The OwenKenny Partnership Ltd

Family Law

All you need to know in our easy-to-read pocket guide

About Us

At The Owen Kenny Partnership we are committed to dealing with Family disputes in a constructive way so we can ensure, in so far as is possible, that issues are resolved with the least amount of acrimony, whilst still protecting your interests.

There are cases that are suitable to be dealt with by alternative dispute resolution methods such as mediation and collaborative law and where appropriate we recommend these to clients, although we recognise that they are not appropriate in all cases.

We have been based in Chichester for over twenty years. Our Family Team is based at our premises at Chichester Fields Business Park, Unit 3 City Fields Way, Tangmere, Chichester PO20 2FT.

We will endeavour to ensure that the individual dealing with your case will continue to act on your behalf throughout. We do, however, operate a team approach and there may be occasions when the person dealing with your case is unavailable. Should this happen we try to ensure that, where necessary, an appropriate alternative advisor is made available to help you.

In this booklet we have tried to give you some information which we think will be of help to you. This information is to be used as a guide only, as each situation will be different depending upon the issues which affect you.

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The basis of our advice

1

We understand that when a relationship breaks down it is one of the most stressful and emotional times for anyone. All of the team dealing with family work are familiar with the difficulties that can arise and the emotions involved. Our approach, however, is to give you objective advice. This advice may not necessarily be the advice that you would like to hear but we will, as best we can, give you the advice that you need.

Our advice is based on our experience in family matters over the number of years we have practised in this field of law. It will be based not only upon the relevant law in any particular set of circumstances, but also our experience of how the Courts apply that law. This does not mean that you will necessarily end up in Court!

As your solicitor, we owe a duty of confidentiality to you on all aspects of your case. We hope that you will not feel embarrassed to give us all of the information concerning the breakdown of your relationship. We can then assess which parts are relevant.

The advice that we will give you is for your particular set of circumstances. We would not recommend discussing the advice we have given you with your spouse or try to compare the advice given with friends' or relatives' past experiences.

If at any time you are unclear or confused about the advice that you are being given then please feel free to ask us to clarify our advice in writing for you, or seek a further explanation by telephone or email.

★★★★★

David Small at Owen Kenny proved to be understanding, knowledgeable and extremely helpful in his handling of my divorce. We had some great straight honest conversations about what was possible within the legal boundaries. Saving a long drawn-out event. I highly recommend his services; he's a good listener and helps you deal with the legal system in the most positive way. He made the meetings informative but fun, taking away the stresses and emotion involved.

2 Immediate Issues

Upon the breakdown of a relationship there are various issues which may need to be considered immediately and which your advisor will discuss with you at your initial interview.

These may include the following areas:-

i) Joint bank/building society accounts

One of the first matters to be considered is if you hold a joint bank or building society account with your spouse, whether the account should be frozen. We also have to consider the overdraft facility which may be available on that account and whether your spouse may withdraw funds without your authority. If they do then you may find that you are liable for all of the balance outstanding to the bank and not just your half.

Most high street banks will freeze a joint account if asked by one account holder to do so. You must carefully consider, therefore, whether any steps should be taken in relation to a joint bank account, especially where there are direct debits, for example, mortgage payments paid from it.

ii) Where the house is in the other party's sole name

Where the matrimonial home is in the sole name of your spouse you will, by virtue of your marriage, have a legal right to occupy the property. It would be unlawful for your spouse to remove you from the property without a Court order.

We would advise you to protect your rights in the property in case your spouse tries to sell it without your consent. We would achieve this by registering your rights in relation to the property with the Land Registry.

If you are forced from the home we can assist you by making an application for a Court order so that you can return to the property.

iii) Where the house is in joint names

If the former matrimonial home is in the joint names of yourself and your spouse it is likely that you will hold the property as "joint tenants". This means that, should you die, your spouse will be entitled to receive the entire property, irrespective of the contents of your Will. It is commonly the case that the property will at that time be mortgage free because there is generally an endowment or a life policy linked to the mortgage which would be used to clear the outstanding mortgage.

