

Resolution Together Scheme

(From the Solicitors Family Law Association Ltd)



Guidance note

Introduction

The membership body the Solicitors Family Law Association Ltd which operates under the name Resolution, have developed a scheme that enables in a controlled way a single lawyer to advise both parties in divorce / separation. The scheme is known as Resolution Together and offers a framework within which both parties' consent to work together to achieve an agreed outcome.

Whilst such a scheme has the potential to deliver benefits for those using it in terms of simplifying the process, reducing cost, and saving time, it is only suitable in very specific cases.

Which lawyers can use the Resolution Together scheme?

The Resolution Together scheme is only available to Resolution members and needs to be undertaken in accordance with their guidance.

Whilst the Resolution Together scheme does not require the lawyer providing the service to be an authorised person under the Legal Services Act 2007, we would expect the lawyer to be suitably experienced and be working in a regulated firm. Please remember that it is a requirement of the [CILEX Code of Conduct](#) that as a member you should act only on matters that are within your competence.

Where it is not possible to take the matter forward under the Resolution Together scheme the lawyer needs to ensure that they do not engage in any work that would constitute reserved legal activity under the [Legal Services Act 2007](#), unless they are authorised to do so, by being for example a CILEX Family Practitioner or a solicitor.

Which clients can use the Resolution Together scheme?

The Resolution Together scheme can only be used where:

- Both parties' consent to use the scheme and confirm this by signing a joint retainer.
- There is evidence to show that both parties are in a suitable position to use the scheme based on the available facts and their emotional readiness.
- Both parties' consent to the full sharing of relevant information.
- There is no potential unfairness to either party in using the scheme.

The last point is crucial to the correct operation of the scheme and the onus is on the lawyer to monitor this from first contact with each party and throughout the process.

Where a CILEX member is proposing to use the Resolution Together scheme we would recommend that before doing so they complete the Resolution Together training offered by Resolution.

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Additional points that must be considered when using the Resolution Together scheme:

- The lawyer must ensure throughout the process that there is no conflict of interest and if it is identified cease working as their Resolution Together single professional, whilst ensuring that they have discussed with the clients an alternative way forward.
- Where a matter started under the Resolution Together scheme can't be progressed to completion, it may not be possible to act for either party going forward. This is an ethical matter that the lawyer will have to consider if such circumstances arise.
- The scheme requires the lawyer to have appropriate insurance in place. So, they must obtain confirmation from their broker in writing that the professional indemnity policy their firm holds covers the Resolution Together Scheme where you are advising both parties.
- Where the scheme is being provided by a CILEX member or CILEX Practitioner they must always adhere to the requirements of the CILEX Code of Conduct in addition to the Principles and Standards of Resolution Together as are set out and published by Resolution.
- Throughout the process the lawyer must document all advice provided, recording all checks to confirm there is no unfairness to either party or conflict of interest, as well as documenting the outcome of the process.

Detail on the Resolution Together scheme is available to Resolution members by logging in on their website <https://resolution.org.uk>