

FAMILY SOLUTIONS GROUP

Changing the Court Processes in England and Wales



Reports calling for change

- Private Law Working Group est 2018:
 - A Review of the Child Arrangements Programme - May 2019
 - The Time for Change, the Need for Change, the Case for Change – April 2020
- MoJ Risk of Harm Panel Report – June 2020
- Family Solutions Group Report ‘What about me?’ – November 2020



Ministry of Justice response – Pathfinder Pilots

- Private Family Law Reform Implementation Group, est autumn 2020, to address concerns raised in Risk of Harm Panel report
- Development of two Pathfinder Pilots in Bournemouth and North Devon
- An integrated approach, with information – sharing between agencies and courts; less adversarial and greater emphasis on investigation rather than confrontation
- Voice of the child embedded at every stage



Ministry of Justice response – Pathfinder Pilots

- Pathfinder Pilots launched March 2022
- Not being rolled out yet – to be reviewed

NB The Pathfinder pilots make no provision for anything ‘upstream’ of an application to court.



Ministry of Justice response – Mediation Voucher Scheme

- Mediation Voucher Scheme launched March 2021
- £500 contribution to mediation costs if it includes any issue concerning a child
- Various extensions, now up to March 2023
- Over 10,0000 vouchers issued, so far the data is very positive
- Scheme going out to tender as of March 2023, (so hopefully will continue)



Ministry of Justice response – Early Response Working Grp

- Private Family Law Early Response working group established August 2022
- Focus on MIAMs and revising exemptions so more cases go to mediation
- PrLWG concerns have been addressed
 - FMC have issued MIAM standards
 - FMC as the governing body will deal with all complaints
 - FMC say there are enough mediators
- Funding for Child Inclusive mediation – might just possibly be considered...



Ministry of Justice response – a shift in narrative

- Justice Minister speech, Sept 22
(now to be delivered by senior civil servant)
***‘The Government’s Initiatives to
Promote Family Mediation’***
- President of Family Division speech, Sept 22
‘Relaunching Family Mediation’



Is Mediation the complete answer?

- Yes the move to promote mediation is welcomed
- But no, it's not the whole answer.
- Family Solutions Group 'What about me?' made a number of recommendations





What about me?

Reframing Support for Families Following Separation

President of Family Division:
The publication of this report is the most exciting thing that's happened in family law for a very long time.





Political Oversight and Coordination

Public Education

Early Information and Assessment of needs

Direct Support services for Children

Access to Separated Parenting Programmes

Appropriate language

Holistic working practices





Holistic Working Practices by all Family Professionals

Safety issues

Psychological issues

Child consultation and welfare considerations

Parenting Issues

Listening skills

Boundaries

Financial and legal issues

www.reflextraining.co.uk





Language Matters

The language of family separation in any legal process should reflect five Ps:

Plain English
Personal
Proportionate
Problem-Solving
Positive Futures



Who takes responsibility for the needs of the separating family outside of the justice system?

?



There is hope...

- Cross-departmental discussions with DWP, DfE, DHSS, MoJ continuing
- FSG event March 2022:
- President: *“There has to be a better way”*
- Home Secretary, Suella Braverman (then Attorney General): *“We don’t want families to end up at war.”*
- Commitment by Suella Braverman to convene an event on better coordination of provision for separating families



FAMILY SOLUTIONS GROUP

#whataboutme

www.familysolutionsgroup.co.uk

<https://www.youtube.com/watch?v=8jYYCExGezQ>



Inter-Parental Conflict and Family Separation

Prof Gordon Harold (University of Cambridge)

- Family separation is always a stressful experience for children and teens **in the short term**. But what drives the **long term impact** on them is the level of conflict they witness before, during and following parental separation.
- It's normal for it to take about 2 years for children and teens to adjust to a family separation. The higher the levels of conflict, however, the harder it is to adjust and the longer the ripple effects continue for poor outcomes (e.g. mental health).
- High levels of conflict between parents are shown to have many poor outcomes for children. These include anxiety and depression, academic failure, substance abuse, conduct problems, criminality, peer problems and adversely affected brain development. Patterns of conflict can even be passed on to the next generation.



Inter-Parental Conflict and Family Separation

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- These outcomes stretch on into adulthood. Acrimonious parental conflict is a common childhood factor in adults who experience mental ill health, relationship difficulties, substance abuse, homelessness, criminality.
- By contrast, actions designed to reduce the level of inter-parental conflict are associated with positive long-term outcomes. There are clear improvements in mental health, behaviour, school outcomes and long-term relationships.
- These positive outcomes have benefits not just for the individuals but for the whole of society. They produce widespread cost savings, ranging from the education system to the health and social care system, the civil and criminal justice system and they also produce positive future employment outcomes.



Inter-Parental Conflict and Family Separation

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Bibliography:

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Grych, J. H., & Fincham, F. D. (1992). Interventions for children of divorce: Toward greater integration of research and action. *Psychological Bulletin*, 110, 434–454.

Harold, G. T., Sellers, R. (2018). Interparental Conflict and Youth Psychopathology: An Evidence Review and Practice Focused Update. *The Journal of Child Psychology and Psychiatry*, 59 (4).



Impact of parental conflict on child by age/gender/temperament – children of all ages affected

< 2 years	physiological arousal (e.g., heart rate, cortisol levels)
1-5 years	<ul style="list-style-type: none">• limited coping strategies• pre-schoolers - self-blame, threat, fear of conflict, anxiety and concerns about parent-child and parental/family relationship stability
6-12 years	sleep disturbance (also present at younger ages), behaviour problems, school problems
< 9 years	greater difficulty identifying when conflict is resolved, emotional problems (early anxiety/depression symptoms), behaviour problems
> 11 years	greater sensitivity to parental conflict as exposed for longer, brain develops to facilitate more complex understanding of conflict origins and implications, heightened anxiety, depression, academic problems (particularly at time of school transition), peer problems
Boys	more likely to perceive conflict as threat to themselves – externalised problems especially earlier in development
Girls	more likely to see it as threat to harmony of family relationships and feel need to intervene – internalising problems (more risk at adolescence)
Risk factors	children with difficult/negative temperament (also linked to chronic IPC)
Protective factors	positive attitude, ability to regulate emotions, behaviour and attention, support (e.g. siblings, others)

