

Good Practice Guide to Working with Litigants in Person

This guidance was revised in July 2026. The law or procedure may have changed since that time and members should check the up-to-date position.

Note on language: for ease we have used the term “former partner” to refer to the other party to the marriage or civil partnership whether husband, wife or civil partner.

Introduction

Your first contact with your client’s former partner may set the tone for the matter as a whole. All communications should reflect Resolution’s **Code of Practice** and the ethos underpinning it. The Code applies not only to dealings with your client, but to all professional interactions connected with your family law work, including with litigants in person, the court and other professionals.

A litigant in person may not have instructed a lawyer because they cannot afford representation, believe the issues are straightforward, distrust lawyers, worry that legal involvement will increase conflict or feel able to manage the matter themselves. As a result, they may feel vulnerable, defensive or at a disadvantage when receiving correspondence from a solicitor.

Your understanding of the former partner will inevitably be shaped by your client’s account. Remain objective and avoid assumptions about the other person’s motives, behaviour or emotional state. You may know little about how they are coping with the separation, their understanding of the legal process or any difficulties they may be facing.

Use clear, respectful and non-inflammatory language. Be mindful that the recipient may be unfamiliar with legal terminology and procedure, and particularly sensitive to tone. Consider whether they may have additional needs, such as translated correspondence or religious considerations affecting communication or court timetabling.

Complaints from litigants in person

Many complaints made to Resolution arise from interactions with litigants in person and this guide is intended to help pre-empt these. Members should therefore take particular care in all communications and dealings with unrepresented parties. Correspondence should remain professional, clear and non-inflammatory, and members should avoid expressing personal opinions or criticism of the former partner. Careful communication can help reduce misunderstanding, avoid unnecessary escalation and support constructive resolution of issues.

Care needs to be taken with email correspondence as it is not a secure medium. It is also important to take care, if asked to communicate by email, that the recipient is aware, agrees and can receive emails in a confidential environment. Complaints have been received that communications were sent to the recipient’s place of work without prior consent and were seen by numerous other people first.

If a complaint has been raised about your conduct in dealing with a litigant in person, you may find the Resolution **Complaints Handling Toolkit** a helpful resource.

First contact and communication

Your first letter may come as a complete surprise and may be the first indication the recipient has that the matter is serious. Be mindful of the influence of your client’s instructions and sensitive to the recipient’s likely emotional state, level of understanding and any cultural considerations. ►

Resolution members should advise clients and conduct matters in a constructive way to help settle differences as quickly as is reasonable whilst:

- recognising that both parties may need time to adjust to their new circumstances
- avoid imposing unnecessary deadlines – where urgency is required, explain why and provide timeframes reasonable in the circumstances

The first letter

The initial letter should briefly address the issues and avoid unnecessary one-sided argument.

In drafting the first letter, solicitors should:

- obtain client approval in advance
- recommend that the recipient seek independent legal advice
- explain briefly the available and appropriate NCDR options (see section below on NCDR) highlighting those which may be appropriate to the parties
- signpost useful sources of information and support

When encouraging the former partner to seek independent legal advice, preferably from a Resolution member, remain sensitive to the fact they may not be able to afford representation. A recommendation to instruct a lawyer can sometimes be perceived as threatening or as signalling that matters are no longer agreed. It is therefore helpful to explain that recommending legal advice is standard practice.

You may also wish to signpost other sources of support such as Support Through Court, HMCTS guidance and Gov.uk which provide resources relating to legal aid and representing yourself in court.

Resolution has prepared **Template initial letter to a litigant in person from a Resolution member**. Members should also consider sending a copy of Resolution's **Code of Practice** and our **Top Tips for Litigants in Person**.

We have also prepared a **Template letter to client where their former partner is acting as a litigant in person**. This sets out how you will communicate and engage with their former partner.

Mediators may find this **Example letter from a mediator to a litigant in person** useful for explaining the process to self-representing people.

Communication and language

All members should refer to Resolution's Good Practice Guides on communication and correspondence.

Reference should also be made to the Family Solutions Group paper **Language Matters**, which promotes:

- plain English
- personal and respectful language
- proportionate language
- constructive problem-solving language
- a focus on positive futures

When dealing with someone who is unrepresented, take particular care to communicate clearly and avoid legal jargon wherever possible.

