



CORPORATE AND ACADEMIC SERVICES

MODULE SPECIFICATION

| Part 1: Basic Data | | | | | |
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| Module Title | Family Law | | | | |
| Module Code | UJUTK7-30-3 | Level | 3 | Version | 5.1 |
| UWE Credit Rating | 30 | ECTS Credit Rating | 15 | WBL module? | No |
| Owning Faculty | Faculty of Business and Law | Field | Law Undergraduate | | |
| Department | Law | Module Type | Standard | | |
| Contributes towards | LLB (Hons); LLB (Hons) Law with Criminology; BA (Hons) Criminology and Law; BA (Hons) Criminology with Law; LLB (Hons) Law with Psychology; BSc(Hons) Psychology with Law; | | | | |
| Pre-requisites | None | Co- requisites | None | | |
| Excluded Combinations | None | Module Entry requirements | 200 credits acceptable to the award on which the student is registered of which at least 60 credits must be credits from law modules. | | |
| First CAP Approval Date | 1 May 2012 | Valid from | September 2012 | | |
| Revision CAP Approval Date | 2 February 2016 | Revised with effect from | September 2016 | | |

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| Review Date | September 2018 |
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| Part 2: Learning and Teaching | |
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| Learning Outcomes | <p>On successful completion of this module students will be able to:</p> <ol style="list-style-type: none"> 1. analyse and evaluate the legal principles of the law relating to family law. (Component A) 2. critically analyse new factual situations and to apply the legal principles to them. (Component A) 3. demonstrate the ability to identify the need for relevant legal research and to carry out library-based research either individually or as part of a group. (Component B) 4. demonstrate the ability to identify the impact of historical, economic and social factors upon the evolution of the relevant legal principles. (Component A and B) 5. demonstrate the ability to critically evaluate those factors and to assess how they might be used in future developments of the law. (Component A and B) 6. demonstrate the ability to produce a structured, coherent and concise |

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| | <p>argument, whether oral or written. (Component B)</p> <p>7. demonstrate the ability to communicate effectively in written form the substance of complex issues. (Component A and B)</p> |
| Syllabus Outline | <p>Indicative syllabus outline</p> <p>Session 1 Introduction to the course. Introduction to group assessment.</p> <p>Sessions 2 and 3 - The Family and Marriage/civil partnership</p> <ul style="list-style-type: none"> - Definition of Marriage/civil partnership - Formalities of Marriage/civil partnership - Nullity of Marriage/civil partnership - Void and Voidable marriages/civil partnership - Rights of cohabitants <p>Sessions 4, 5 and 6 – Divorce, dissolution and judicial separation</p> <ul style="list-style-type: none"> - Historical development of English Divorce Law - The current law and procedure - Dissolution of civil partnerships -Judicial separation - The future of divorce law <p>Sessions 7, 8 and 9 - Domestic Violence and the social context.</p> <ul style="list-style-type: none"> -Historical development of the current law - Why domestic violence occurs -The current law and limitations <p>Sessions 10,11,12 The law concerned with access to and distribution of income of married couples/civil partners on the breakdown of that relationship.</p> <ul style="list-style-type: none"> - Maintenance and capital provision for spouses on divorce, nullity or judicial separation - The statutory guidelines - The guidelines applied - money orders - property transfer orders - nuptial agreements -Finances and cohabitants - Child Support <p>Sessions 13 to 15 The private law Relating to Children</p> <ul style="list-style-type: none"> - Private orders under the Children Act 1989 - Parental responsibility - Assisted reproduction <p>Sessions 16 to 18 -The child and the State</p> <ul style="list-style-type: none"> - Public orders under the Children Act - Child protection – are children adequately protected by the law? - The role of Cafcass <p>Sessions 19 and 20 -The Law of Adoption</p> <ul style="list-style-type: none"> - How the current law has evolved - Issues with the current law - Open Adoption - Special Guardianship - Future reform <p>Sessions 21 and 22 - International Parent Child Abduction</p> <ul style="list-style-type: none"> - Why abduction occurs - Problems in using the law - Preventing abduction - Recovery after abduction |