This can be prevented by "severing" the joint tenancy. You will still remain joint owners of the property but you will then hold the property as "tenants in common". This means that you can leave your interest in the property under the terms of your Will to whomsoever you choose. This would not affect rights of occupation or the position regarding the mortgage with your bank or building society.

Again, your advisor will confirm to you how the severing of the joint tenancy can be achieved and, if necessary, will deal with this on your behalf.

iv) Making a Will

It is very important that upon separation you consider making a new Will. Your existing Will almost certainly will leave your entire estate to your spouse and you may not wish for this to remain valid during the divorce proceedings. Making a new Will is a fairly straight forward procedure and we can arrange for you to do this relatively quickly. Our Wills and probate department are located at our Tangmere Office on 01243 532777. They are happy to assist and will offer fixed fees for the preparation of your new Will.

v) Pensions

If you have an occupational pension it is likely that this will include a “death in service benefit”. This is, in effect, an insurance policy that pays out a lump sum of up to four times your annual salary, usually to your surviving spouse. Very few pension trustees make the distinction between spouse and estranged or separated spouse. We usually recommend therefore that you write a ‘letter of wishes’ to your trustees asking them to leave your lump sum to the children or other family members.

3 Divorce Proceedings

i) The Law

Divorce proceedings cannot be presented to the Court before the expiration of one year from the date of the marriage. Also, for the Court to be able to hear divorce proceedings, one or either party must be either domiciled or habitually resident in England and Wales. There is one "ground" for divorce and that is that the marriage has irretrievably broken down. It used to be that the petitioning party had to rely on one of five 'facts' but the Divorce, Dissolution and Separation Act 2020 changed this. The reforms to divorce law came into force on 6 April 2022.

Instead of using one of the five 'facts', the applicant (previously called the petitioner) needs to file a statement to confirm that the marriage has broken down irretrievably. Under the new law, Couples can also make a joint application for divorce.

Once the Court has received the application, the new law requires a 'period of reflection'. This means that there is a minimum period of 20 weeks between the initial application and the conditional order (previously the Decree Nisi) being made. After 6 weeks, the applicant can then apply for a Final Order (previously called the Decree Absolute).

ii) The Procedure

When petitioning for divorce several documents are required. The first being the petition itself which sets out the circumstances of the marriage. The petition will also include claims for financial relief which can be pursued by the Applicant at a later date. It is usual for all forms of financial relief to be left in the petition to keep the Applicant's options open. Following the change in the divorce process, You will also need to file a Statement which confirms that the marriage has irretrievably broken down.

In order to prepare the petition we will also need the original or a certified copy of your marriage certificate a copy of which will be sent to the Court with the application for divorce. . .You should be aware that the marriage certificate may retained by the Court and we usually suggest you keep a copy before providing it to us.

The application paperwork will be completed by us and submitted electronically to the Court who will then forward a copy of the application to your spouse along with a notice of proceedings. On a sole application, your spouse, the Respondent, must then file an acknowledgment of service within 14 days. If the application is joint then both parties must acknowledge receipt of the notice of proceedings

The next stage is the application for a Conditional Order. This can be made any time after the end of the period of 20 weeks from the date on which the application was issued.

The final stage is the application for the Final Order. This application can be made 6 weeks after the date of the Conditional Order.

You will not be required to attend at Court for the pronouncement of your Conditional Order or Final Order. The Final Order is the final step which legally dissolves the marriage.

iii) Common questions

Can I start divorce proceedings while we still live in the same house?

Yes, subject to certain specific rules regarding attempted reconciliations and residing in the same property.

Does it matter who divorces whom, for the purposes of financial or children matters?

No. Generally speaking who started the divorce or the reason for the divorce is not relevant for the purposes of either financial or children matters.

How long will the divorce take?

Under the new law, the divorce will take at least 6 months to complete (subject to any delays at the Court), although this may depend on the progress of resolving any dispute about financial matters.

