

Policy briefing June 2018

Court modernisation

In June, Chair of our Family Law Reform Group Jo Edwards [gave evidence to the Public Accounts committee](#) on the impacts of HMCTS's court modernisation process.

This evidence was informed by a survey of member experience with the courts - many thanks to those who were able to complete this at short notice.

Since the modernisation programme, half of members surveyed reported a closure of a court they have historically used, with 88% reporting increased travel time. An average 80% reported slower processing of applications, orders and court documents. Full results will be shared shortly from our Twitter account.

Incorporating key points and comments from the survey, our [oral evidence](#) focused on the actual impacts on the ground and the pressing need for HMCTS not only to consult and engage with court users, but to take heed of our feedback and allow us to work together to improve the current system.

Brexit

Following briefing from our International Committee and partners, a number of amendments intended to stimulate debate on family law issues were debated during the House of Lords' consideration of the EU Withdrawal Bill. Since then we have participated in a Ministerial meeting and further discussions with officials keen to persuade EU partners of the benefits of continuing a post-Brexit relationship with the UK on family law.

In May International Committee Chair Daniel Eames on the impact of Brexit on families and children [at a panel discussion at the European Parliament](#).

We will continue to keep you updated with our regular [Brexit briefings](#).

Owens & no fault divorce

Our no fault campaign, timed with the Owens hearing at the Supreme Court, secured airtime on The Victoria Derbyshire Show and a number of radio stations, as well as widely-read articles in BBC, The Time and The Guardian, among others. Our thunderclap reached over 150,0000 people. Many thanks to all who took part.

The only third party given permission to intervene in the appeal, [Resolution's legal argument](#), in support of Mrs Owens, focused on the interpretation of section 1 (2) (b) of the Matrimonial Clauses Act 1973. If the Supreme Court agrees with Resolution's interpretation, this would mean a fundamental change in the way "behaviour" petitions are drafted and dealt with.

Meeting the Minister

National Chair Margaret Heathcote recently met with Lucy Frazer QC MP, Parliamentary Under Secretary of State at the Ministry of Justice responsible for family justice, to discuss areas of mutual interest. The discussion focused on divorce reform and Resolution's no fault divorce proposals, as well as the benefits of taking legal advice from a Resolution member.

Cohabiting couples

Our Cohabitation Committee and Resolution members continue to call for change and a number of high profile cases of cohabiting couples has kept this issue in the spotlight.

In May [The Times](#) published a joint letter from Resolution Chair Margaret Heathcote, Frances Judd QC (FLBA) and Penelope Reed QC (Chancery Bar Association), calling for some legal recognition for cohabiting couples.

President's orders

After responding to the President on a draft set of Standard children and various other orders earlier this year, [Practice Guidance on those orders together with the final orders is now available for general use](#).

Like the standard financial and enforcement orders, these orders do not have the strict status of forms within Part 5 of the FPR 2010 and their use, although very strongly to be encouraged, is not mandatory. A standard order may be varied by the court or a party if the variation is required by the circumstances of a particular case. There will be many circumstances when a variation is required and departure from the standard form will not prevent an order being valid and binding.

Our online version of the standard financial order will be available for free to members via our online drafting platform, shortly with extensive advisory footnotes and practical guidance, written by our experienced Drafting Committee.

Other news

- The post-implementation review of LASPO has finally begun. Resolution is participating in the family Consultative Group and seeking to actively engage with the review.
- The MoJ has now made its digital divorce portal for litigants in person available to unrestricted public access. In May, HMCTS presented the prototype platform for use by solicitors to our Regional Liaison Committee members. They stressed this is a work in progress, with a provisional release of the interface for legal professionals at end Summer 2018. The solicitor application will be initially tested with a limited number of firms and we will bring more news in due course.
- HMCTS has informed us that the Specialist Financial Remedy Centre pilot, a judicial-lead project, is currently running in Birmingham only as an admin hub, which is testing some features set out in the President's View 18, however the number of hearing centres has not reduced. The President will review feedback from the pilot to date to inform next steps.

New resources

New [guides to good practice](#) support your work on domestic abuse, in fertility cases and working with litigants in person.

FJC Financial Needs Working Group, of which Sarah Hoskinson of our Pensions, Tax and Financial Remedies Committee is a member, has launched [the second edition of Financial Needs on Divorce Guidance](#).

Resolution's [Legal Aid Guides on the contract and verification process](#) launched in May.

Have you accessed our [new, online learning platform yet](#)?

Responses & consultations

The Pensions Advisory Group has recently launched a [survey on your experience of pensions on divorce](#) (closes 18 July).

Our most recent responses are listed below:

- [Fit for the future – transforming the court and tribunal estate](#)
- [Modernisation of judicial cooperation in civil and commercial matters in the EU](#)
- [Transforming the response to domestic abuse](#)
- [Evidence to Public Accounts Committee on court modernisation](#)