

## Family Solutions Group Terms of Reference

### Background and Authority

The Family Solutions Group (FSG) was set up as a multi-disciplinary sub-group of the Private Law Working Group by Mr Justice Cobb “to give fresh and focused attention to improving the experiences of, and opportunities for, separating families away from the Family Court.” In November 2020, the FSG published its report “*What about me?*” *Reframing Support for Families Following Separation*”.<sup>1</sup>

With encouragement from the President of the Family Division, the FSG continues to meet as a voluntary, not-for-profit group with a shared set of values and aspirations as regards the needs and rights of children whose parents live apart. The FSG has committed to continue meeting at least until the implementation of the Divorce, Dissolution and Separation Act 2020 in April 2022.

The authority of the group derives from the widespread and overwhelming positive response to its report from key stakeholders who work with separating families. The President of the Family Division describes the report as:

*“absolutely spot on in identifying the gaps that currently exist in the provision that is available to support and guide separating parents and in spelling out in considerable detail how those gaps should now be filled.”*<sup>2</sup>

The FSG supports the work of the President as he seeks to achieve change in the field of private family law:

*“The universal call by all those who have looked at this down the decades has therefore been for greater provision, which is co-ordinated and signposted, of information, guidance and support to parents outside of the court setting and, at an even higher level, for there to be a general public education programme so that, in time, common knowledge develops as to the way parents who separate may best conduct themselves for the benefit of their children and their own emotional well-being.”*

*“To my mind, **there has got to be a better way** of assisting those couples who need some help and support at what is plainly a difficult time for them and for their children. The task of identifying, developing and then funding a better way to achieve good enough co-parenting between separated parents is a matter for society in general, policy makers, Government and, ultimately Parliament; it is not for the judges. My purpose today is, therefore, simply to call out what is going on in society’s name, and at the State’s expense, and invite others to take up that call.”*<sup>3</sup>

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<sup>1</sup> Available at: [https://www.judiciary.uk/wp-content/uploads/2020/11/FamilySolutionsGroupReport\\_WhatAboutMe\\_12November2020-2.pdf-final-2.pdf](https://www.judiciary.uk/wp-content/uploads/2020/11/FamilySolutionsGroupReport_WhatAboutMe_12November2020-2.pdf-final-2.pdf)

<sup>2</sup> Available at: <https://www.judiciary.uk/announcements/speech-by-the-president-of-the-family-division-supporting-families-in-conflict-there-is-a-better-way/>

<sup>3</sup> As above

## Terms of Reference

The original FSG Terms of Reference were set out in Annex 1 of the FSG Report:

*'The terms of reference for the group are to consider what improvements can be made now, within existing legislation, to meet the needs of children and parents following family breakdown. The Family Solutions Group has focussed on changes which:*

- *are centred around safety as being of primary importance*
- *are child-focussed, promoting an understanding of children's rights and child welfare*
- *can be achieved within existing legislation*
- *make use of existing provision*
- *can be achieved without incurring substantial costs.'*

The original mandate was to produce recommendations for action; these are presented in the report. In the absence of (or possibly pending) dedicated government oversight or policy to address the needs of families who separate, the focus of the FSG is now to clarify, develop, encourage and support the *implementation* of their recommendations.

The forthcoming implementation of the Divorce Dissolution and Separation Act 2020 provides an important strategic opportunity to focus public attention on the urgent need for a change of direction and approach to parental separation and to refocus on the needs and rights of children.

Para 23 of the report states:

*'[Children's] voices, rights and interests are still marginalised in decision-making when parents separate. We believe the time has now come to transform our thinking in both England and Wales towards an approach which puts safety first, and otherwise promotes a child-centred, child-inclusive, holistic approach for both parents and children.'*

The topic of supporting families following separation is a very broad one, and there will inevitably be additional related issues which are beyond the FSG scope described above and would need referring outside the group. The FSG Report thus provides the 'boundaries' of the FSG scope and remit, and other topics would be outside the FSG Terms of Reference. The remit is focused on, and limited to, the effective implementation of the report recommendations.

## Membership and Contributors

The FSG is a multi-disciplinary group made up of key stakeholders with experience of working with parents and children of families who live apart. In addition to the original members, the FSG works with other contributors who bring specific areas of expertise, relevant to certain recommendations. FSG members will often meet in sub-groups with others from across the field of family breakdown, to address specific areas of its recommendations. A list of the FSG members and contributors is included on the FSG website.

The group will:

- meet regularly as required to review progress and share best practice
- ensure the activities and decisions align with the group's priorities
- ensure regular reporting of key issues and progress to key stakeholder groups
- identify risks and opportunities
- respect the confidentiality of the group and its members.

The group will continue to meet and press for change up to the implementation of the Divorce, Dissolution and Separation Act 2020 in April 2022. Its Terms of Reference will then be reviewed.