



OPRC Consultation on the *The Online Procedure (Core Rules and Pilot Schemes) Rules 2026*

Respondent name: Rachel Rogers, Head of Policy on behalf of Resolution

Organisation: Resolution, an organisation of 6,500 members who are family lawyers, mediators and other family justice professionals, committed to a non-adversarial approach to family law and the resolution of family disputes.

Questions

Question 1: The OPRC is under a duty to provide Online Procedure Rules that are simple and simply expressed. How well do you think the draft Online Procedure Rules achieve this? Please provide specific examples.

Comments:

We have highlighted a few points below which may need further consideration.

- Rule 7(d) The meaning of 'mediated solutions' might not be clear to unrepresented parties and what potential solutions (impartial or neutral only?) form part of the digital system will need to be clear.
- Rule 9 (j) Would unrepresented parties understand the meaning of 'stay'?
- Rule 25 could perhaps be worded more clearly.
- Are Rules 32(a) and (c) compatible - does the last date need to be clear day?

Question 2: The OPRC is keen to ensure that the draft Online Procedure Rules clearly set out what people can expect when engaging with online proceedings governed by the Online Procedure Rules. How well do you think the draft Online Procedure Rules achieve this aim?

Comments:

Reasonably well, although parties may benefit from more information on how directions to the least burdensome or least costly means to resolve their dispute will be decided and what will be taken into account.

Question 3: While the draft Online Procedure Rules will initially apply only to possession proceedings, the intention is that they will eventually apply to all



proceedings where there are Online Procedure Rules. How applicable is the chosen terminology to proceedings in other jurisdictions such as family or tribunals? Are there any specific examples that need to be reconsidered?

Comments:

Overall, we consider that the draft framework is capable of translating into family proceedings, but some of the terminology probably needs refining to reflect the reality of financial remedy work, rather than assuming a civil dispute model. We of course have in mind that the only other area where the OPRC currently has power to make rules is in relation to finances on divorce, so have largely focused on this at this stage.

- **Some terminology feels very civil-centric**

Although the rules are clearly designed to be principles-based and future-proofed, a lot of the language still feels grounded in civil possession claims, for example rule 10). References to “disputes”, “claims”, and “defences” don’t sit especially comfortably with financial remedy and other family proceedings, which are application-based and not purely adversarial.

- **Role of the court in financial remedies**

In family finance, even where parties agree, the court has an independent statutory duty to exercise discretion and approve outcomes. That supervisory role isn’t always reflected in language around dispute resolution and adjudication, and there’s a risk of oversimplifying what the court is actually doing in this jurisdiction.

- **Proportionality and “the money involved”**

The emphasis on proportionality by reference to “the money involved” (rule 7e) makes sense in a civil context, but feels less appropriate for financial remedies. Lower-asset cases can be of huge importance in terms of housing need, economic security and fairness. Importance in family cases often doesn’t correlate neatly with asset value.

- **Assumptions about the parties**

There seems to be an underlying assumption that parties are broadly symmetrical in terms of resources and ability to engage. While the rules do rightly emphasise vulnerability and participation, in financial remedy cases judicial case management often has to address real imbalance, rather than simply facilitate efficient resolution.

- **Early resolution**

The focus on early and least-burdensome resolution especially in rule 18 is welcome, but in financial remedies that has to sit alongside full and frank disclosure and proper judicial oversight. Early resolution isn’t always appropriate or fair without those safeguards.



In rule 9(b) we suggest that there should be the addition of 'where appropriate and safe to do so' in the family context.

There are also various references to dealing 'quickly' with online proceedings within the rules. Whilst we want to see early resolution and the avoidance of delay wherever possible, we are not clear of the full intended scope of the proceedings potentially covered by the online rules, and query whether 'quickly' is necessarily the right term for family cases across the board, especially where children are the subject of proceedings.

Question 4: The overriding objective sets out what the OPRC aims to achieve by making these rules. Is this clear? If not, why not?

Comments:

Generally yes.

Question 5: Do you have any other comments on the wording of these draft rules?

Comments:

None.

Responses should be sent to OPRCConsultations@justice.gov.uk by 10am on Thursday 15 January 2026.