Identify any particular communication requirements and/or requirements to assist the former partner how to best engage with you and the proceedings. A former partner may be neurodivergent which may or may not always have been formally diagnosed; they may not know themselves but you may begin to suspect it, so it is best practice to ask at the outset of any particular needs or reasonable adjustments that will assist them. The President of the Family Division has endorsed **Family Justice Council Guidance on Neurodiversity in the Family Justice System for Practitioners** and there is lots of practical advice and toolkits available on the **FLANC website** (Family Law Advice for the Neurodivergent Community) which can be used and is designed for practitioners and litigants. An **All About Me Document** is available from there and can be provided to anyone who is or is suspected to be neurodivergent, this is a collaborative tool which the neurodivergent party can complete and can circulate to all relevant parties which helps identify their needs and how best to work with them.

Consider using the term 'self-representing' until the parties are in actual litigation so that when one is writing to them, they know what you mean more clearly. This does not mean removing the term litigant in person but understanding that at the initial stages of correspondence they might not have heard the term 'litigant in person' and would understand themselves as self-representing.

Try to keep correspondence with the former partner as concise as possible. No matter how tempting it is to respond to a long letter by dealing with every single point, by keeping it short and following the five core principles in the Family Solutions Group paper above one reinforces that you are not acting as a messenger but trying to resolve issues.

Avoid expressing personal opinions about the former partner or adopting inflammatory language. If reference to your client's account is necessary, make clear that the information comes from your client.

Let the former partner know that family proceedings, whether within the court arena or any NCDR route are confidential and even in voluntary discussions all communications/information exchanged should unless otherwise agreed in advance be treated as confidential

and not shared with third parties save for the purposes of obtaining legal advice and/or for use in an agreed arena such as mediation. Having said this, practitioners should in any event consider the potential impact on children and any family members that correspondence from them may have.

Updates on the progression of the case should be clear and given regularly, for example, prior to or if relevant simultaneously with or shortly after issuing proceedings. It is best practice not to assume the former partner has also received information/documents from third parties and unless they have been copied in it is best practice to inform the former partner on receiving documents from the court such as orders, Notice of Hearings, replies to questions raised of an SJE and sending copies of these to the former partner.

Keep disputes relating to finances separate from disputes relating to children. Combining both in the same correspondence may give the impression that children are being used as bargaining tools and/or inappropriately link the two issues.

Expressly agree with the recipient their preferred method of communication. Take care when communicating by email. Ensure the recipient has agreed to email communication and can access correspondence confidentially. Unless expressly agreed with the recipient be mindful of using email/postal addresses which are clearly linked to their employment/professional business.

Dealing with excessive communication

A litigant in person may contact you frequently, raise repeated concerns or make allegations that you are acting unfairly or increasing conflict unnecessarily.

In these situations:

- always remain calm, civil and professional
- explain clearly the limits of your role and responsibilities to your client
- keep communications with litigants in person written where possible but if you do speak directly keep clear attendance notes and confirm important matters to them in writing
- keep cost estimates in mind, explain to clients steps that have increased costs and why they were necessary
- if communication from the litigant in person becomes abusive, set clear boundaries and confirm them in writing
- consider discussing difficult situations confidentially with a colleague or using **Resolution's 121 mentoring scheme**

If the former partner later instructs a lawyer, establish clearly the scope of that lawyer's retainer before continuing direct communication.

Non-court dispute resolution (NCDR)

Members should consider throughout whether mediation or another form of NCDR may assist in resolving matters.

Since the implementation of the Family Procedure (Amendment No 2) Rules 2023, parties are expected to consider alternatives to court before issuing proceedings. NCDR may include mediation, arbitration, collaborative practice, private FDRs or early neutral evaluation.

Failure to engage appropriately with NCDR may result in adjournments or costs consequences, although exemptions apply, including in cases involving domestic abuse or urgency.

You may find it useful to cross-refer here to the **Good Practice Guide on Domestic Abuse** which covers NCDR and domestic abuse in more detail.

An unrepresented person may not understand the role of MIAMs, mediation or the reasons mediation may not proceed. Where possible, signpost them to reliable sources of information about pre-court requirements and available processes.

Proceedings and applications

Paragraph 1.11.1 of the Family Law Protocol Part 1 states that applicants should generally notify the respondent, or the respondent themselves if unrepresented, at least seven days before issuing proceedings unless there is good reason not to do so.

Try to achieve consensus before issuing applications where possible. This encourages cooperation and may support more constructive future co-parenting.

