

It can be difficult to know whether it is the right time to make an application to court. Writing a warning letter can be a good way of avoiding court proceedings. Sometimes it is not safe to send a warning letter, in which case you may need to go directly to court without informing the other party.

This legal guide will give you information about how and when to write a warning letter. Rights of Women publishes a number of other legal guides that may be useful including **Family Court proceedings: where can I get advice and support?**, **Domestic violence injunctions** and **A guide to preparing for court hearings and safety in the Family Court**. You can access our full range of legal guides at www.rightsofwomen.org.uk

What is a warning letter?

A warning letter is a letter or email which you write to inform someone that they must change their behaviour or you will make an application to court. For example, you may wish to ask someone to stop harassing you, or obtain permission to take your children abroad on holiday. By sending someone a warning letter you are giving them one last chance to resolve the issue by agreement without the need for court proceedings.

It may be easiest to send the warning letter by email as you can print a copy. You can also post the letter to the recipient's home address or to anywhere else you are sure they will receive it. If you are posting the letter, remember to make a copy.

It may be that the warning letter resolves the issue. If the letter does not resolve the issue then you can make an application to court. When you make your application, remember to attach your warning letter and any

response you received or any evidence you have that the warning letter was ignored by the other party. This will show the court that you have tried to resolve the issue amicably and that the other party was aware of your wishes and feelings but chose to ignore them.

When might you send a warning letter?

You may wish to write to someone to ask them to stop doing something. For example:

- to stop harassing you or contacting you at all by telephone, text or social media
- to stop being aggressive during handovers for child contact
- to stop cancelling contact arrangements at the last minute.

You may wish to write to someone to ask them to agree to something. For example:

- to allow you to return to the home to get your belongings
- to move out of the family home
- to give you permission to take the children abroad on holiday
- to pay you some money that you are entitled to.

When should you not send a warning letter?

Sometimes it will not be safe or appropriate to send a warning letter and you may need to go straight to court without informing the respondent. This is called a without notice application. Examples of situations where it may not be safe to send a warning letter include:

- If you feel that sending a warning letter may anger your abuser and put you or your children at risk of harm, you should apply directly to court without giving notice to your abuser. For more information about protections you can apply for, see our legal guides **Domestic violence injunctions, Forced marriage and the law, Harassment and the law** and **Female Genital Mutilation and the law**.
- If you fear someone may be planning to take your child out of the country without your permission, it may be safer to apply to court for a Prohibited Steps Order without giving notice to the Respondent. See our legal guide **Children and the law: relocation, holidays and abduction**.
- If you are going through a divorce and you believe your husband or wife is going to remove their money from their bank accounts in order to hide it, you may wish to apply for a freezing order without giving them notice. For further information on financial remedies see **A guide to financial remedies after marriage breakdown**.

There may be other reasons why it is not safe to send a warning letter. If possible, seek legal advice before sending a warning letter.

Top tips for writing warning letters:

- Only send a warning letter if safe to do so. If you are unsure whether it is safe, do not send the letter and get advice about obtaining an injunction.
- Only send a warning letter if you have an address or email address where you can be reasonably sure the recipient will receive it.
- Make sure you keep copies of your warning letter.
- Include in your letter a date by which you expect a reply or action to be taken, if appropriate.
- Try not to engage in any other dialogue or correspondence which may confuse your position.
- If your letter is ignored and the problem continues, you should make your application to court.
- When you make your application you should also provide the court with a copy of your warning letter and any response you received and evidence that the letter was ignored.
- If you send the letter by post, it may be helpful to send it by special delivery or other tracked delivery service. Keep hold of the tracking number and confirmation of when the letter was delivered so you can show this to the court if you need to.
- If you send the letter by email, it may be helpful to request a 'delivery receipt' and 'read receipt'. This is so that you can check the email was delivered and that the other party has read the email. Keep hold of the receipts so that you can show them to the court if you need to.

- You can use a solicitor to write and send the warning letter for you. You may be able to get legal aid to pay for the fee. If not talk to the solicitors in your area about how much they will charge to send a warning letter.
- If you cannot get legal aid or pay for a solicitor then you can send the letter yourself.

An example:

Dear Luke,

I am writing to you about your recent behaviour which I have found increasingly abusive. In particular I am referring to the text messages that you have been sending me, your aggressive behaviour in front of the children at handovers and the comments you have been making about me on Facebook. This behaviour is having a serious impact on me and on our children.

As you know I am planning to take the children on holiday to see their grandparents in Spain. You have said that you may not give us permission to travel. It would be very upsetting for the children if we had to cancel our holiday.

I would really like to resolve these issues amicably without the need for court proceedings. I would be grateful if you could agree to the following:

1. You give me permission to travel to Spain with the children as discussed
2. You won't make any further comments about me on social media
3. You won't be aggressive or angry towards me at handovers in front of the children
4. You will only communicate with me from now on by email, unless it is an emergency

Please can you email me back by Friday 1 March 2017 to confirm that you agree. If you do not agree, I intend to make an application to the Family Court for an order giving me permission to take the children on holiday. If you continue your abusive behaviour I will have no choice but to take appropriate legal action.

Regards,

Nadia

The law is complex and may have changed since this guide was produced. This guide is designed to provide general information only for the law in England and Wales. You should seek up-to-date, independent legal advice.

Rights of Women does not accept responsibility for any reliance placed on the legal information contained in this guide.

For free, confidential, legal advice on family law including domestic violence, divorce and relationship breakdown and issues relating to children:

Women living and working in London: call **020 7490 2562** the advice line is open Mon 11am–1pm, and Tues – Thurs 2–4pm.

For all women: call **020 7251 6577** the advice line is open Tues – Thurs 7–9pm and Fri 12–2pm.

For free, confidential, legal advice on immigration and asylum law or criminal and sexual violence visit **www.rightsofwomen.org.uk** for our advice line details.

Useful contacts

Finding a solicitor

The Law Society
0207 320 5650
www.lawsociety.org.uk/find-a-solicitor/

Ministry of Justice
020 3334 3555
<http://find-legal-advice.justice.gov.uk/>

Resolution
01689 820272
www.resolution.org.uk/

Emergency contacts

Police (emergency)
999

24 hour domestic violence helpline
0808 200 0247
www.nationaldomesticviolencehelpline.org.uk

Legal advice and support

Citizens Advice
www.citizensadvice.org.uk/index/getadvice.htm

Law Centres Network
020 7749 9120
www.lawcentres.org.uk/

Law Works Clinic Network
<http://lawworks.org.uk/>

Bar Pro Bono Unit
www.barprobono.org.uk/

Personal Support Unit
020 7947 7701
www.thepsu.org/

Disability Law Service
020 7791 9800
<http://www.dls.org.uk/>

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