Can my spouse contest the divorce?

Under the previous law, a spouse could contest a divorce. Under the new law, a spouse cannot contest a divorce. A spouse can however 'dispute' the divorce on two specific issues relating to marriage validity and court jurisdiction.

Alternatives to Divorce

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There are two possible alternatives to divorce which we would discuss with you if you did not feel divorce proceedings were right for you.

The first would be a Separation Agreement. These can be used where neither party wishes to commence divorce proceedings immediately. The basis of the separation agreement is a contract between you and your spouse dealing with all aspects of financial matters whilst you both agree to live separately. The second alternative is Judicial Separation which is a very rare set of proceedings very similar to the divorce process but which does not legally dissolve the marriage, It does however give the court the ability to deal with issues concerning financial matters and children.

Alternatively, an application can be made for Judicial Separation. This does not legally dissolve the marriage, but does give the Court the ability to deal with financial issues in a similar way to divorce.

Generally, Judicial Separation is relevant if a party has a religious objection to divorce or if the parties are near to retirement age and the legal dissolution of the marriage would adversely affect pension rights.

Your advisor will, if appropriate, give you further details on these alternatives.

5 Children Matters

i) The Law

The position of the children following the breakdown of the relationship is a prime concern to most of the people that we advise. It is essential that all the parties try to minimise the negative effect of the separation on the children of the family. This philosophy is carried through all aspects of the issues concerning the children.

The law governing this area is set out in the Children Act 1989, which was amended by the Children and Families Act 2014. 4. which came into force in April 2014. This Act deals with all aspects of court proceedings concerning children and it specifies that, in deciding any question in respect of the upbringing of a child, that child's welfare shall be the Court's paramount consideration. In any proceedings, therefore, the Court will always consider what is in the best interests of the children, rather than any of the adults involved.

Many issues can arise concerning the children on the breakdown of a relationship, the main one, of course, being with whom the children are to live. It is open to either parent to apply to the Court for a "child arrangement order" which can deal with issues relating to with whom who the child is to live with and the period or periods of time the child is to spend with each of the parents. The old terms of the "residence", "custody" and "contact" are no longer used. The new law also reinforces the principle that it is assumed that each a parent shall have an ongoing involvement in the lives of their child or children unless circumstances dictate otherwise. It is important to try and agree arrangements with the other party or in mediation as, in our experience, arrangements that are agreed by the parties generally work better than those imposed by a Court following an application by either party.

The law also provides that parents may have, or acquire parental responsibility for the children. Parental responsibility means:-

> "All right, duties, powers, responsibilities and authority, which a parent of a child has in relation to the child and his property."

If you do not have parental responsibility for any children then you can apply to the Court for an order for parental responsibility or agree with your partner for you to acquire parental responsibility and enter into a Parental Responsibility Agreement. It is also possible to apply to the Court or agree parental responsibility for a step-parent. If you were married at the time of your child's birth or are named on the birth certificate you automatically have parental responsibility.

The law also provides that either party can apply for other orders of the Court, such as:-

a) Specifically requiring one party to do something (a "specific issue order")

b) Preventing someone from acting in a certain way (a "prohibited steps order")

ii) The 'Welfare Checklist'

In any case in relation to children the Court will consider what is in the best interests of the children as its 'paramount concern' and in deciding this, it will take into account the following in all matters relating to the children:-

a) The wishes and feelings of the child, considered in the light of his or her age and maturity;

b) The physical, emotional and educational needs of the child;

c) The likely effect on any change in circumstances of the child;

d) His or her age, sex, background and any characteristics which the Court may consider relevant;

e) Any harm which he or she has suffered or is at risk of suffering;

f) How capable each of the parents are at meeting his or her needs;

g) The range of powers available to the Court.

There are several overriding principles. One of these is that the Court should not intervene in any set of circumstances, unless it has to. Generally speaking therefore, the Court will leave things as they are, unless there is a good reason to change them.

Also that any delay in deciding any issues should be avoided as it is generally considered prejudicial to the child or children's' interests.

