

INTRODUCING RESOLUTION'S

VISION FOR FAMILY JUSTICE

AWARENESS WEEK 2023

WHO ARE RESOLUTION?

Resolution is an organisation of 6,500 family justice professionals in England and Wales, who believe in a constructive, non-confrontational approach to family law matters.

It's 40 years since Resolution was set up to support separating families, by reducing conflict and creating more amicable, long-lasting solutions that would benefit them and any children they may have.

To mark the anniversary the organisation has published its [Vision for Family Justice](#), setting out the changes that now need to be made to address the current issues facing the family justice system. This vision is at the heart of Resolution's Annual Awareness Week 2023 and was launched at a special parliamentary event on Monday 27 November 2023.

WHAT IS THE VISION FOR FAMILY JUSTICE?

The recommendations in the Vision are based on views and experiences of over a thousand Resolution members through surveys, focus groups, and discussions within our specialist and regional committees. This engagement has ensured that Resolution's campaigning and lobbying work acts as the leading, authoritative voice of the family justice sector.

The vast majority of our members identified cohabitation as the next priority area for reform. The other main priority was funding for early legal information and advice. These key issues will form the crux of Resolution's campaigning activities over the coming months and years, with the rest of the Vision forming the building blocks for ongoing and future policy development.

The Vision is broken down into five key areas, and a short summary of these points can be found in the Vision for Family Justice's [Executive Summary](#).

1. Recognising the changing face of families
2. Helping families to find solutions
3. Protecting the vulnerable
4. Ensuring the family courts meet the needs of families
5. Making family law fit for purpose

Resolution's full Vision for Family Justice calls for a whole raft of other changes to policy, legislation and processes in order to improve the lives of children and families in England and Wales. These include reform of surrogacy laws; better protection of victims of domestic abuse in the family court; changes to child arrangement proceedings; and consideration of reform of the law relating to financial remedies on divorce.

THE IMPORTANCE OF COHABITATION REFORM

Chief among Resolution's Vision for Family Justice recommendations is to improve the rights of cohabitants.

According to House of Commons Library research 1.5 million couples cohabited in 1996 but that figure increased by 144% over the following 25 years to 3.6 million in 2021. According to the recent Resolution polling 83% of respondents believe that cohabiting will become even more popular in future.

Resolution members are committed to ensuring that all people going through relationship breakdown, including those in an unmarried relationship, are treated fairly and in a way that doesn't cause financial hardship.

As the law stands, millions of people leaving cohabiting relationships are excluded from accessing the sort of support and legal protections that would go a long way to making the process clearer and fairer for everyone. Our members see day in, day out, the hardship that this causes people.

Resolution's research has a very clear message – that many people do not want to get married or feel unable to do so. Those choices – or lack of choices - should not exclude them from legal protection if their relationship comes to an end.

As Resolution looks to the future it's clear that reforming the law around cohabitants rights on separation to ensure they have proper legal protections is both vital and widely supported.

More and more we are seeing clients come to us in a situation where the law simply isn't fit for purpose and for many, the current law isn't fit for modern families. There has been so much debate over the years as to how the law could change, or should change, and if on our watch we could really move cohabitation reform forward, that will be a terrific achievement.

With more than 3.6 million cohabiting couples in the UK, they are the fastest-growing family type, yet currently they have very few legal rights when the relationship ends through separation or if one partner dies. Many are caught out by the 'common law marriage myth' – believing they have legal rights when, in fact, no such protections exist.

We know that families come in different shapes and sizes. An increasing number of couples are either consciously choosing not to marry, or, for a variety of reasons, simply don't make (or don't have) that choice. But despite the prevalence of cohabitation, the law remains complex, outdated, and unfair.

HOW CAN YOU SUPPORT YOUR CONSTITUENTS?

Resolution would ask that MPs advocate for the urgent need for cohabitation reform, as well as early access to legal advice and ways to ease the burden on the family courts.

MPs are encouraged to view our recently published Vision for Family Justice which sets out a blueprint for where changes need to be made to the family justice system.

We encourage MPs to lend their support to our Awareness Week and to join in the conversation using the hashtag #ResVision to engage with our members and raise awareness of our Vision for Family Justice.

Resolution members would welcome the opportunity to explain more about our Vision for Family Justice and the changes we would like to see to the family law arena, as well as some of the support available for separating couples who may contact you seeking help.

RESOLUTION'S RESEARCH

A nationwide poll carried out by Whitestone Insight on behalf of Resolution found around half (47%) of cohabitants are unaware that they lack rights should they split up.

- 59% of people polled back better legal protections for cohabiting people.
- 74% of cohabitants agree that 'the current laws surrounding cohabitation are unfit for today's modern society'
- 75% of Resolution members surveyed said they support a change in the law to provide basic rights to cohabiting couples

Asked about their concerns in the event of a relationship ending, 35% said they feared having nowhere to live – if a property is in one partner's name the other partner has no automatic claim on it in the event of a break up. One in three said they feared significant financial hardship.

Fifty per cent of cohabitants said they had no plans to get married while 34% of those expressing an opinion said they don't believe in marriage. Over a third said they chose to spend money on a deposit for a house or flat instead of a wedding, while 28% said they started a family instead.

A separate survey of over 200 family justice professionals who are members of Resolution found most deal with cases involving cohabiting couples at least once a month and one in ten deal with a new case every week. Eight in ten reported that unmarried couples are surprised by their lack of legal rights.

Just 14% of Resolution members said they often work with clients to prepare cohabitation agreements – legal documents that set out each partner's assets and set out how they will be divided in the event of a split. Ninety per cent of those surveyed and expressing an opinion said they support a changing the law to provide basic rights to cohabiting couples.

THE FIGHT FOR NO FAULT DIVORCE

Previously, Resolution had long championed the need to remove fault from the divorce process: our members found that this poisoned a previously amicable split and made discussions harder around important issues like family finances and arrangements where children are involved.

The need to reflect changing social mores is why Resolution successfully campaigned for no-fault divorce for decades and it's why we will continue to call for a variety of reforms which will improve the family justice system for all who need to use it.

In June 2020, our long running campaign found success as the government passed legislation to enable no-fault divorce; this legislation then came into force in April 2022.

We are now continuing our work to improve the divorce process by raising awareness of the family court backlog and the benefit of out-of-court options.