

## Resolution Specialist Accreditation Core Competence Unit - Lawyers

This unit focusses on the specialist knowledge, understanding and application to practice required in the core aspects of family law.

Competency code	<b>Knowledge and Understanding</b> <b>Candidates must have general knowledge and understanding of:</b>
<b>SAC001</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 Good Practice Guides and Precedents.
<b>SAC002</b>	Legislation, case law and regulations relating to formation and consequences of all types of marriage and civil partnership and relevant provisions: <ul style="list-style-type: none"> <li>• Difference between void and voidable marriage/civil partnership</li> <li>• The grounds for a decree of nullity</li> <li>• The effects of a decree (including on the status of children, inheritance)</li> <li>• The effects of a valid marriage/civil partnership on rights/obligations (e.g. of inheritance, occupation of the family home, financial support, and in relation to children)</li> </ul>
<b>SAC003</b>	Legislation and case law relating to the unmarried couple/family, including the position of a co-habitant: <ul style="list-style-type: none"> <li>• During the relationship in terms of financial support and occupation of the property</li> <li>• On termination in terms of occupation and ownership of property, financial support, protection from molestation and violence</li> <li>• The status of children</li> <li>• The position and rights of the unmarried father</li> </ul>
<b>SAC004</b>	Legislation and case law in relation to dissolution of civil partnerships, including statutory facts, financial provision on dissolution/nullity, issues relating to children, to include the major provisions of the Children Act 1989, Children and Families Act 2014 and of the Child Arrangements Programme.
<b>SAC005</b>	The legislative provisions and relevant case law relating to divorce proceedings: <ul style="list-style-type: none"> <li>• Grounds for divorce</li> <li>• Statutory facts</li> <li>• Bar to proceedings</li> <li>• The effect of a decree</li> </ul>
<b>SAC006</b>	The grounds for a decree of judicial separation and when and how it may be applied for and the preparation of separation agreements.
<b>SAC007</b>	Appropriate drafting of Consent Orders, recitals and Court's jurisdiction.
<b>SAC008</b>	The grounds for a civil partnership separation order and when and how it may be applied for.
<b>SAC009</b>	The principles taken into account by a court when considering issues relating the upbringing and welfare of children.
<b>SAC010</b>	Legislative provision relating to parental responsibility, how this may be acquired, including in relation to the unmarried father.
<b>SAC011</b>	The principles of Part 2, the Human Fertilisation and Embryology Act 2008 and case law in relation to parenthood.

<b>SACO12</b>	Family dispute resolution processes, e.g. mediation (including the availability of legal aid), collaborative practice, family arbitration, and so on. The role/function of supporting professionals.
<b>SACO13</b>	The emotional impact of family separation for individuals, couples and for children and young people.
<b>SACO14</b>	The range of available services of support for separating families and especially for parents and children, including local provision
<b>SACO15</b>	Wills, including the appointment of any testamentary guardian/s, including where there is another parent/carer with parental responsibility
<b>SACO16</b>	Awareness of legislative, procedural and practical provisions affecting separating couples in relation to: <ul style="list-style-type: none"> <li>• Severance of tenancies in common</li> <li>• Preparation of wills and expressions of wishes</li> <li>• The rented family home</li> </ul>
<b>SACO17</b>	Conveyancing and matrimonial rights, cautions, restrictions and non-co-operation including SCA inherent powers, liberty to apply directions.
<b>SACO18</b>	Child maintenance provisions such as when the CMS applies and the percentage of earnings to be awarded.
<b>SACO19</b>	The principles of child support including scope and extent of the obligation and the role of the Child Maintenance Service (CMS) and the Child Support Agency including use and enforcement, maintenance assessment procedure, formulae for calculating maintenance, provisions relating to non-cooperation and enforcement.
<b>SACO20</b>	The legislation, case law, principles and rules relating to relevant forms of financial remedy, including: <ul style="list-style-type: none"> <li>• s.25 MCA 1973 criteria</li> <li>• Factors to be considered by the courts</li> <li>• Principles relating to the duration of orders</li> <li>• ‘Clean break’ principles and when a clean break might be appropriate</li> <li>• The division of pension entitlement</li> <li>• Safeguarding of assets s.37 MCA</li> <li>• Marital agreements</li> <li>• Costs implications</li> </ul>
<b>SACO21</b>	Legislation and rules relating to financial support for children of married/unmarried parents, including: <ul style="list-style-type: none"> <li>• Children Act sch. 1 Applications</li> <li>• Residual powers of the Court to order child maintenance/lump sums in respect of children</li> <li>• Availability of reciprocal enforcement via REMO</li> </ul>
<b>SACO22</b>	Practice and procedures in private law children’s cases, including procedure in contested cases, emergency procedures, allocation, and the role of CAFCASS.
<b>SACO23</b>	The type, nature and effect of relevant orders, including who may apply for which order in what circumstances and the factors to be considered.
<b>SACO24</b>	Legislation and case law in relation to public law proceedings under the relevant sections of the Children Act 1989, Children and Families Act 2014 including: <ul style="list-style-type: none"> <li>• S.31 -38 CA 1989</li> <li>• S.44 CA 1989</li> <li>• S.47 CA 1989</li> </ul>