Each case will be decided on its particular circumstances but it is fair to say that there are various trends which the Court tends to follow.

For example, where one party is working full time and the other is not then, generally speaking, the Court will expect the children to reside with the non-working parent. Another general principle is that the Court does not like to split up siblings.

iii) Contact with the absent parent

The starting point as set out in the new Act is that the children should have a good ongoing relationship with the absent parent and, wherever possible, that relationship should include contact between the parent and child as much as possible, including overnight. Clearly this will be easier if the parties live in the same locality.

It is accepted, however, that the parent with care must also enjoy "quality time" with the children and it is therefore not reasonable for one parent to enjoy every weekend with the children.

The level of flexibility, in terms of time spent with each parent, will depend upon particular circumstances, including how close the parents live to each other, the work commitments of the parties and, as a result, the level of flexibility in the arrangements as well as the wishes of the children given their ages.

The parent with care must also enjoy quality time with the children

iv) Common Questions

If my spouse does not pay towards the upkeep of the children, can I stop him or her from spending time with the children?

No. It is not considered appropriate to link the time spent with the other parent to financial matters.

Do I have to force the children to see the other parent if they do not want to go?

This will depend upon the circumstances and, in particular, the age of the children. It is important to, as much as possible, promote a positive image of the absent parent to the child , as far as possible and to encourage them to want to go and see the other parent. It is important for the non resident parent to try and ensure the children do activities which they enjoy, for example, swimming etc.

Do the children have to stay overnight?

Again, this will depend upon the circumstances, not least the practical arrangements. If the absent parent lives some distance from the children, then overnight contact may be necessary. The wishes of the children must also be considered in this regard, although they will only be one factor considered. We will endeavour to answer any further questions on this point.

Can I force my spouse to see the children if he or she does not wish to?

It is generally very difficult to force someone to see the children if they are unwilling.

Can I change my child's school?

If the other parent has parental responsibility, you need to consult with them before changing your child's school. If they do not agree, a Court application made need to be made.

Step 1

Before applying to the court you must attend a MIAM (Mediation Information Assessment Meeting). If mediation is not suitable or unsuccessful then you can apply for a Section 8 Order. The mediator will sign a certificate to say you attended a MIAM.

Step 2

Complete form C100 for Section 8 Orders, including child arrangement orders, a prohibited steps order or specific issue. Form C1A must also be completed where it is alleged the child has suffered or is at risk of suffering domestic abuse or violence.

Step 3

Submit documents to the court closest to where the child lives, along with court fee £215.

Step 4

The case is allocated within the Family Court and the papers are submitted to CAFCASS, and a copy sent to the other party. This is likely to take a few weeks.

Step 5

CAFCASS will complete safeguarding checks, speak with both parties and produce a safeguarding letter. Due to ongoing pressures, CAFCASS may not speak to parties until the day of the hearing.

Step 6

The court lists the matter for a First Hearing Dispute Resolution Appointment (FHDRA) usually 5-6 weeks following issue of the application, dependant on delays.

Step 7

You and the other party attend the FHDRA, meet with the CAFCASS officer and appear in front of the judge. If there are no safeguarding issues then CAFCASS will no longer be involved. If parties cannot reach an agreement at that stage further directions will be made by the judge.

Step 8

At the FHDRA either party may be directed to attend a MIAM, mediation, Separated Parenting Information Program or other dispute resolution service. Parties may consider a parenting plan.

Step 9

The judge will consider making directions to further the case, which can include:

- Filing and serving of statements;
- witness statements;
- medical evidence;
- alcohol and drug testing;
- interim contact at a contact centre;
- police evidence

Step 10

If there are safeguarding issues CAFCASS will be ordered to complete a section 7 report. This can take 12 weeks.

Step 11

The judge will set a date for the next hearing, Dispute Resolution Appointment (DRA)

Step 12

There may be a fact find hearing, or separate review hearings between the FHDRA and the DRA.

