

LA396-15 Modern Challenges for English Family Law

26/27

Department

School of Law

Level

Undergraduate Level 3

Module leader

Rachael Blakey

Credit value

15

Module duration

10 weeks

Assessment

80% coursework, 20% exam

Study location

University of Warwick main campus, Coventry

Description

Introductory description

This module explores current and topical issues in Family Law that challenge traditional normative values underpinning both family law and family policy. It provides an opportunity to look in greater depth at how the English and Welsh family justice system grapples with challenges such as cuts to legal aid, austerity, mobility, religious pluralism and scientific developments.

[Module web page](#)

Module aims

To explore current and topical issues in Family Law that challenge traditional normative values underpinning both family law and family policy. The module provides an opportunity to look in greater depth at how the English and Welsh family justice system grapples with challenges such as cuts to legal aid, austerity, mobility, religious pluralism and scientific developments. The module is designed to change each year in response to current events and the model syllabus given is only a sample of the sorts of issues that might be discussed.

Outline syllabus

This is an indicative module outline only to give an indication of the sort of topics that may be covered. Actual sessions held may differ.

The module is designed to change each year in response to current events, and the model syllabus given is only a sample of the sorts of issues that might be discussed.

Three broad themes will enable students to make links across the module and consider how the issues relate to different types of families.

Key Concepts – austerity, autonomy, vulnerability, access to justice, legal pluralism, legal cultural relativism, gender, exploitation and colonialism in family law.

- **Austerity and Family Justice:** This section of the module will consider how the family justice system operates in practice for today's families (following austerity measures). In particular, students will examine the impact of reforms of legal aid over several decades. They will consider how these reforms have influenced the availability and accessibility of traditional support. Students will critically interrogate the narrative of decreased state support for the family and the increased individual responsibility that emerges. In any given year, this theme might explore:
 - Cuts to Legal Aid
 - Lawyers' responses to the current family justice landscape
 - Non-court dispute resolution, including family mediation
 - Non-lawyer support services
 - Changes to social welfare provision for families such as cuts to Child Benefit, the Benefit Cap and the introduction of Universal Credit
 - Child Poverty
 - Care for older people
 - The increased emphasis on private agreement and family dispute resolution,
 - Rethinking access to justice.
- **Legal pluralism:** This section of the module will consider both the emergence of religious tribunals within the English family justice system and the accommodation of religious traditions in substantive family law. It will be critical of colonial structures within English Family Law. In any given year, this theme might explore:
 - Sharia Councils and Islamic marriage
 - Recognition of overseas marriages
 - Forced marriage
 - Kafala and adoption
- **International Matters:** In this section of the module the students will critically consider cross-border regulation of family relationships. In any given year, this theme might explore:
 - Domestic adoption of non-nationals
 - Inter country adoption
 - International surrogacy
 - International Child abduction
 - International Child maintenance

Learning outcomes

By the end of the module, students should be able to:

- Demonstrate understanding of how a broad range of laws may affect families and how the law affects different types of families in different ways.
- Critically assess Law's role in shaping normative values for family life and how the law should respond to developments that change or challenge traditional societal values.
- Evaluate the concept of 'the family' on which different laws are based and the policies adopted by the state in supporting and regulating families.
- Research a topic relevant to current family law issues using paper and electronic resources and specialist legal materials.
- Work independently to gain understanding of material and issues.
- Use legal concepts, empirical data, social work terms, policy principles and theoretical ideas in speaking and writing about law.

Indicative reading list

[Reading lists can be found in Talis](#)

International

Part of the module considers the mobilisation of families in a globalised age. This theme may explore topics such as: the domestic adoption of non-nationals; international child abduction; and, international surrogacy.

Subject specific skills

- To demonstrate knowledge and understanding of the development of family justice in England and Wales.
- To demonstrate knowledge and understanding of the emergence of religious tribunals within family justice and the accommodation of religious traditions in substantive family law.
- To apply and evaluate notions of justice in the context of current family law within England and Wales.
- To critically analyse a number of issues within modern English and Welsh family law, including law's role in shaping normative values for family life.
- To research current family law issues by bringing in a range of material (both legal and non-legal, doctrinal and socio-legal).

Transferable skills

- Effective communication, both written and verbal.
- Understand and summarise material, including academic commentary.
- Personal responsibility and decision-making.
- Teamwork and group-based skills.

