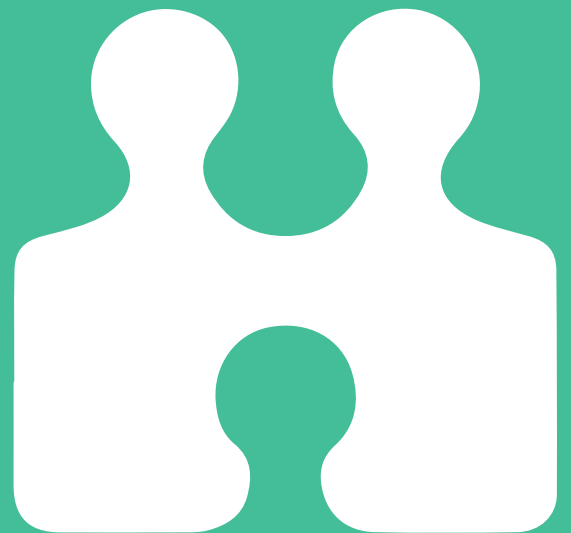




# Resolution's Manifesto for Family Justice

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**FAIRNESS FOR FAMILIES**



Resolution is the national membership body representing 6,500 family justice professionals. Our members work with separating families every day, to support them to resolve disputes as constructively as possible, with a strong focus on putting the best interests of children first.

However, the current legal framework hampers our members' efforts. Every day we see the impact of the current failings in the family justice system, and we are calling on all political parties in England and Wales to support our campaign for Fairness for Families.

**Fairness for Families** focuses on four key areas for reform:

- 1** no fault divorce
- 2** legal protection for cohabiting couples at the end of their relationship
- 3** protecting victims of domestic abuse
- 4** funding for early legal advice for separating couples

On top of the emotional cost of family breakdown, it is estimated to cost the country £51bn per year. We believe that by making the family justice system fairer, and supporting those most in need, these costs can be significantly reduced.

We call on all political parties and candidates to support our call for reform and commit to bringing forward and supporting legislation at the earliest opportunity in the next Parliament.



**Margaret Heathcote**  
Chair



**Jo Edwards**  
Chair of Family Law Reform Group



Over **200,000** people get divorced each year



In 2016/17 there were around **2.5m** separated families, including **3.9m** children



Family breakdown costs taxpayers an estimated **£51bn** per year

For further information email [resolution@connectpa.co.uk](mailto:resolution@connectpa.co.uk)

Or visit the Resolution website [www.resolution.org.uk/manifesto](http://www.resolution.org.uk/manifesto)

- The current divorce process requires many people to blame their spouse on their divorce petition. This is unnecessary and can introduce or increase conflict.
- The previous Parliament gave overwhelming support to the Divorce, Dissolution and Separation Bill, which would have removed this requirement.
- No fault divorce has support from professionals, politicians from across the political spectrum, senior members of the judiciary and the public. Supporters include the Marriage Foundation and Lady Hale, President of the Supreme Court.
- **We call on all parties and candidates to support the reintroduction and passage of no fault divorce legislation as soon as possible.**

*“We want to see a divorce process fit for the modern age, where separating couples are treated like responsible adults, and are helped to resolve their differences as amicably as possible without having to sling mud at each other. Society has changed, but our laws have not kept up – it’s time to end the blame game.”*

Nigel Shepherd, past Chair of Resolution



**79%** of the public supported reform in an April 2019 YouGov poll



**80%** of Resolution members agree that reform would make it more likely that separating couples would reach agreement out of court



Around **60,000** people every year apportion blame to their ex-partner in the divorce petition – many do not need or want to

- Unmarried couples living together are the fastest growing family type in the UK, making up nearly one in four families. Yet nearly half of all adults mistakenly think that couples acquire ‘common law’ rights after living together for a certain amount of time or having children together.
- This is not the case in England and Wales, and trusting in these non-existent protections can put unmarried couples at a significant disadvantage if the relationship breaks down or one partner passes away.
- **Resolution is calling for cohabiting couples to have at least basic legal protection on relationship breakdown or the death of their partner.**
- This would not give them the same protection as married couples, but would at the very least prevent people from walking away without taking any responsibility for a financially vulnerable partner after years of living together.

*“With cohabiting couples the fastest growing family type, it’s time for the next government to grasp the nettle and introduce at least some basic legal rights. Otherwise millions of cohabitants continue to be at risk, and could be left with a nasty shock if their partner passes away, or their relationship breaks down.”*



Graeme Fraser, Chair of Resolution’s Cohabitation Committee



At the last count there were  
**3.4m cohabiting families**  
in the UK, making up  
**17.9% of all families**



**84% of the public** believe  
the government should do  
more to raise awareness and  
encourage couples to seek  
legal protection



**98% of family lawyers**  
say they’ve worked with a  
cohabiting couple who they  
were unable to help because  
of a lack of legal  
protection

- The previous Domestic Abuse Bill would have, among other measures, banned the direct cross-examination of domestic abuse victims in family proceedings by alleged perpetrators in many cases.
- We share the view held by Women’s Aid and other organisations that the Bill should go further.
- For example, it should extend special protection measures for domestic abuse victims in the criminal courts – such as separate entrances and exits, waiting rooms, screens and video links – to family courts.
- At the very least the **Domestic Abuse Bill should be reintroduced at the earliest possible opportunity**, and we call on all parties and candidates to make this commitment.

*“A ban on cross-examination of victims of abuse was originally proposed nearly three years ago, so the fall of the Domestic Abuse Bill has introduced yet more delay. Victims of domestic abuse cannot afford to wait any longer, and this should be an urgent priority for any incoming government.”*



Zoe Fleetwood, Resolution National Committee member



In 2018 there were nearly  
**2m victims of domestic abuse**  
in England and Wales



**61% of victims** were  
**not provided** with  
special measures in  
family court



**24% of victims** of domestic  
abuse reported that they had  
been **cross-examined by their  
ex-partner** during  
child contact hearings

## Provide early legal advice for separating couples

- Since the far-reaching cuts to Legal Aid in 2013, it has been harder for separating couples with limited means to access legal advice. Rather than diverting family cases away from court as was intended, these cuts have led to a sharp rise in the number of self-representing litigants.
- Meanwhile, family mediation numbers have plummeted, placing further pressure on already overstretched family courts.
- By receiving legal advice early in the process, more separating couples will have the benefit of learning about their legal rights and responsibilities, as well as learning about their options to resolve matters outside of court.
- Resolution calls for funding for **initial advice and information meetings, to reduce conflict between separating couples and improve outcomes for children.**

*“The statistics don’t lie – since the legal aid cuts, fewer families are being signposted to out-of-court processes, and more are being left to navigate the courts themselves. At the same time, the courts themselves are at breaking point – providing early legal advice will help save public money, as well as helping those facing separation decide on the best options for them and any children they may have.”*



Elsbeth Thomson, co-Chair of Resolution’s Legal Aid Committee



Publicly funded family mediation levels are now at **48% of what they were before the cuts** to legal aid in 2013



**4 in 5 family cases** now see one or both parties representing themselves in court



An assessment of legal aid in Scotland concluded that **every £1 spent on legal aid** in family cases saw a **return of around £5 to the public purse**