Step 13

The DRA is designed to try and settle the case by agreement. If there has been a recommendation by CAFCASS in a section 7 report then the judge is likely to follow. If this agreed then the parties representatives or the court can draw up a consent order and, if approved, the matter be finished.

Step 14

If the parties do not agree at DRA then the court may set down further directions such a:

- additional statements;
- addendum CAFCASS report;
- additional DRA hearings; or

the court will set a date for the final hearing;

Step 15

At the final hearing, if the parties are still not agreed then both parties give evidence and can be cross examined by the other or legal representative. The Judge will then give a judgment and make an order.

Step 16

Please note the individual circumstances of each case particularly in urgent cases or where there are allegations of domestic violence may change the process.

6 Financial Matters

i) The Law

In any case where finances need to be dealt with following the separation of the parties, the Court has a very wide discretion as to how it applies the assets available to the needs of the parties. The law in this area is governed by Section 25 (2) of the Matrimonial Causes Act 1973 which sets out a number of criteria, which are applied by the Court. The law also requires the Court to consider the needs of the children and this is the Court's first consideration when dealing with financial matters.

The facts which need to be considered by the Court are:-

a) The income, earning capacity, property and other financial resources which each of the parties has or is likely to have in the foreseeable future, including, in the case of earning capacity, any increase in that capacity which it would be reasonable to expect that party to take steps to acquire;

b) The financial needs, obligations and responsibilities of each of the parties, now and in the future;

c) The standard of living enjoyed by the family before the breakdown of the marriage;

d) The age of each party to the marriage and the duration of the marriage;

e) Any physical or mental disability of either party to the marriage;

f) The contributions which each of the parties has made or is likely to make to the welfare and family, including contribution by looking after the home or caring for the family;

g) The conduct of the parties, if that conduct is such that it would, in the opinion of the Court, be inequitable to disregard it;

h) In the case of proceedings for divorce or nullity of marriage, the value to each of the parties to the marriage or any benefit which, by reason of the dissolution or annulment of the marriage, that party will lose the chance of acquiring.

The Court will apply each of the factors to your particular set of circumstances and decide the amount of importance which should would be placed against each criteria. It will then check the result against the principle that, wherever possible, assets should be divided equally.

In addition to the above, it is fair to say that general principles are followed by the Court. Wherever possible, they will seek to minimise the effect of any disruption on the children and will be particularly concerned with their housing needs. Not only will this be considered when dealing with the property matters, but also when considering the income position of the party with the primary care of the children.

Most assets are considered matrimonial assets, notwithstanding that they may be in only one of or the other party's sole name. The value of the assets is considered at the time the Court hears the case, not the date of separation.

The Court has a wide range of powers to deal with all assets within the marriage. The options open to the Court are any one, or a combination of the following:-

a) The Court can order an adjustment of the parties' interest in the house. For example, it can transfer the property into one party's sole name, or it can postpone one party's interest until the children are independent or can order a sale immediately in appropriate circumstances.

b) The Court can order one party to make maintenance payments, per month, to the other, to supplement that party's income;

c) The Court can order one party to pay the other a lump sum from capital already in the marriage;

d) The Court can order maintenance or a lump sum for any child of the family (provided the parties agree).

e) The Court can make orders in relation to one party's pension benefits in favour of the other.

The position concerning pensions is that the Court can allocate some of the benefits under one party's pension, to the other. It is now more likely for the Court to "share" one party's pension with the other by transferring part of the pension.

The Court's job is to juggle all of these factors to try to reach a conclusion which is fair and reasonable in all of the circumstances. This is usually considered to be an "art" rather than a "science". We can advise you as to the types of orders which would be made or are likely to be made in the circumstances of your case.

This is only intended to be a brief guideline to the law governing financial matters on divorce and there are a considerable number of other principles, etc, which the Court will have regard to. Your individual advisor will give you detailed advice concerning financial matters and, if necessary, seek a Barrister's opinion.