<b>SACO25</b>	The legislative and procedural interface between private and public law proceedings, including issues of safeguarding, threshold criteria and the duties and responsibilities of the local authority, any criminal issues raised and the potential for criminal proceedings.
<b>SACO26</b>	An outline of practice and procedures in public law children's cases, including emergency procedures, allocation and timetabling, the role of any CAFCASS officer or Independent Guardian and in relation to adoption.
<b>SACO27</b>	The statutory obligations and powers of local authority Children's Services/local Health Authorities in relation to children: <ul style="list-style-type: none"> <li>• Care orders</li> <li>• Supervision orders</li> <li>• Child assessment orders</li> <li>• Emergency protection orders</li> </ul>
<b>SACO28</b>	The legislation and provisions for protection from domestic violence or molestation, violence and harassment and the way in which different measures interrelate: <ul style="list-style-type: none"> <li>• Occupation of, and exclusion from, the matrimonial home and the circumstances in which such an order may be made</li> <li>• The available methods for enforcement</li> <li>• Injunctions under family law legislation</li> <li>• Understanding of criminal sanctions, in particular the legislation relating to domestic violence crime and victims</li> <li>• Appropriate protection for children in instances of domestic violence</li> </ul>
<b>SACO29</b>	The framework of international, European and UK law relating to child abduction, including in relation to Brussels IIR and the Hague Convention, including emergency steps to be taken.
<b>SACO30</b>	The availability of Legal Aid, Legal Aid eligibility and how eligibility can be assessed.
<b>SACO31</b>	Human rights legislation in terms of how it has an impact on family law.
<b>SACO32</b>	Possible implications for domestic law of relevant foreign jurisdictional legislative requirements.

Competency code	<b>Performance</b> <b>Candidates must be able to:</b>
<b>SACO33</b>	Demonstrate appropriate application of the Resolution Code of Practice and any other relevant practice protocols in all cases.
<b>SACO34</b>	Identify, describe and apply both the relevant case law and legislative provisions relating to marriage.
<b>SACO35</b>	Identify and describe the legislative provisions relating to cohabitants and to the unmarried family.
<b>SACO36</b>	Identify and describe the relevant provisions relating to civil partnerships.
<b>SACO37</b>	Identify, describe and explain (as appropriate) the legislative provisions and relevant case law relating to the dissolution of marriage, civil partnerships and judicial separation.
<b>SACO38</b>	Identify and explain the relevant practice and procedures in private law children's cases and explain the principles taken into account by courts when considering issues relating to children.
<b>SACO39</b>	Identify and explain the legislation, principles and rules relating to relevant forms of financial remedy.

<b>SACO40</b>	Explain the legislative provisions relating to parental responsibility.
<b>SACO41</b>	Explain to, and consider with, clients the range of family dispute resolution processes that may be of assistance to them and their circumstances, including the provisions of the Children and Families Act 2014.
<b>SACO42</b>	Identify and consider with clients the emotional impact of their situation and identify and signpost to the range of supporting professionals/services that may assist.
<b>SACO43</b>	Identify and deal with legal and practical considerations in relation to, for example, wills, appointment of testamentary guardians, severance of tenancy and conveyancing (as appropriate).
<b>SACO44</b>	Identify and describe the principles, legislative provisions and rules for child support and explain the Child Maintenance Service (CMS), Child Support Agency, CM Options website, how child support is worked out, costs and enforcement arrangements.
<b>SACO45</b>	Where applicable, identify with, and explain to, parents the options for arranging their parenting for the future, including the use of Parenting Plans.
<b>SACO46</b>	With clients identify assess and explain the provisions for protection from domestic violence and explain how the different available measures interrelate (including the evidential requirements for legal aid eligibility).
<b>SACO47</b>	Identify, assess and consider the legislation and statutory guidance in relation to child protection.
<b>SACO48</b>	When and where appropriate, identify and explain the duties and responsibilities of the local authority in relation to the protection of children where there is or may be an identifiable interface between private and public law proceedings, including any potential of ,or for, criminal proceedings..
<b>SACO49</b>	Identify, assess and explain the framework of international, European and UK law relating to child abduction and what emergency steps can be taken in the event of child abduction.
<b>SACO50</b>	Explain how human rights legislation has an impact on family law.
<b>SACO51</b>	Identify with, and explain, to clients the availability of and eligibility for Legal Aid and explain the process for making application.

### Guidance Notes

- Candidates should be aware that not all competencies will feature in the case studies and corresponding questions, but must be *prepared* and able to answer all that are listed in the unit. Assessment is adjusted to match competencies tested.
- Candidates for the Core Section should note that they should have a **general** knowledge and understanding of each of the competencies as set out above.
- All candidates are expected to be familiar with e.g. 'Family Court Practice' (The 'Red Book').
- Candidates are also expected to have the ability to research those areas of law, statute, principles or procedures and to demonstrate what they would do in order to properly deal with an area of law or practice with which they are less familiar.
- Candidates should also demonstrate where or to whom they might refer in relation to any case where they did not have appropriate expertise.