

Policy briefing March 2018

Brexit

Brexit currently dominates the political landscape, and our International Committee engages closely with developments. We hold a key position in the Brexit Family Law Group, a group of like-minded stakeholders, and launched [Brexit and Family Law](#) with FLBA and IAFL in October.

Since then, we've been briefing parliamentarians on our concerns and recommendations, resulting in a [passionate speech from Baroness Sherlock](#) to the House of Lords.

Our member [Brexit Briefings](#) will continue.

No fault divorce

Campaigning for divorce reform continues, and [recent comments from the Justice Secretary](#) indicate he may be open to reform. Our calls for no fault divorce featured in The Times's Family Matters campaign, kicking off in November, as well as ITV's recent Divorce Wars programme.

This interest follows our 2016 Lobby Day and our support of the [Nuffield Foundation's Finding Fault research](#) where we formed part of the Advisory Group. Members across the country helpfully contributed to focus groups, providing real, solid evidence to back our call for reform. We'll be campaigning throughout the year so keep an eye on your emails or our social accounts to get involved.

Access to legal aid

Following our campaigning, Government announced widening the family legal aid gateway evidence requirements. To support members, the Legal Aid and Domestic Legal Abuse Committees have produced [a guide to the changes](#).

Cohabiting couples

Cohabitation Awareness Week provided a great platform for members to speak out about this issue. Thank you to everyone who wrote their MPs, more than 20 have now signed the Early Day Motion on cohabitants' rights.

Members continue to meet with MPs and our Awareness week was recently mentioned in the House of Commons. If you haven't already, please [encourage your MP to sign the EDM](#).

Recent responses

We regularly take part in consultations and requests for evidence, with advice and support from our relevant committees. Recent responses include:

- [Responding to proposed amendments to Part 9 FPR on procedural changes relating to applications for financial remedy orders with the International and Pensions, Tax and Financial Remedies Committees.](#)
- [Responding to the SRA consultation](#) *Looking to the future: better information, more choice* – looking at proposed price and service information publication requirements; and
- [Responding to HMCTS on the Flexible Operating Hours pilots prospectus](#) – working with Resolution Manchester to delay the family court pilot and persuade HMCTS to re-evaluate the details.

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On the horizon

- We're following HMCTS's reform programme around the court estate, court closures and digitisation. Expect developments in online divorce for your practice this year – and a likely digital C100 pilot for use initially by unrepresented parties.
- We will seek to influence the proposed pilot of specialist financial centres, FR digitisation and remedy issues with the speed of consent order approvals.
- Legal aid family and family mediation tender outcomes will be notified in March, and we'll support members through the remaining stages, including providing a contact guide.
- Subject to views of new ministers, the long-awaited LASPO review should begin shortly, and our Legal Aid and other committees will respond to this.
- We are still waiting on publication of the draft Domestic Abuse Bill and statutory provisions on preventing cross examination by alleged perpetrators.
- We've been invited to work with the Law Commission on their new surrogacy project, which they aim to get underway this year. This is a longer-term project so watch this space!

New resources

New [guides to good practice](#) support your work with cohabiting couples and vulnerable clients, as well as providing insight into funding options.

[Top tips on dealing with the new requirements](#) for the domestic violence evidence gateway.

Our contextual briefing [Family Law and Justice](#) highlights key trends and changes in family justice, and makes recommendations on key considerations.

Resolution, FLBA and IAFL's [Brexit and Family Law](#) paper highlights the issues with the EU (Withdrawal) Bill and supports Resolution's campaigning for Government to rectify these.

Get involved

As part of their current roadshow, HMCTS is bringing opportunities to your region to feed into the reform programme. Keep an eye out for [upcoming dates in your area](#), with the next event in Sheffield on 8 March. You're also welcome to do your own consultation response.

Influence the direction of Resolution by [joining our National Committee](#). Nominations close on Monday 5 March.

Help reinforce our message on [social media](#). We regularly post news and developments, and aim to keep divorce reform on the agenda ahead of Owens v Owens in May.