



## Freedom of Information Request

**Date of receipt: 16 September 2022**

**Date of response: 13 October 2022**

### Freedom of Information request regarding affiliation and maintenance proceedings

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**Request:**

“Please could I request disclosure of the following information:

1. Total annual States related funding of legal costs in relation to affiliation and maintenance proceedings – please detail annual amounts paid out whereby these costs are ultimately covered via the tax payer, for as far back as is reasonably accessible
2. Please confirm in what volume of the cases funded, in any given annual period, the outcome was of financial benefit to the States purse – e.g. in what volume of cases, as a result of the proceeding, benefit (supplementary benefit/income support etc) payments were reduced. Please also provide the cumulative annual GBP figure this reduction amounts to. If this is not something that is measured or accessible upon review please clearly confirm.
3. In the affiliation and maintenance proceedings of [REDACTED]<sup>1</sup> V [REDACTED] with respect to [REDACTED] please could you provide the itemised and total figure of States/States related funding to the legal costs of these proceedings and any directly related matters

With respect to 3. I believe any matters of confidentiality are mitigated by my personal involvement in this matter along with my parental responsibility of the subject of the

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<sup>1</sup> Redactions in this paragraph are applied under section 2.12 (privacy of an individual) of the States of Guernsey Freedom of Information Code.

proceedings. Should this element of the request be better handled as a subject access request, or any other such request that would provide disclosure, please consider this request in that manner.”

**Response provided by the Committee *for* Employment & Social Security:**

1. Affiliation and Maintenance proceedings are issued in the Family Magistrates Court. The most common court proceedings that the Guernsey Legal Aid Service funds in this Court are residence and contact issues, Domestic Violence Injunctions (DVI) and affiliation and maintenance proceedings.

The Guernsey Legal Aid Service does not hold specific information on how many legal aid certificates are issued to cover affiliation and maintenance proceedings or how much each individual set of proceedings cost. Some legal aid certificates issued initially for affiliation and maintenance proceedings are subsequently amended to cover, for example, residence and contact and/or DVI proceedings so the affiliation and maintenance costs are intermingled with these costs.

The total legal aid expenditure for Family Magistrates Court proceedings from 2017 to 2021 is as follows:

- 2017 – costs £598,163, disbursements £77,077 = £675,240
- 2018 – costs £575,900, disbursements £100,155 = £676,055
- 2019 – costs £663,699, disbursements £112,780 = £776,479
- 2020 – costs £560,286, disbursements £69,710 = £629,996
- 2021 – costs £513,712, disbursements £66,836 = £580,548

The cost of individual affiliation & maintenance proceedings differs as it depends on whether the parties agree an amount of child maintenance early on in the proceedings, which is then set out in a Consent Order, or whether the proceedings conclude after a contested final hearing (which increases the costs). It is, however, estimated that the average cost to the Guernsey Legal Aid Service of each affiliation and maintenance case is between £1,000 and £2,000, plus £120 court fees.

2. Income Support does not keep a record of which claimants receive child maintenance as a result of affiliation and maintenance proceedings funded by the Guernsey Legal Aid Service so cannot provide the specific information requested.

There are 352 income support claims which include child maintenance as income. The estimated total amount of child maintenance received per annum by those claimants is around £1.1m. This reduces the cost of Income Support by that amount.

3. The [States of Guernsey Freedom of Information Code](#) ('the Code') formalises the commitment of the States to releasing information, wherever possible, and the limits to openness that are necessary to protect confidentiality in a number of well-defined circumstances. The information requested in question 3 cannot be provided because to do so would engage the exceptions set out in sections 2.5 (law enforcement and legal proceedings) and 2.12 (privacy of an individual) of the Code.

The data requested is subject to legal privilege and would require consent from the named individuals under the Data Protection (Bailiwick of Guernsey) Law, 2017 in order to be shared.