



Module Specification

Family Law and Practice

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Part 1: Information

Module title: Family Law and Practice

Module code: UJXTT5-10-M

Level: Level 7

For implementation from: 2021-22

UWE credit rating: 10

ECTS credit rating: 5

Faculty: Faculty of Business & Law

Department: FBL Dept of Law

Partner institutions: None

Delivery locations: Frenchay Campus

Field: Law - non modular

Module type: Standard

Pre-requisites: None

Excluded combinations: None

Co-requisites: None

Continuing professional development: No

Professional, statutory or regulatory body requirements: None

Part 2: Description

Overview: Not applicable

Features: Not applicable

Educational aims: The LPC outcomes and the vocational elective outcomes will be met by the students undertaking the type and range of tasks identified in the indicative teaching scheme set out in the Outline Syllabus.

The elements of law and practice to be covered on the elective are primarily identified in the syllabus, as expanded upon in this statement and in the indicative teaching scheme.

The course skills which will pervade this elective as identified in the indicative teaching scheme are practical legal research and drafting. The skill of negotiation will also be developed.

Outline syllabus: The study unit covers the main areas of Family Law and Procedure that a student will encounter in a general family law department of a firm of solicitors: that is, those areas of family law and procedure relevant to a couple experiencing permanent breakdown in their relationship. In particular, the students will consider:

The law and procedure relating to undefended divorce proceedings and those to terminate a civil partnership. The grounds entitling a court to grant a decree; the bars and defences to divorce and termination of partnership and other procedures that might delay the grant of a decree; the jurisdiction of the divorce court. Typical procedural problems that often arise during undefended divorce and termination of partnership procedure.

The law and procedure relating to the resolution of private disputes within the family concerning the welfare of children. The various types of orders that can be granted; the approach of the courts in making orders; directions of the court; the involvement of the CAFCASS officer; the use of mediation outside court proceedings.

The law relating to the resolution of financial and property disputes between divorcing couples and those whose civil partnership is being terminated. The types of orders that can be granted; the approach of the courts in making orders; the impact of the Child Support Acts; the Financial Dispute Resolution appointment; consent orders.

The resolution of property and financial disputes between non-married couples. The

impact of trust and contract law and the concept of proprietary estoppel. Financial relief under the Children Act and the impact of the Child Support Acts.

The protection of assets prior to the resolution of disputes. Severance; making new wills. The use of s37 to prevent disposition of assets. The registration of matrimonial home rights.

The civil law and procedures available to protect family members from domestic violence and harassment. The types of orders available. The approach of the courts in the grant of those orders. Applications on notice and without notice. Enforcement as a criminal offence with and without a power of arrest.

Taxation, in so far as is relevant to relationship breakdown. Welfare benefits, in so far as is relevant to relationship breakdown. Public funding in so far as it is relevant to domestic abuse and violence. Costs.

Indicative Teaching Scheme

Study Unit 1:

Divorce and dissolution law and practice

Study Unit 2:

Resolution of private children law disputes

Study Unit 3:

Applications for financial orders (part 1)

Study Unit 4:

Applications for financial orders (part 2)

Study Unit 5:

Applications for financial orders (part 3)

Study Unit 6:

Resolution of issues relating to the unmarried family

Study Unit 7:

Revision

Self Study Unit

Resolution of domestic abuse and violence issues

Part 3: Teaching and learning methods

Teaching and learning methods: Self-study preparation and research in order to acquire knowledge and understanding;

Large group sessions in order to consolidate and develop knowledge and understanding;

A mixture of individual and group work centred on problem-based learning, involving management of information, analysis of complex facts and application of knowledge;

Role play and oral presentations to demonstrate understanding and effective communication of complex areas of law applied to detailed factual scenarios;

Preparation of written communications (primarily in the form of office memoranda and letters of advice to clients) to demonstrate understanding and effective communication of complex areas of law applied to detailed factual scenarios;

Drafting and amending of legal documents, often involving the use of precedents, to demonstrate synthesis and application of knowledge, and the ability to reach autonomous, competent decisions;

Reviews of topics in the form of both large group sessions (where ideas can be pooled and debated) and critical self-evaluation.

The teaching and learning strategy pervading all modules on the Legal Practice Course is a student-centred approach through the provision of a stimulating educational environment.

Face to face teaching and learning in a workshop environment is at the heart of the Teaching and Learning strategy, for students to participate fully in challenging activities, undertaking a wide variety of exercises as individuals and in groups. Full participation is encouraged and expected. Students are encouraged to ask questions during the workshops and to take responsibility for their own learning. Feedback will be given on these exercises both by students and tutors.

Outside of the workshop students are required to take responsibility for their own learning undertaking a variety of preparatory tasks. These may be undertaken by students either as individuals or working in office groups, including include provision of information using recorded lectures, reading from course manuals and from practitioner texts, reading and research from primary source material, completion of electronic tests, preparing documents or presentations and attending large group sessions.

