

Rt Hon David Cameron MP
Prime Minister
10 Downing Street
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17 March 2016

Dear Prime Minister

No Fault Divorce

In October 2015, Richard Bacon MP's Private Member's Bill on No Fault Divorce received its First Reading in the House of Commons. Since that date, including last Friday, 11 March, the Bill has never been high enough on the Order Paper to be debated by MPs, despite now three attempts.

Resolution represents 6,500 family lawyers and other professionals working with separating couples across England and Wales who believe in a constructive, non-confrontational approach to family law matters. We are disappointed that MPs haven't had the chance to discuss this important social issue.

We see removing the requirement of fault from divorce as a welcome step forward as it would give couples the best chance of minimising parental conflict, which is so damaging to children. It would also bring us in line with most other civilised jurisdiction including Australia, Scotland, Canada and many states in the USA.

It is through this desire to minimise conflict and protect children that I would like to request that you consider, in the upcoming Queen's Speech, committing your Government to introduce legislation that would enable couples in England and Wales to divorce without having to attribute fault.

The current law, as set out in the Matrimonial Causes Act 1973, does not allow couples to divorce simply on the basis that they both think the marriage is over, despite family lawyers reporting that this is a very common scenario. Introducing a no fault procedure would end the active encouragement to cite who is to blame for the end of a marriage, which fosters feelings of injustice and recrimination. Fault-based divorce, in our experience, affects parents' ability to put their children first and focus constructively on future co-parenting.

We believe that a divorce should be capable of being progressed where one or both of the parties to a marriage give notice that their relationship has broken down irretrievably and one or both of them are still of that view six months later. In that six-month period, they would be supported by information to help them explore whether the marriage can be saved and or as to the different process options available to them, as well as parenting information.

Two out of the current five grounds for divorce, adultery and unreasonable behaviour, are based on fault. In 2013 over 110,000 divorces were granted in England and Wales and of these, adultery or unreasonable behaviour were cited in 60% of cases as the basis for the separation. However, a 2015 survey of divorced and separated people by YouGov revealed that 27% of those interviewed who cited adultery or unreasonable behaviour admitted that this was not the real reason for the divorce, but rather that it was the easiest technical option. In other words, thousands of couples every year are having to fabricate blame in order to meet current divorce law requirements.

This is fuelled by the alternative, non-fault based separation grounds available to married couples requiring them to wait at least two years to bring their marriage to an end and conclude their financial arrangements. This often leads to artificial and undignified living arrangements - two years is a long time to continue living together if the couple are unable to afford the cost of running two separate households, which is invariably the case.

Current divorce law therefore doesn't encourage co-operation. Instead it introduces and escalates conflict from the outset of the divorce process and makes it harder for people to make agreements about children or finance issues. In a climate in which the Government is trying to encourage keeping couples away from the courts and resolving their issues in mediation, this is counter-intuitive and serves only to create conflict where, in truth, none is needed.

There is consensus across international research studies that no fault divorce has no long term effect on divorce rates. In Scotland, for example, within two years of implementing no fault divorce reforms in 2006, the divorce rate reverted to the pre-reform level and has since continued on a downward trend, including a reduction in the number of divorces based on fault. The same is true of Canada and elsewhere. This is not about making divorce easier; the experience of Resolution members is that few take the decision to divorce lightly, and do so only after a considerable period of reflection.

Resolution will continue to campaign for changes in the law to enable no fault divorce. I believe that such a change would be a progressive step for this government, in line with your recent commitments to build a social approach to fighting poverty, modernise the criminal justice system and bring in further measures to improve educational standards across the country.

I would be grateful to hear your views on the issues in this letter and would welcome the opportunity to meet with you and your advisers to discuss no fault divorce in further detail and how it can be introduced through legislation by your Government over the next Parliament.

With very best wishes,



Jo Edwards
Chair, Resolution