Proposals can be put forward at any stage, during financial proceedings, to settle and it is usually in both parties' interests to try and resolve matters at an early stage. It is in neither parties' interests to use all of the assets available to pay lawyers fees when these assets would be better applied to the needs of the parties and the children.

The Court's job is to juggle all of these factors to try to reach a conclusion which is fair and reasonable in all of the circumstances. This is usually considered to be an art rather than a science.

ii) Interim matters

If, when you separate from your spouse, you are not in a position to meet your financial obligations and outgoings, we will give you advice concerning the welfare benefits which may be are available to you and where to apply for those benefits. This will be basic advice concerning the payments which will be made on your behalf, by the Benefits Agency, both by way of income and payments in respect of any mortgage or rent, for which you are liable. You should seek more detailed advice from the Benefits Agency or through the website turn2us.co.uk

We will also advise you on the possibility of applying for interim maintenance from your spouse. The Court has the power to order one party to pay maintenance to the other, pending the outcome of financial matters. This is an issue which clearly would have to be considered at the outset, but one must bear in mind the likely legal costs involved when considering such an application.

iii) Common Questions

Will my spouse be required to pay maintenance?

It depends on the income and outgoings of your spouse and your income and outgoings. Another factor will be the amount level of capital available and whether a "clean break" can be achieved. This is where you receive a lump sum of capital and, in return, your spouse will not be liable for your maintenance.

Will my position be affected if I decided to remarry?

Any maintenance order would, as a matter of law, cease should you remarry. Also if you co-habit, it would be open to your spouse to apply to the Court for variation of any maintenance order, depending upon the financial position of your new partner. It is vital, therefore, that you let us know if you decide to remarry during the case.

Will I be able to stay in the house?

Again, this will depend upon the circumstances, but a lot will depend upon the level of equity in the property (i.e. the difference between the value of the property and the mortgage) and the various parties' mortgage raising capacities. The Court will first consider the needs of the children when deciding the position concerning the house.

Will I be able to apply for benefits when my spouse leaves?

This will depend upon your circumstances and whether you are working. We can give you basic advice concerning welfare benefits but for the more detailed advice you should approach the Benefits Agency, the Citizens Advice Bureau or turn2us.co.uk

Will my or my spouse's debt be taken into account?

Yes, the Court must consider all the financial circumstances of the case, including both parties' liabilities. The Court does not, however, have the power to move debt to a third party i.e. a credit card debt from one party to the other.

Step 1

Attend a Mediation Information and Assessment Meeting (MIAM).

Step 2

Issue Form A. Fee £255

Step 3

Standard directions issued by the court, including:-

- Date for exchange of Form E (financial disclosure) (usually 10 weeks after date of issue)
- Date for exchange of Questionnaire (usually 11 weeks after date of issue)
- Date for the First Appointment

Step 4

The first court hearing is known as the First Appointment (FDA). This is usually 12 weeks after the Issue of the Form A. At this hearing :

- Parties agree the value of the Family Home or agree to instruct an expert valuations.
- Review the questionnaires.
- Directions made for Mortgage Raising Capacity evidence and property particulars
- List for the next hearing.

Step 5

The second court hearing is known as the Financial Dispute Resolution (FDR). This is an opportunity for the parties to reach an agreement on a without prejudice basis. Parties obtain judicial guidance on likely outcome if the matter proceeds to a final hearing. If no agreement between the parties then directions are made and listed for a final hearing.

Step 6

At the Final Hearing each party has to give oral evidence. The judge decides what final orders to make and will give judgment either on the day or later. That decision cannot be appealed unless plainly wrong.

7 Alternative forms of Dispute Resolution

i) Mediation

This is a process whereby you and your spouse meet with an independent third party, i.e. the mediator, who will then attempt to facilitate an agreement between yourself and your spouse. The mediator will not force an agreement on you and will simply try and help you and your spouse to reach an agreement between you yourselves. The purpose of mediation is not marriage guidance and the mediator will not try and deal with the issues in the relationship which led to its breakdown. The purpose is to deal with the repercussions of the breakdown rather than save the marriage.

