

Reframing Support for Families following Parental Separation

Political Oversight

The FSG seeks a coordinated, joined-up approach across government departments to tackle the financial and human cost of family breakdown. This needs a lead department with a lead minister.

A carrot and stick approach is ideal, requiring engagement beyond the Ministry of Justice. The carrot will be public education to promote a message that, where safe to do so, children's outcomes are better when parents cooperate, coupled with funded support to parents as outlined below. A stick could accompany this message in the form of a statement of expectation which, if not met, could risk a costs penalty for the parent who, in the absence of safety concerns or other contra-indications, wilfully refused to cooperate. The stick will not work without the carrot; the starting point must be public education and holistic support.

- A national strategic approach is needed for families who do not make an application to court. An overarching strategy and framework to inform the development of services will lay the foundation for the longer-term changes needed.
- A self-regulated body of parenting programmes, quality-marked to an agreed standard, is needed. The DVLA manage speed awareness courses; which department should manage separated parenting programmes? This needs a lead department with a lead minister.
- Similarly, which department should take responsibility for the authoritative website for those who separate; for the adults, and an App/linked website for children and young people? Again, a lead department with a lead minister is needed.
- Research and data is needed into the issues faced and choices made by parents following separation and before entering the family justice system. This must include examining children's experiences and outcomes depending upon the pathway chosen by the parents.
- Funding:
 - Invite the Chair of the Public Accounts Committee to review the annual costs from family breakdown aggregated across all the Govt departments and review how budgets should amalgamate to be more cost-effective.
 - The savings made following LASPO and the removal of legal aid for all who are financially eligible should be used to fund a range of support services.
 - For those who are financially eligible, the support needed for a separated family should cover an early Information and Assessment Meeting (IAM), attendance at a Separated Parents Information Programme (SPIP), mediation (including legal information and child-inclusive mediation) and child consultation. It could also cover counselling (for parents and/or children) where needed. Parents with financial issues to resolve may benefit from funded legal advice to guide discussions to resolve them, which may in turn facilitate agreement over child arrangements.
 - Funding should be sufficiently flexible to allow parents, in consultation with the person conducting the IAM, to use it to fund the services that would best support their family. Hourly rates for child consultants and mediators tend to be less than legal rates and a holistic, supportive response to parental separation would be much cheaper than training up yet more family court judges to deal with the high numbers turning to court. Front-loading the costs would provide a more supportive response for parents and better outcomes for children and would save costs downstream.

- Given that 48% of participants in the mediation voucher scheme say they would not have tried mediation were the voucher not available, this scheme should be continued. Otherwise, cost is too great a deterrent to access mediation.
- Funding is needed to design and manage the authoritative website, plus the App/website for children and young people
- Some limited funding is required to establish the national body of SPIPs
- Funding is needed at a local level to create coordination of local services, either via Family Hubs, or SSFAs or by LAs directly
- Oversight of the needs of children when parents separate must include a change to current professional practices, which are adult-driven and promote adversarialism. MoJ should be invited to take responsibility for the following:
 - Training for all family judges, magistrates and legal advisors on MIAMs and the benefits to children of parents who resolve issues together.
 - Training for all legal professionals on the emotional journey for separating parents and the impact on their ability to make child-focused decisions. They must look beyond the particular issue in question and consider how any process will affect the parent relationship.
 - Introduction of accountability for solicitors to comply with the Law Society's Family Law protocol, to safeguard children (in cases with no safety concerns) from acrimonious legal representation on behalf of parents
 - Inviting a Practice Direction or President's Guidance to ensure consistent case management by all family judges in compliance with their duty to consider out of court options, including robust enforcement of the MIAM rules by judges and court staff.
- Engagement by MoJ, DWP, DHSC, DfE and all relevant Westminster departments with Welsh Government on devolved areas
- Ideally, a new Government department for children and families.