

Mr Elliott
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data.access@justice.gsi.gov.uk

28 February 2017

Dear Mr Elliott

Freedom of Information Act (FOIA) Request – 109972

Thank you for your request dated 31 January 2017 in which you asked for information from the Ministry of Justice (MoJ). Your request has been handled under the FOIA. I write to respond as follows:

1. Status of Berry and Lamberts Solicitors Legal Aid Licence position. What capacity do they hold a licence to practice Legal Aid.

I can confirm that the MoJ holds the information that you have requested. However, the information is exempt from disclosure under section 21 of the FOIA, because it is reasonably accessible to you.

The information can be accessed via the following link:

<https://www.gov.uk/government/publications/directory-of-legal-aid-providers>

It may be of assistance to note that the details of Legal Aid Contracts currently held by Berry and Lamberts Solicitors can be found on row 342 and row 343.

2. Status of that licence and if this firm no longer has such a licence, to provide the explanation as to why this is now the case given

Please see above. As this firm continue to retain a legal aid contract the information you have requested is not held.

3. Number of Ex-Parte Non Molestation/Protective injunctions sought from Q1 2013 to Q3 2016 by Berry and Lamberts only.

4. Number of Legal Aid Applications made after withdrawals of ex-parte protective injunction applications with the courts, specific to Berry and Lamberts Solicitors

5. Number of ex-parte emergency injunctions made by Berry and Lamberts without a DVPN or DVPO's.

Thank you for narrowing your aspect of your request regarding protective injunctions. I am pleased to confirm that we have been able to answer this refined request within the FOIA cost limit. The MoJ holds some of the information that you have requested at Question 3, 4 and 5 and I have provided this below:

Number of Ex-Parte Non Molestation /Protective injunctions sought from Q1 2013 to Q3 2016 by Berry and Lamberts only.

In the context of your request, this question has been interpreted as pertaining only to those applications funded via legal aid.

Answer: 6.

NB: We have previously advised you that the data you have requested is held across databases maintained by both the Legal Aid Agency and Her Majesty's Courts and Tribunal Service. This is because the LAA is responsible for information concerning the administration of legal aid, and HMCTS is responsible for the listing and hearing of applications/proceedings.

Your questions have therefore been investigated by cross-referencing various databases, each of which contain different variables according to their purpose. It is important to note that the figures provided above are based on raw data from these live operational databases which, like any live operational database, may contain errors. The figures have not been subject to further validation, are not official statistics, should be interpreted with appropriate caution and may be subject to revision.

Number of Legal Aid Applications made after withdrawals of ex-parte protective injunction applications with the courts, specific to Berry and Lamberts Solicitors

I can neither confirm nor deny if the MoJ holds the information that you have requested. Under section 40(5) of the FOIA we are not obliged to confirm or deny whether we hold information, if to do so would contravene any of the data protection principles as outlined in the Data Protection Act 1998 (DPA).

FOI is a public rather than private disclosure regime. This means that any information disclosed under the FOIA by definition becomes available to the wider public. Given the small sample size of the data in question, confirming or denying if the information you have requested is held may lead to the identification of individuals, using information already in the public domain or otherwise available.

The fact section 40(5) has been cited, should not be taken as an indication that the information you have requested is or is not held by the MoJ. This is an absolute exemption and does not require a public interest test.

Number of ex-parte emergency injunctions made by Berry and Lamberts without a DVPN or DVPO's. [Q1 2013 to Q3 2016]

The LAA does not record this information. It is not a requirement of the Civil Legal Aid Merits criteria that a DVPN or DVPO should be obtained before an application is made for funding to seek an ex parte protective injunction. A DVPN or a DVPO is a form of prescribed evidence to satisfy the criteria to seek funding in private law Children Act proceedings, as per section 33 (2) (m) of the Civil Legal Aid (Procedure) Regulations 2012. Accordingly, no such information is held.

Appeal Rights

If you are not satisfied with this response you have the right to request an internal review by responding in writing to one of the addresses below within two months of the date of this response.

data.access@justice.gsi.gov.uk

Data Access and Compliance Unit, Ministry of Justice, 10.38, 102 Petty France, London, SW1H 9AJ

You do have the right to ask the Information Commissioner's Office (ICO) to investigate any aspect of your complaint. However, please note that the ICO is likely to expect internal complaints procedures to have been exhausted before beginning their investigation.

Yours sincerely

Information Governance
Legal Aid Agency