

# Family Law Accreditation Scheme

## Client information sheet

Education and Training Unit  
Version 1

### Separation and divorce

Separation and divorce can be a very confusing and distressing time.

It is likely that you will be facing a whole series of questions and problems that need to be dealt with.

No two cases are the same, and there is no book of rules with clear answers as to what should happen. Each case depends on its own circumstances: the levels of maintenance to be paid, the future of the house and even the arrangements for the children can differ in each case.

This is why the way in which your case is handled and the quality of the advice that you receive is very important. Good advice and experienced handling of your case can reduce the distress and difficulties caused to you and your family and significantly improve the outcome for you as well.

Dealing with divorce, separation and family disputes is a complex area of law and requires both a detailed legal knowledge and at the same time an experienced and understanding approach.

To assist you in finding the help you need, the Solicitors Regulation Authority has set up the Family Law Accreditation Scheme to accredit solicitors and legal executives who specialise in family law and who have the experience and knowledge necessary to help.

### Solicitors who can help

To be accredited, a scheme member must be either a fully qualified solicitor or a fully qualified Fellow of the Institute of Legal Executives. Each of these qualifications involves a number of years of study and training. In addition, to qualify the scheme member must have at least three more years' experience of practice in which they have dealt with family law matters (often they will have considerably more) or, alternatively, must have passed additional examinations. They will also have demonstrated a broad experience of family law work and be committed to regular professional training.

### Acting for you

As you go through the process of separation or divorce, you may find you have to deal with a number of organisations or individuals, such as the courts, welfare officers, the Child Support Agency, divorce information providers or mediators. These people can offer a valuable service. However, among all these, your solicitor is the only person who is actually able to act for and advise you individually on your own interests and how to protect them.

Your solicitor will be committed to giving you independent advice on how to achieve the best outcome and can also be your guide to the other services available. Your solicitor will be able to

explain to you the steps and options open to you, advise you how to proceed, negotiate on your behalf and, if necessary, take your case through the courts.

How far your solicitor takes the matter is entirely up to you. If you instruct a solicitor it does not mean that the case will necessarily have to be taken to a court hearing. Your solicitor is there to advise and help you, but only to the extent that you want assistance. You can use your solicitor merely for initial advice, or just for certain aspects of your case, or to handle the whole matter. Even then, most cases are settled by negotiation before any court hearing takes place.

Remember, the outcome of your divorce or separation could have far reaching effects on your future financial security and on the welfare and future of your children. It is sensible to obtain the best help you can.

### **A constructive approach**

It is recognised that divorce and separation takes place during an emotional period. Often a person's views are clouded by a whole series of emotions, from hurt and guilt to anger. Your scheme solicitor will be sensitive to the need to act in a constructive way that does not unnecessarily aggravate matters.

Experience shows that a sensitive and constructive approach to settling differences is usually beneficial to all concerned. An aggressive approach can often result in both parties becoming entrenched in opposing views resulting in little more than a long exchange of complaints. Often the opportunity to settle matters on a reasonable basis is lost.

As an experienced advisor, your scheme solicitor is aware of this and will try to act for you in a non-confrontational manner. Particularly when children are involved, it is recognised that there will need to be a continuing relationship between the parents even after a divorce or separation has taken place. The importance of this working relationship between the parents is very important and beneficial for the children's future.

This does not mean that your solicitor will not be acting in your interests. There may be occasions where it is essential to take a firm and strong line to ensure that your rights are protected.

### **Keeping you informed of progress and cost**

Divorce and separation is a complex process of which most people have little detailed knowledge. Your scheme solicitor is committed to keeping you informed of the progress of your matter and, in particular, will keep you informed as to the costs involved in your case.

Your solicitor will do this by informing you at the beginning of the matter of their method of charging and by providing you with a Client Care Letter, which will include details of the firm's charging rates. Your solicitor will advise you of the availability of legal aid and, if appropriate, how to obtain this. Your solicitor will also keep you informed at regular intervals, or whenever asked by you, of the cost position. If an action needs to be taken, your solicitor will explain the benefits of doing so compared to the costs that will be incurred.