If a particular step may appear hostile or capable of misunderstanding, consider explaining why it is being taken.

Domestic abuse

Allegations of domestic abuse must always be treated seriously. However, members should remain objective and avoid escalating conflict unnecessarily.

Where instructed to write regarding allegations of abuse, ensure correspondence is proportionate and appropriate to the circumstances.

If relying on documents or evidence such as social media extracts, disclose them promptly.

It is crucial that all Resolution members read Resolution's **Good Practice Guide on Domestic Abuse**.

Where children are involved, also consider safeguarding obligations and Resolution's **Good Practice Guide to Safeguarding Children and Young People**.

Female genital mutilation (FGM) and forced marriage

FGM and forced marriage are highly sensitive areas involving significant safeguarding considerations and potential criminal implications.

If these issues arise, members should refer to Resolution's **specialist guidance** and ensure they have appropriate training and expertise before undertaking such work.

Where there is an immediate safeguarding concern, prompt protective action may be required.

Resolution members holding Specialist Accreditation in FGM or forced marriage can be located through the **Resolution website**.

Disputes involving children

The Code of Practice requires members to encourage clients to put the best interests of children first.

Remain objective in disputes concerning arrangements for children and avoid adopting inflammatory or adversarial language. Practitioners should help parents focus on the needs of their children and the importance of future co-parenting wherever safe and appropriate.

Consider throughout whether mediation or another form of NCDR may better support the family and allow children's voices to be heard.

Parents may benefit from signposting to resources such as Resolution's **Parenting Through Separation Guide**, parenting plans and organisations offering support and guidance.

Paragraph 4.9.1 of the Family Law Protocol Part 4 states that applications and supporting documents should use factual rather than emotive language.

Agreements and consent orders

Some litigants in person may feel frustrated where agreements reached directly between the parties are later questioned following legal advice.

Members must advise clients appropriately regarding disclosure, fairness and the implications of financial orders. However, advice should also take account of the benefits of resolving matters amicably and proportionately.

Where further disclosure or negotiation is required, explain clearly to the former partner why it is necessary and recommend that they obtain independent legal advice.

Service of proceedings

See Resolution's **guidance note on service of documents**.

Avoid serving proceedings in front of children or in circumstances likely to cause unnecessary embarrassment or distress. Consider carefully the appropriateness of service at a workplace and whether arrangements can instead be made for service in a neutral and private setting.

Contact at court

Litigants in person may feel particularly anxious at court. Constructive discussion before hearings may help narrow issues and improve the effectiveness of the hearing and ultimately result in a better outcome for your client.

However, take care to avoid any suggestion of intimidation or unfair advantage. Do not exploit a superior knowledge of law or procedure.

Explain legal terminology and proposed orders clearly where appropriate. Take a detailed note of all conversations that would be appropriate to share with the litigant in person if requested.

If there is concern about later allegations regarding conduct, consider whether discussions should take place in the presence of another member of the legal team. Equally, remain mindful that large legal teams may themselves feel intimidating to an unrepresented party.

Dealing with lay advisers and McKenzie Friends

The former partner may seek support from organisations such as Families Need Fathers, the Equal Parenting Council or a McKenzie Friend. Discuss with your client whether they are content for you to deal with a lay adviser and ensure you have clear instructions regarding what may be discussed or disclosed.

Bear in mind that lay advisers:

- are not officers of the court
- may lack objectivity
- may not be professionally regulated
- may not carry professional indemnity insurance
- may not be bound by duties of confidentiality

but that in many circumstances their involvement may still be a positive for all parties and allow for discussions to progress with less emotion.

The Family Procedure Rules 2010 permit parties to share information relating to proceedings where reasonably necessary to obtain support, advice or assistance.

The judiciary has also issued guidance regarding McKenzie Friends in the family courts.

Court bundles and Practice Direction (PD) 27A

All parties involved in family proceedings should be aware of **PD27A** concerning court bundles.

A revised PD27A came into force on 2 March 2026. The revised guidance establishes electronic bundles as the standard, limits the inclusion of certain communications without judicial permission and places greater emphasis on accessibility.

Parties are required to agree on the contents of the bundle no later than seven working days before a hearing, and the bundle must be filed and served no later than five working days before the hearing. The updated rules explicitly prohibit the inclusion of certain documents in the bundle without judicial permission, including copies of emails, text messages, WhatsApp messages, social media communications, and voice notes.