The final component of each Study Unit will be a consolidation task or tasks designed to broaden and deepen students' understanding of an aspect or aspects of work covered in the relevant Study Unit.

Ethical and professional conduct issues will pervade the teaching of this elective. In particular students will consider conflicts of interest (such as those arising between separating/ separated spouses, civil partners and cohabitants); acting only when competent to do so (e.g. in complex or specialised areas such as pensions; duty to the court and issues arising relating to advocacy and preparation of cases for the Family and Civil courts.

Each Study Unit involves the student undertaking 11.5 Notional Learning Hours, of which (with the exception of the Self Study unit) 2.5 hours will be a Small Group Sessions

Module Learning outcomes: On successful completion of this module students will achieve the following learning outcomes.

MO1 Understand the law relating to the various topics of Family Law in the syllabus and draw on knowledge acquired from other areas that impact on the family law practitioner, as are shown in the syllabus

MO2 Critically analyse complex areas of knowledge (for example, the grounds for divorce/ dissolution of a civil partnership, the jurisdiction of the courts; the approach of the courts to straight-forward private children matters, domestic abuse and violence matters and the grant of financial relief,) and communicate the outcome effectively

MO3 Interpret an array of completed court forms and statements

MO4 Synthesise and analyse facts and information gathered from the client, other parties and organisations and utilise knowledge from various areas of the syllabus (for example, the investigation of the parties' financial positions in financial relief applications)

MO5 Identify and define complex problems and apply appropriate knowledge and skills to their solution (for example, communicating advice on the appropriate ground for divorce/ dissolution when two or more are available, on the possible financial settlement terms to be offered to a spouse or civil partner on the other side, on the possible outcome of an application for a child arrangements order, of an application for an injunction, and of an unmarried party's application for a shared in the family home.)

MO6 Draft/ critique the drafting of the documents required for an undefended divorce/ dissolution for a client

MO7 Draft/ critique the drafting of a matrimonial consent order.

MO8 Work effectively as a junior team member in carrying out all other procedures identified on the syllabus, demonstrating a technical expertise appropriate to the level of supervision and within agreed guidelines

MO9 Use a full range of learning resources, appropriate to the practice of family law (for example, family law practitioner texts, The Family Procedure Rules

2010, primary statutory and case law material, websites of HM Inland Revenue, DWP, The Law Society, and Resolution, various procedural forms)

MO10 Competently undertake research tasks with minimum guidance from those sources.

Hours to be allocated: 100

Contact hours:

Independent study/self-guided study = 85 hours

Face-to-face learning = 15 hours

Total = 100

Reading list: The reading list for this module can be accessed at [readinglists.uwe.ac.uk](https://uwe.rl.talis.com/modules/ujxtt5-10-m.html) via the following link <https://uwe.rl.talis.com/modules/ujxtt5-10-m.html>

Part 4: Assessment

Assessment strategy: This module is assessed by a 3 hour on campus examination comprising 25% MCQ/SAQ and 75% Long Form Questions with a pass mark of 50%.

The Assessment Strategy pervading all modules on the LPC is rigorous in its approach to ensure the credibility of the course to ensure that:

Assessment arrangements will be robust, consistent, fair and secure, to ensure that academic standards will meet the threshold set by the SRA.

Assessments will revolve around transactions of the type encountered in practice.

Assessments will address depth and realism as well as coverage.

Individual assessments cover a representative and robust selection of the relevant

outcomes. Where an assessment does not include coverage of all of the outcomes for a particular subject, students will nevertheless be prepared to be assessed on all outcomes and will not be informed of what (or will not) be assessed in any particular assessment.

Student achievement will be measured appropriately in accordance with the LPC outcomes.

All diligent students have an opportunity to achieve and demonstrate the LPC learning outcomes.

The needs of disabled students will be taken into account ensuring equal accessibility of assessments to all students.

Assessment components:

Examination - Component A (First Sit)

Description: 3 hour on campus examination

Weighting: 100 %

Final assessment: Yes

Group work: No

Learning outcomes tested: MO1, MO10, MO2, MO3, MO4, MO5, MO6, MO7, MO8, MO9

Examination - Component A (Resit)

Description: 3 hour on campus examination

Weighting: 100 %

Final assessment: Yes

Group work: No

Learning outcomes tested:

Examination - Component A (Resit)

Description: 3 hour on campus examination

Weighting: 100 %

Final assessment: Yes

Group work: No

Learning outcomes tested:

Part 5: Contributes towards

This module contributes towards the following programmes of study:

Advanced Legal Practice [Sep][PT][Frenchay][2yrs] LLM 2021-22

Advanced Legal Practice [Jan][PT][Frenchay][2yrs] - Not Running LLM 2021-22

Advanced Legal Practice [Sep][FT][Frenchay][1yr] LLM 2021-22

Advanced Legal Practice [Aug][PT][Frenchay][2yrs] - Not Running LLM 2021-22