- Time management.
 - Presentation skills.
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Study

Study time

Type	Required
Lectures	9 sessions of 2 hours (12%)
Seminars	4 sessions of 2 hours (5%)
Private study	84 hours (56%)
Assessment	40 hours (27%)
Total	150 hours

Private study description

Private study will primarily be reading. Certain topics in the module will also be designed to encourage students to undertake their own research and investigations on family justice.

Costs

No further costs have been identified for this module.

Assessment

You do not need to pass all assessment components to pass the module.

Assessment group D

Assessment component	Weighting	Study time	Eligible for self-certification
Portfolio	80%	35 hours	Yes (extension)

The portfolio consists of two components:

1. Small written piece: A short written task, the content of which will vary by academic year. Types of tasks include (but are not limited to) policy briefing, case commentary/note, consultation response, reflective piece, blogpost or critique of a generative-AI response.

Weighting

Study time

Eligible for self-certification

Students will be assessed on their ability to explain and analyse the law in a way that is tailored to the audience/task.

2. Essay: A question on one topic from the module. To encourage more critical thinking, students can assume that the reader actually knows the legal content as taught on the module. Marks are therefore primarily awarded in light of analysis and critical thinking, though they can also be given in light of relevant further content.

The allocated word count and breakdown of marks for the two components will be clarified each academic year through the assessment brief.

Reassessment component is the same

Assessment component

Initial Client Interview Roleplay	20%	5 hours	No
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In this roleplay exercise, students act as lawyers meeting a potential client at an initial meeting (prior to any instruction). They are provided with information about the client's situation. From this, students must ask relevant questions to gain further information. They are then asked to provide their initial advice to the client: it will be clarified each academic year whether this advice should be procedural or substantive. Students are marked in light of the questions they asked, the advice provided, and their overall effectiveness in responding to the client.

The assessment will take place over several days in one week during the term. All assessments must take place on campus. The length of the assessment is 10 minutes maximum.

The reassessment component remains the same, except that it can take also place online via Microsoft Teams.

Reassessment component is the same

Feedback on assessment

Students will receive individual written feedback for both assessments. Generic feedback will be published on Moodle after each assessment, with the opportunity for students to request a meeting to ask any questions.

The following formative exercises are available for each assessment component:

1. Roleplay exercise - students will have the opportunity to prepare and practice the roleplay in an earlier seminar. Support will also be available through a lecture.

2. Small written piece - students can submit a draft of the piece. General feedback (not individual) will be provided through a lecture and/or seminar.
3. Essay - students can submit a draft introduction and plan of their essay (maximum length to be clarified through communications). Written individual feedback will be provided to guide students' summative.

[Past exam papers for LA396](#)

Availability

Courses

This module is Optional for:

- ULAA-M130 Undergraduate Law
 - Year 2 of M130 Law
 - Year 2 of M130 Law
 - Year 3 of M130 Law
 - Year 3 of M130 Law
- ULAA-M131 Undergraduate Law (4 Year)
 - Year 2 of M131 Law (4 year)
 - Year 3 of M131 Law (4 year)
 - Year 4 of M131 Law (4 year)
- ULAA-M132 Undergraduate Law (Year Abroad)
 - Year 2 of M132 Law (Year Abroad)
 - Year 4 of M132 Law (Year Abroad)
- ULAA-M135 Undergraduate Law and Sociology
 - Year 3 of M135 Law and Sociology
 - Year 4 of M135 Law and Sociology
- ULAA-MR00 Undergraduate Law with French
 - Year 2 of MR00 Law with French
 - Year 4 of MR00 Law with French
- ULAA-MR01 Undergraduate Law with German
 - Year 2 of MR01 Law with German
 - Year 2 of MR01 Law with German
- ULAA-M136 Undergraduate Law with Humanities (3 Year)
 - Year 2 of M136 Law with Humanities (3 year)
 - Year 3 of M136 Law with Humanities (3 year)
- UPHA-V7MW Undergraduate Politics, Philosophy and Law
 - Year 2 of V7MW Politics, Philosophy and Law
 - Year 2 of V7MW Politics, Philosophy and Law
 - Year 3 of V7MW Politics, Philosophy and Law
 - Year 3 of V7MW Politics, Philosophy and Law