This change aligns with the 2025 **Family Justice Council Guidance on Covert Recordings in Family Law Proceedings**. To improve accessibility for neurodiverse participants, the new guidance also expresses a preference for the use of Arial font in bundles.

Provide litigants in person with sufficient time to review bundles and, where appropriate, provide a copy of the Practice Direction so they understand the requirements.

The President also issued **guidance on bundles for litigants in person** in March 2026 and Resolution has **guidance to assist litigants in person on the preparation of bundles**.

The Child Arrangements Programme

Details of the Child Arrangements Programme are set out in Practice Direction 12B and apply whether or not parties are legally represented.

Useful resources

There are numerous sources of information available generally to people who wish to represent themselves. Set out below are details of helpful publications for both litigants in person and Resolution members alike and a number of useful links to various organisations. This list is not intended to be exhaustive and will be updated from time to time.

Resolution resources to share with clients

- **Top tips** for representing yourself in court as a Litigant in Person
- **Glossary** of legal terms
- **Guidance** for litigants in person on preparing a witness statement

- **Guidance** on Child Arrangement Orders
- **Guidance** on Financial orders
- **Guidance** on preparing bundles
- **Guidance** on preparing e-bundles
- **Parenting Through Separation Guide**

Resolution resources for members

- **Top tips** for members working with litigants in person
- **121 mentoring scheme**
- **Complaints handling toolkit**
- **Financial Remedy Proceedings: checklist** for solicitors and direct access counsel instructed by lay clients who have previously acted in person
- **Good Practice Guide** on correspondence
- **Good Practice Guide** on domestic abuse
- **Guidance note** on service of documents
- **Private Law Children Proceedings: checklist** for solicitors and direct access counsel instructed by lay clients who have previously acted in person

Publications

- **A Handbook for Litigants in Person** (HMCTS, October 2013)
- **A guide to proceedings in the Supreme Court for those without a legal representative** (February 2014)
- **Interim Applications in the Chancery Division – A guide for Litigants in Person** (July 2013)
- **Litigants in person in private family law cases**, Trinder et al (2014, Ministry of Justice)
- **Litigants in Person: the rise of the self-represented litigant in civil and family cases** (House of Commons Briefing Paper, 2016)
- **The Family Court without a Lawyer** by Lucy Reed (fourth edition, updated August 2022)
- **The Law Society's Litigants in Person: Guidelines for Lawyers** (June 2015 (joint with Bar Council and Cilex))

Case-law

- *H (A Child)* [2014] EWCA Civ 271
- *Q v Q, Re B (A Child), Re C (A Child)* [2014] EWFC 31
- *Agarwala v Agarwala* [2016] EWCA Civ 1252

- **Re B (Litigants in person: Timely service of documents)** [2016] EWHC 2365 (Fam)
 - **Iqbal v Iqbal** [2017] EWCA Civ 19
 - **Barton v Wright Hassall LLP** [2018] UKSC 12
- Other useful websites**
- **Advice Now:** Independent advice organisation providing downloadable guidance and information about legal aid.
 - **Bar Council Ethics and Practice Hub's Litigants in Persons:** Guidelines for Lawyers
 - **CAFCASS:** Information and guidance for parents, children and young people.
 - **Citizens Advice:** Information about legal issues relating to divorce and separation.
 - **Family Mediation Council:** Information about mediation, MIAMs and mediator directories.
 - **Family Solutions Group:** Language Matters report.
 - **FLANC:** Family law advice for the neurodivergent community
 - **Gingerbread:** Advice and support for single parents.
 - **Gov.uk – Represent Yourself in Court:** Government guidance on representing yourself in court and family legal matters.
 - **Kinship:** Information and support for kinship carers.
 - **Ministry of Justice – Forms:** Downloadable Ministry of Justice forms and guidance.
 - **Money Helper:** Advice and information about financial matters following relationship breakdown.
 - **NACCC/Our Family Wizard:** Parenting plan resource.
 - **OnlyMums and Dads:** Information, advice and support for separated parents.
 - **Support Through Court:** Practical and emotional support for people representing themselves at court.

Note

1. This good practice guidance does not and cannot affect any obligations in law, specific court orders or rules of professional conduct.
2. Good practice guidance can inevitably only deal with the generality of situations. It cannot be an absolute rule. The facts of any particular case may justify or require a lawyer to depart from these guidelines.
3. This guidance applies to all family law cases for the better conduct and approach of family breakdown issues, and not just to cases between Resolution members.