It is now compulsory that you attend a Mediation Information and Assessment Meeting (MIAM) before you can apply to the Court to deal with children or finance issues except in certain circumstances where there has been domestic violence. We will give you details of the local mediators who offer MIAMs.

The mediator will try to deal with both financial and children issues and can be particularly helpful if difficulties arise in the arrangements between you and your spouse regarding the children.

Anything that you discuss in mediation is confidential and therefore, generally, cannot be discussed in any subsequent Court proceedings. The process is, however, entirely voluntary subject to the requirement to attend a MIAM as above.

ii) Collaborative Law

This is a relatively new form of alternative dispute resolution. The principal aim of the collaborative process is to try and assist the parties in taking control of the dispute resolution process rather than have lots of letters passing between your respective solicitors which can lead to an increase in acrimony and cost, the collaborative process is a series of meetings between the parties and their respective solicitors to try and resolve the issues that have arisen. At the start of the collaborative process each party and their solicitor sign an agreement that they are committed to the process.

Legal Costs and Funding

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We understand that, generally, when you consult us, you are concerned not only about the legal issues and your position following the separation, but also the likely level of your legal costs. As previously indicated, it is not in either party's interest to spend all of the assets which would otherwise be used to meet the needs of the parties, on legal costs. Wherever possible, we will try and ensure that your legal costs are kept to a minimum and therefore, if we ask you to undertake some information gathering or research, we are trying to keep your costs down.

At the start of your case, we will provide you with our terms and conditions concerning our legal fees. We would urge you to read these carefully and, in particular, note the basis for our charges.

i) Interim bills

We operate a system of interim billing to clients. This system will be explained to you at the outset. The reason for this is to enable you to budget for the payment of your legal fees so that, at the end of the case, you do not have an enormous legal bill with no funds to pay it. The other reason for our policy of interim billing is that you can then monitor the amount that you are spending on your legal fees.

We are quite happy for you to set up a standing order in respect of fees, to help you budget for this expenditure.

We can accept payments by credit card, by direct bank transfer or via our website. Please feel free to ask for details from us.

ii) Individual advisors

There are several levels of advisors within the partnership, with different hourly charging rates, depending on their experience and expertise. We will ensure that the appropriate level of advisor undertakes your case. We may also, from time to time, use Barristers, either to represent you at hearings or to advise on a possible settlement. It can be advantageous to you to incur the expenditure of a specialist Barrister early on to save costs in the long run!

The head of the Matrimonial Department is David Small. If at any time you have concerns about the advisor looking after you, you want a second opinion or simply would like to discuss the position with him, then please feel free to contact him.

iii) Legal Aid/Public funding

As a firm we no longer undertake publicly funded work. There are very few firms in the local area who do undertake this type of work but please do not feel embarrassed to ask for their details. The availability of public funding was reduced dramatically in April 2013 and there are only very limited circumstances where it is now available.

9 Practical Matters

i) Complaints

If you have a complaint regarding the service that we are providing, you should first consult your individual advisor. If you do not feel able to do this or do not receive what you consider is a satisfactory explanation, please feel free to contact David Small, head of the department or our Managing Director Emily Allchurch.

