bare when, after the introduction of tribunal fees and the huge drop in claims that followed, the then Enterprise Minister (now Minister for the Cabinet Office and Paymaster General) Matthew Hancock claimed in a speech that the 'success' of the policy had been proven and that the fees would stop businesses being "ruthlessly exploited" by workers "trying to cash in".

Any increase in court fees, as is being proposed in this latest consultation, will have a negative impact on access to justice. While the government may point to fee remissions as the solution, in reality they are little more than a fig leaf. For each separate fee incurred a separate application for remissions, with detailed evidence of income, must be provided. The guidance booklet itself is 31 pages long and the preparation of applications can take up to 30 minutes each, increasing the costs of the case every time a court fee is incurred. Such work also has an impact on the time of court staff and represents an unnecessary bureaucracy and a backwards step to the government's stated march towards efficiency and cost-cutting.

The last time the government consulted on fee increases (a six week consultation ending 27 February 2015), the majority of consultees disagreed with the proposals. Yet still the government went ahead. While we hope it will take heed of all stakeholders' views this time around, it is likely that the voice of the majority will be discounted in favour of the few who tell the government what they want to hear.

For further information:

Tom Jones
Head of Policy, Thompsons Solicitors
Congress House
Great Russell Street
London
WC1B 3LW

TomJones@thompsons.law.co.uk