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| | <p>Remaining sessions devoted to revision</p> <p>The Human Rights Act 1998 and its application to the law relating to family breakdown. This topic pervades the above subject areas.</p> |
| <p>Contact Hours/Scheduled Hours</p> | <p>Lectures: 2 hours per week. Seminars: 1 hour seminar per fortnight. Drop in sessions: 1 hour per fortnight</p> |
| <p>Teaching and Learning Methods</p> | <p>The emphasis throughout will be on providing the student the opportunity and facilities to critically question, understand, analyse and evaluate the law in its historical, practical, academic and social context. The learning context is student-centred and utilizes a variety of techniques to encourage independent thought and constructive criticism. Dialogue is promoted between student and lecturer in an interactive relationship which emphasizes the two-way flow of information and criticism.</p> <p>It is not necessarily envisaged that every topic in the syllabus will be covered in any one academic year. Areas which have topical significance could, therefore, be developed at greater length and less important areas delineated in outline only.</p> <p>Students will be expected to conduct research with both traditional and electronic sources and will be instructed how to do this both during the Programme as a whole and, where necessary, within the module.</p> <p>Student preparation:</p> <p>Lectures: In most cases there is no expectation of preliminary work. However, students may be given directed preliminary reading from recommended texts. Occasionally material may be also given out in advance so as to provide the basis for practical exercises or for more detailed discussion of topics to be conducted within the lecture. This will apply more to Level 3 options' modules where group sizes allow for a more interactive approach to lectures. Guest speakers will be utilised where appropriate.</p> <p>Seminars: Seminar preparation tasks include working individually, in pairs or in small groups. Students will be given seminar sheets in advance of their seminars which will be centred on the analysis of cases, statutes, European and Human Rights' material as appropriate. The material will usually be problem or discussion title-based. Supplementary material (usually of a problem-solving nature) may be provided in the seminar. Directed reading will be suggested along with internet sources and video material as appropriate. At Level 1 students will be given more direction in terms of sources and specific questions to address. Students are expected to make full use of their independent learning time to reflect critically upon the subject and to develop their own ideas.</p> <p>Operation and purpose:</p> <p>Lectures: On most topics covered, outline learning materials will be supplied to students during or in advance of the lectures. Lectures are generally designed to:</p> <ol style="list-style-type: none"> (a) communicate the principal features of a topic, including its major principles, rules, concepts, relationships and values; (b) to stimulate interest in the topic and provide alternative views; and (c) to provide other information necessary to facilitate its further study, including updating. |

Seminars: Seminars will involve problem-solving and the analysis and synthesis of conceptual and contextual issues, through plenary discussion and presentations by individual students or groups of students. Students are expected to fully participate in seminar discussions, which will cover the controversial and difficult areas of the subject.

We see the function of seminars to be:

- (a) to monitor the acquisition by students of the knowledge, understanding and skills mentioned under the *Learning Outcomes*; and
- (b) to facilitate and enhance the acquisition of that knowledge, understanding and skills and to foster deeper learning.
- (c) to allow students to evaluate, analyse and synthesise legal materials in an interactive environment and to facilitate their appreciation of the levels of variation of opinion which may be generated in legal discussion.

Other learning activities:
 Students will be expected to pursue independent and directed study between class contact sessions.
 Students will be encouraged to engage in extra-curricula activities such as debating and mooting.

Key Information Sets Information

| Key Information Set - Module data | | | | |
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| <i>Number of credits for this module</i> | | | | 30 |
| Hours to be allocated | Scheduled learning and teaching study hours | Independent study hours | Placement study hours | Allocated Hours |
| 300 | 72 | 228 | 0 | 300 |



The table below indicates as a percentage the total assessment of the module which constitutes a -

Written Exam: Unseen written exam, open book written exam, In-class test
Coursework: Written assignment or essay, report, dissertation, portfolio, project
Practical Exam: Oral Assessment and/or presentation, practical skills assessment, practical exam

Please note that this is the total of various types of assessment and will not necessarily reflect the component and module weightings in the Assessment section of this module description:

| Total assessment of the module: | |
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| Written exam assessment percentage | 70% |
| Coursework assessment percentage | 30% |
| Practical exam assessment percentage | 0% |
| | 100% |

Reading Strategy

All students will be encouraged to make full use of the print and electronic resources available to them through membership of the university. These include a range of electronic journals and a wide variety of resources available through

websites and information gateways. The University library web pages provide access to subject relevant resources and services and to the library catalogue. Many of these resources can be accessed remotely. Students will be presented with opportunities within the curriculum to develop their information retrieval and evaluation skills in order to identify such resources effectively.