ii) Telephone calls / Emails

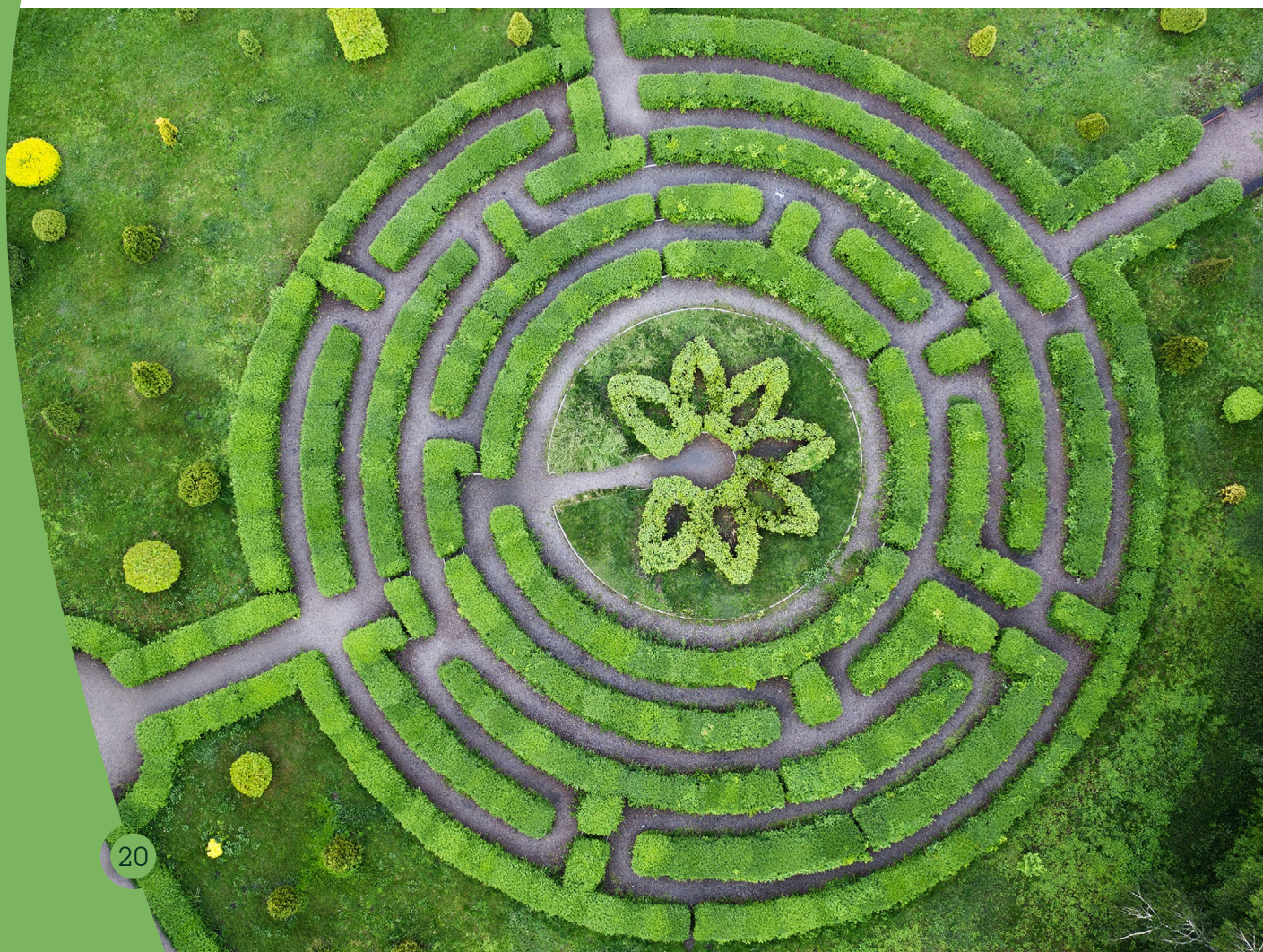
We will endeavour, wherever possible, to be available to talk to you on the phone. As you will appreciate, this may not always be possible, for example, due to Court commitments. If your individual advisor is unavailable they will try to return your call that day. Again, this may not always be possible.

If your advisor is unavailable you will generally be connected to his or her secretary. We would ask you to bear in mind that whilst our secretaries will endeavour to help you, they are not legally trained and will not be able to give you formal legal advice.

At the outset you will be given details of your advisor's email address or that of their secretary. We are happy to correspond with you by email, as this is, of course much quicker than the postal system. Please bear in mind, however, that it may not always be possible to reply to emails on the day that they were received.

iii) Opening hours

Our opening hours are 9am to 4.30pm Monday to Friday. We don't close for lunch.



Email us info@owenkenny.co.uk or phone us 01243 532777