

“What about me?”

Reframing Support for Families following Parental Separation

Report by the Family Solutions Group

The Family Solutions Group

The Family Solutions Group is a sub-group of the Private Law Working Group. It is a multi-disciplinary group with broad and deep expertise in working with separated families in and out of court. We have been tasked with bringing fresh and focused attention to improving the experiences of separating families away from the Family Court where it is safe to do so.

The issue

Every year, around 280,000 children see their parents separate in the UK. How those separations are handled will affect the rest of their lives. The current system is failing many children and their parents, and this affects society as a whole.

The context

When parents separate, the reflex action for many is to frame parenting disagreements as legal disputes. If you have a toothache you go to the dentist; if you have an issue following separation you go to court. Too many parents who separate on difficult terms expect to fight over their competing ‘rights’, rather than cooperate over their shared ‘responsibilities’.

A ‘justice’ response to parenting disagreements is a blunt instrument for a family going through a vulnerable time. Some families need the protection of the family court, but many do not. Disagreements about children may be symptoms of unresolved emotions following relationship breakdown, and yet relational issues are not addressed in a system designed to administer justice. In practice, the adversarial nature of a justice system may only add fuel to the fire, increasing stress and conflict within the family.

This has to change. As a society, we must protect children and restore their needs and rights as central in any disagreement between parents.

Five key points from our report

- 1 **Fill the policy vacuum.** Family breakdown affects every government department and its annual cost to the nation is estimated as tens of billions. Yet there is no overarching policy or provision for the children of families who live apart, and no government department with responsibility for separating families. **We are proposing a more coordinated, joined-up approach across government departments to tackle the financial and human cost of family breakdown.**
- 2 **Change the cultural response to separation.** Separating parents need to be steered away from acrimonious court proceedings. **We are recommending a campaign of public information and education with the aim of achieving a permanent shift in cultural attitudes.**

- 3 **Put the rights and needs of children at the centre of any parental separation.** All the evidence points to the detrimental effect of acrimonious court proceedings on children, often for many years to come. Research is clear that psychological harm caused by parental conflict impacts children's long-term mental health and future life chances. Children become silent victims as their voices are drowned out in the adult conflict and childhoods are lived against a backdrop of parental conflict, often continuing for years after any legal process is completed. **We are calling for a reframing of the conversation so that young people's needs and voices are centre stage when parents separate.**
- 4 **Steer some parents to the 'safety pathway'.** There is no doubt that some families need assistance from the family courts: for example where abuse is alleged or there is the potential for harm (perhaps because of addiction or severe mental health issues). We estimate that 20-24% of families fall into these categories and in such cases safety must be prioritised above all else. **We are recommending that such cases are identified early and directed onto what we have called the 'safety pathway'.** This will give them accessible and affordable support, and access to representation in court where needed.
- 5 **Steer others to the 'cooperative parenting pathway'.** For the remainder, we need to reframe the conversation so that a legal response is not the default option. In the absence of safety concerns, the goal must be to support parents to resolve issues in a child-focused way themselves. These families require a 'cooperative parenting pathway', which presumes that parental involvement, almost always in the form of contact with both parents, is beneficial to a child. Separation can be a distressing process, and we cannot ignore the hurt and often anger that some parents feel at this time. However, **we are calling for a system which holistically assesses the needs of families and offers clear routes to integrated support and therapeutic services, funded (where financially eligible), and in which the voices of children are central.** This will require better coordination of support both locally and nationally. Ultimately, parents and their children deserve a more humane response to relationship breakdown.