Students will be directed and expected to undertake essential reading throughout the module. However, depending upon specific topics addressed over the course of the module, students will be expected to undertake additional reading for themselves. A list of indicative textbooks and relevant journals is provided below but students are expected to recognise that these may be starting points only and that they should extend their reading as widely as is necessary to demonstrate comprehensive knowledge.

Blackboard – This module is supported by Blackboard, where students will be able to find all necessary documentation, including guidance on further reading within the module handbook/outline. Direct links to information resources will also be provided within Blackboard.

UWE Libraries – Additional family law links to websites and resources have been provided by the law librarians and are available through Blackboard.

Students will be told at the beginning of the course, which textbook is being used. They will also be given a reading list or told of other recommended / suggested reading as the course progresses.

Essential reading

The core text for this module is currently
Herring, *Family Law*, 5th edition, 2011, Pearson Longman

Further reading

Diduck & Kaganas, *Family Law, Gender and the State*, 2nd edition, 2006, Hart

Fortin, *Children's Rights and the Developing Law*, 2nd edition, Cambridge

Hale, Pearl, Cooke and Monk, *the Family, Law and Society, cases and materials*, 6th edition, 2009, Oxford

Harris-Short & Miles, *Family Law Text, Cases and Materials*, 2nd edition, 2011, OUP Oxford

Hayes & Williams, *Family Law, Principles, Policy and Practice*, 2nd edition, 1999, Butterworths

Heenan & Heenan, *Family Law*, 1st Edition, 2012, OUP Oxford.

Lowe & Douglas, *Bromley's Family Law*, 10th edition, 2007, OUP Oxford

Masson, Bailey-Harris & Probert, Cretney's *Principles of Family Law*, 8th edition, 2008, Sweet and Maxwell

Probert, Cretney and Probert's *Family Law*, 7th edition, 2009, Sweet and Maxwell

Stanley, *Family Law*, 6th edition, 2008, Palgrave Macmillan
Welstead & Edwards, *Family Law*, 3rd edition, 2010, Oxford

Statutes

Bates, *Family Law Statutes 2010-2011*, Routledge

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| Indicative Reading List | <p>The following list is offered to provide validation panels/accrediting bodies with an indication of the type and level of information students may be expected to consult. As such, its currency may wane during the life span of the module specification. However, as indicated above, CURRENT advice on readings will be available via other more frequently updated mechanisms.</p> <p>Herring, <i>Family Law</i>, 5th edition, 2011, Pearson Longman</p> <p>Probert, Cretney and Probert's <i>Family Law</i>, 7th edition, 2009, Sweet and Maxwell</p> <p>Academic and Practitioner Journals</p> <p>Family Law Child and Family Law Quarterly Journal of Social Welfare and Family Law</p> |
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Part 3: Assessment

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| Assessment Strategy | <p>There is little formative assessment, although the students are given the opportunity to test themselves by use of quizzes which take place in class towards the end of the second term</p> <p>Summative assessment takes the form of a 5000 word group research essay, a 2000 word individual essay and a 3 hour examination at the end of the module.</p> <p>The group work mark is broken down into two parts; 90% for the overall essay for which each member gets the same mark; 10% for a reflective log which is an individual mark.</p> |
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| Identify final assessment component and element | Component A | |
| % weighting between components A and B (Standard modules only) | A: | B: |
| | 70% | 30% |

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| First Sit | |
| Component A (controlled conditions) Description of each element | Element weighting (as % of component) |
| 1.Exam (3 hours) | 100% |
| Component B Description of each element | Element weighting (as % of component) |
| 1.Essay (5000 words – group work) | |
| 2.Essay (2000 words – individual) | |
| (the better of the two marks will count) | 100% |

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| Resit (further attendance at taught classes is not required) | |
| Component A (controlled conditions) Description of each element | Element weighting (as % of component) |
| 1. Exam (3 hours) | 100% |
| Component B Description of each element | Element weighting (as % of component) |
| 1. Essay (2000 words – individual) | 100% |

If a student is permitted a **RETAKE** of the module the assessment will be that indicated by the Module Description at the time that retake commences.