

Resolution Specialist Accreditation

Cohabitation & TOLATA Portfolio Competence Unit - Lawyers

This portfolio unit focusses on the specialist knowledge, understanding and application to practice required to provide cohabitation advice to clients.

Competency Code	Knowledge and Understanding Candidates must know and understand:
SACOT01	Resolution Code of Practice and 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's Guides to Good Practice and Precedents.
SACOT02	Agreements between unmarried partners and the effectiveness of these.
SACOT03	The legislation and case law relating to the position of an unmarried party on termination of a relationship in terms of: <ul style="list-style-type: none"> • Financial claims against property/assets, whether in joint or sole names • Occupation and ownership of property • Claims for maintenance
SACOT04	Applicable claims under the Children Act 1989.
SACOT05	The position of an unmarried partner on intestacy and the remedies potentially available (I(PFD)A 1975).
SACOT06	Family dispute resolution processes, e.g. mediation, collaborative practice, family arbitration, etc.
SACOT07	Currency of cohabitation reforms and the implications of these on this practise area
SACOT08	Child maintenance provisions such as when the CSA/CMS applies and the percentage of earnings to be awarded.
SACOT09	The range of available family dispute resolution processes and, in particular, the requirements of s.10 of the Children and Families Act 2014

Competency Code	Performance Candidates must be able to:
SACO10	Demonstrate appropriate application of the Resolution Code of Practice and other relevant practice protocols in all cases.
SACO11	Identify, describe and apply both the relevant case law and legislative provisions relating to the ownership of property and financial provision available for unmarried parties.
SACO12	Demonstrate an appropriate application of, and the ability to make an assessment as to, the appropriate outcome for a client in relation to any relevant sections of Schedule 1 Children Act 1989, including: <ul style="list-style-type: none"> • The procedure for making such applications • The range of orders available to the court • The principles taken into account by the court
SACO13	Demonstrate application and use of the procedure involved in bringing applications under Trusts of Land and Appointment of Trustees Act, and where applicable the interaction between these and Schedule 1 proceedings.
SACO14	Explain to clients child maintenance requirements including the role of the courts and CMS (including the available options to arrange child maintenance).
SACO15	Explain to, and consider with, clients the range of family dispute resolution processes that may be of assistance to them and their circumstances.

SACO16	Where applicable, identify with and explain to parents the options for arranging their parenting for the future, including the use of Parenting Plans.
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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.