

Gwynne Davies
request-542067-963bc903@whatdotheyknow.com

18 January 2019

Dear Ms Davies,

Freedom of Information Act (FOIA) Request 190105002

Thank you for your request received 5 January 2019 in which you asked for the following information from the Ministry of Justice (MoJ):

Please provide guidance and/or policy and/or information on the current training of judiciary in relation to admission of McKenzie friends in civil and family proceedings. [information held by either HMCTS and/or the MoJ].

Your request has been handled under the FOIA.

I can confirm that the Ministry of Justice (MoJ) does not hold the information that you have requested. This is because the MoJ (which includes HMCTS) does not have any responsibility for the provision or content of the training provided to the judiciary.

The following information is provided on a discretionary basis and outside of FOIA
Statutory responsibility for judicial training is provided by the Constitutional Reform Act 2005 and rests with the Lord Chief Justice as Head of the Judiciary and is delegated to the Judicial College to undertake. This maintains the independence of the judiciary. Government does not provide guidance or policy on how judges should operate in court. The judiciary are not a public body for the purposes of FOIA and requests concerning training materials are outside the scope of the Act.

There is judicial guidance which applies to civil and family proceedings in the Court of Appeal (Civil Division), the High Court of Justice, the County Courts and the Family Proceedings Court in the Magistrates' Courts issued by the Master of the Rolls, as Head of Civil Justice, and the President of the Family Division, as Head of Family Justice. It is intended to remind courts and litigants of the principles set out in legal authorities and supersedes the guidance contained in *Practice Note (Family Courts: McKenzie Friends)* (No 2) [2008] 1 WLR 2757, which is now withdrawn. This guidance is publicly available at: <https://www.judiciary.uk/publications/mckenzie-friends/>

Judicial training programmes regularly include case studies that consider this guidance and the case law on the role of the McKenzie friend.

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

Disclosure Team, 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 faithfully,

Brian Evans
Judicial College