

**RIGHTS OF WOMEN RESPONSE TO THE DEPARTMENT FOR
CONSTITUTIONAL AFFAIRS CONSULTATION PAPER ON THE
DISCLOSURE OF INFORMATION IN FAMILY PROCEEDINGS CASES
INVOLVING CHILDREN.**

Background

Rights of Women is an Industrial and Provident society, which was founded in 1975 to promote the interests of women in relation to the law. We run a free, national confidential telephone legal advice help line for women. We specialise in advising in family law, especially domestic violence and Children Act matters. Rights of Women works to attain justice and equality by informing, educating and empowering women on their legal rights. We are a membership organisation and our activities include producing publications, organising conferences and training courses and undertaking policy and research work.

Rights of Women does not feel that the subject of disclosure of information in family proceedings cases involving children is an issue which can be easily dealt with by a tick box questionnaire. There are a number of circumstances where it is particularly vital that women are able to share and disclose specific information to legal or non legal professionals about their cases which may involve their children. For example, a woman who may want to show her local MP papers and details about her child contact case would be unable to do so without exposing herself to the possibility of criminal proceedings because she had disclosed this information.

We do not feel that a general rule can be made about when disclosure can be made and to whom. It will depend on the circumstances and facts of each and every case and no two cases will be identical.

Just as important as it is that women are able to disclose information in certain circumstances without fear of prosecution, is the ability of women to prevent certain information about her case from being disclosed in specific circumstances. We believe that where there is a question of a woman's safety involved which may be compromised by a school or home address being revealed, disclosure of information should not be allowed beyond their own legal representatives who are involved in the case.

The ex-partners of women who have been in violent and abusive relationships will sometimes go to extreme measures to find out where their partner is currently living. If fewer people have access to personal information about a woman's case, there is less risk of this information being "leaked" to others and subsequently obtained by a wrong party.

A further consequence of information being allowed to be disclosed without an order being obtained is that the women involved may feel that they are no longer in control of their own situation. For example, without an order from the Court, the police could pass personal information to the Crown Prosecution Service without the woman knowing about this. This information may subsequently be passed on to others. She would not know who has information about her and who does not. Once again, this could have an impact on her safety.

We believe that the list of people identified at Annexe B is too encompassing. We do not feel it is necessary that professional bodies have specific information about an individual case for the purposes of accreditation and quality assurance. Information which identifies personal details could simply be removed prior to disclosure. Staff employed in a paid or voluntary capacity, could be living in the local community and possibly have a loose connection to the person involved in the case eg children may go to same schools. If the list was permitted as it stands, there would need to be clear guidelines (for all those people who could disclose information and to whom information could be disclosed to) which had the same effect as the confidentiality rules which solicitors are subject to.

We do not feel that whether or not information can be disclosed is an issue that can have a general rule. It will depend on each individual case and the specific facts and circumstances of that case and why there is a need for that information to be disclosed. We do however, believe that disclosure of information should never place anybody at risk.

We hope these comments are useful and serious consideration is given to our concerns.

Rights of Women, March 2005

Rights of Women
52-54 Featherstone Street
London
EC1Y 8RT

Telephone: 020 7251 6575/6576
Fax: 020 7490 5377
Email: info@row.org.uk
Website: www.rightsofwomen.org.uk