

## Resolution Specialist Accreditation

### Financial Provision for Children Portfolio Competence Unit - Lawyers

This portfolio unit focusses on the specialist knowledge, understanding and application in practice required to provide advice and/or representation in relation to arranging and enforcing financial provision for children.

Competency code	<b>Knowledge and Understanding</b> <b>Candidates must know and understand:</b>
<b>SAFPC01</b>	The Resolution Code of Practice and of other relevant protocols (e.g. The Law Society Family Law Protocol, the Remote Access Family Court and any associated protocols), the SRA Competence Statement and over-arching Standards Framework, Family and Civil Procedure Rules. Resolution Guides to Good Practice and Precedents.
<b>SAFPC02</b>	The range of family dispute resolution processes available, such as mediation, collaborative practice, family arbitration and when they may be an appropriate choice for clients.
<b>SAFPC03</b>	The Children Act 1989 s.15 and Sch.1 and the approach of the Court generally in Schedule 1 cases.
<b>SAFPC04</b>	The interface between Schedule 1 claims and claims under TOLATA.
<b>SAFPC05</b>	The type and nature of provision as regards housing, lump sums, maintenance, school fees and legal fees provision.
<b>SAFPC06</b>	The jurisdictional restrictions on making orders imposed by the Child Support Acts.
<b>SAFPC07</b>	The relevant procedural code, including approaches to: <ul style="list-style-type: none"> <li>• Disclosure</li> <li>• Separate representation</li> <li>• Interim applications</li> <li>• Orders for costs</li> </ul>
<b>SAFPC08</b>	Potential challenges of 'schedule 1' cases including: <ul style="list-style-type: none"> <li>• Expectations/confusion of needs</li> <li>• Centrality of the child</li> <li>• Impact on the Respondent</li> <li>• Funding</li> <li>• Working around the limitations of the CMS</li> <li>• Lack of volume and thus predictability of court applications</li> </ul>
<b>SAFPC09</b>	Child Support Act 1991, the effect of different start dates between the three schemes, clarity as regards jurisdiction.
<b>SAFPC10</b>	The operation of CS3 formula.
<b>SAFPC11</b>	The process of application under CS3.
<b>SAFPC12</b>	Variations, the grounds and processes.
<b>SAFPC13</b>	The different procedural steps of the calculation process, the complaint, the variation, the supersession and the appeal.
<b>SAFPC14</b>	The range of options available to clients in arranging child support/maintenance.
<b>SAFPC15</b>	The fee system and the collection service.
<b>SAFPC16</b>	The time limits, processes, likely costs, delays, and so on, of an appeal.
<b>SAFPC17</b>	Complaints processes and how to manage complaints on behalf of clients.
<b>SAFPC18</b>	The process of judicial review in outline.
<b>SAFPC19</b>	Options for excluding the intervention of the CMS through appropriately drafted court orders.

<b>SAFPC20</b>	What the law provides as regards 'start' and 'end' dates for provision.
<b>SAFPC21</b>	The range of state benefits and tax credits and the interface between them and child support/maintenance.
<b>SAFPC22</b>	International: impact of the EU Regulations and conventions on jurisdiction, CS awards, court awards, their variation and enforcement.

<b>Competency Code</b>	<b>Performance Candidates must be able to:</b>
<b>SAFPC23</b>	Demonstrate appropriate application of the Resolution Code of Practice and other relevant practice protocols in all cases.
<b>SAFPC24</b>	Explain to and consider with clients the range of family dispute resolution processes that may be of assistance to them and their circumstances.
<b>SAFPC25</b>	Identify and explain the relevant case law and legislation and the likely approach of the court in matters concerning child financial provision.
<b>SAFPC26</b>	Identify and explain where TOLATA claims may be appropriate or required.
<b>SAFPC27</b>	Explain the provisions as regards housing, lump sums, maintenance, school fees and legal fees provision.
<b>SAFPC28</b>	Explain the relevant and appropriate procedural codes and approaches and reference the FPR as appropriate.
<b>SAFPC29</b>	Demonstrate appropriate identification of client expectation and parameters of applicable law and the difficulties of predictability.
<b>SAFPC30</b>	Explain the requirements of the CMS including jurisdiction procedural steps, calculation process/formula, variations, etc.
<b>SAFPC31</b>	Explain and consider with the client the alternatives to a CMS application (including appropriately drafted consent orders).
<b>SAFPC32</b>	Explain the time limits, processes, likely costs and delays in relation to an appeal and the process for making a complaint.
<b>SAFPC33</b>	Identify and assess with the client whether any state benefits may be available to them and the effect on any financial provision for any children of the family and signpost to appropriate agencies or services.
<b>SAFPC34</b>	Demonstrate an understanding of the options available to those proceeding into tertiary education, including a broad understanding of the availability of loans and grants and the provision that could be sought of the courts.
<b>SAFPC35</b>	Show an understanding, in cross-jurisdictional cases of <ul style="list-style-type: none"> <li>• Where proceedings could/should be commenced,</li> <li>• Where orders will be recognised and how they can be enforced (and with effect from what date)</li> <li>• What steps are open to the judgment debtor, including where proceedings should be issued for modification</li> </ul>

#### **Guidance Notes to Unit:**

Candidates should be aware that not all competencies will feature in case studies but must be prepared and able to answer all that are listed in the unit. Assessment is adjusted to match competencies tested.