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“Nobody talks about this issue, it’s taboo.”

“It’s not really talked about so it’s hard to get the right help.”

“It was like releasing a tap and it was hard to get [the young people] to leave at the end of the session.”

“Children need to know clearly what is going on.”

“Children need a voice and it should be an integral part of the process.”

“*School is an amazing way to reach young people, posting up helplines and places for support, PSHE curriculum lessons and assemblies.”*

“It’s going to be hard, but it happens more than you think. Talk to your friends or someone you trust like a youth worker.”

A Child’s Right to Matter

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FOREWORD BY EDWARD TIMPSON CBE KC MP

I am delighted to be asked to write a foreword to this important report from the Family Solutions Children's Group, which builds on the findings of their November 2020 report 'What About Me? Reframing Support for Families Following Parental Separation'. That report focused on the experiences and needs of separating families and highlighted the need to restore child welfare to the centre in systems which operate largely for adults. Further it identified a worrying lack of direct support services for children and young people when parents separate.

Between January and June 2023, the FSG Children's Group carried out two consultations to identify the needs of children following parental separation. The first was with a wide range of multidisciplinary experts with many years' experience of working with children; the second was with members of the UK Youth Parliament to record children's own experiences of navigating parental separation.

The results of those consultations are documented in this report. Perhaps not surprisingly, there was considerable overlap in the findings from both the adult consultees and the young people. They clearly demonstrate that the support needs of 3.6 million[1] children who live in separated families are largely invisible in terms of public policy and service provision. The report highlights the lack of any one lead government department taking responsibility for this significant section of the nation's children and questions why there is currently scant recognition of the right of these young people to have a voice or indeed any agency when decisions are being made about their lives.

My own experiences as a family law practitioner, former Minister for Children and Families and chair of CAFCASS, as well as coming from a family who fostered, have all reinforced the importance of support for children and young people at critical points in their lives.

The FSG seeks acknowledgement that children with parents who live apart are a discrete group with discrete needs, quite separate from their parents. It calls for policy development in this area, both to reflect changes in family structures in the last thirty years, and also our growing understanding of child development and the risk of harm from parental conflict. I commend this report to you and ask you to give your support in taking forward its detailed and practical recommendations for review and change.

Edward Timpson CBE KC MP
October 2023

[1] It is estimated that for the financial year ending 2021, there were approximately 2.3 million separated families in Great Britain, including 3.6 million children in those separated families.
Separated families statistics: April 2014 to March 2021

A CHILD'S RIGHT TO MATTER - EXECUTIVE SUMMARY

"I very much welcome the publication of 'A Child's Right to Matter'.

It is, sadly, necessary for this report to state its standout finding that 'the needs of children when parents separate have been overlooked'. It is a palpable truth.

We should all now heed the report's clearly stated call for action."

Sir Andrew McFarlane, President of Family Division

- In 2021, there were 2.3 million separated families in the UK, with 3.6 million children.
- Almost half of children are growing up outside the traditional nuclear family.
- 44% of babies born at the start of the century did not live with both biological parents their entire childhood.
- Every year, approximately 280,000 children have parents who separate.

This report shines a light on these children and asks:

'Who in Government takes responsibility for children when parents separate?'

- The Department for Education takes responsibility for 'Public Law', for families with child protection concerns, where the state becomes involved.
- The Ministry of Justice is responsible for 'Private Law', where parents apply to the family court to address safety concerns, or finance or child arrangements.
- Most families who separate need neither public law nor access to the family court under private law. Who takes responsibility for them?
- The answer from this report appears to be no one.
- UK Youth Parliament found that young people face a wide range of concerns when parents separate but 74% would not know who to ask for information or support.

'The separation of parents affected children both emotionally and practically in their everyday lives… Children and young people said they were not given information about what was going on, were not able to participate in decisions affecting them and did not feel listened to, leaving them feeling distressed.' [2]

Nuffield Family Justice Observatory Research 2022

There have been many reports and research studies over the last 10 years, with clear recommendations for children going through a family separation[3]. The lack of any ministerial responsibility means that these have been largely ignored.

[2] Symonds, J., Dermott, E., Hitchings, E. and Staples, E. (2022) Separating Families: Experiences of separation and support. Nuffield Family Justice Observatory.

[3] Family Justice Review 2011, Voice of the Child Dispute Resolution Advisory Group Final Report 2015; Creating Paths to Family Justice Briefing Paper 2017; Private Law Working Group Report 2020; Family Solutions Group 'What about me?' Report 2020; Nuffield Family Justice Observatory Separating Families 2022; Archbishop's Commission on Families & Households 'Love Matters' 2023

Two Consultations

The Family Solutions Group is a multi-disciplinary group set up by the Honourable Mr Justice Cobb to consider what is needed to improve the experience of families who separate before any application is made to the family court. It's first report '*What about me? Reframing support for families following separation'* was published in 2020.

In 2023, the Family Solutions Group carried out two consultations which focused on the needs of children when parents separate: the first with a cross section of experienced multi-disciplinary professionals and the second with 112 members of the UK Youth Parliament, aged 11-18. They provided responses from a pilot study of 31 young people followed by a wider UK study incorporating the views of a further 81.

The results revealed common themes about the views and experiences of children. It also showed that, despite the large numbers of children affected, a key barrier to progress is a lack of political oversight for separating families, with no one government department taking responsibility for child welfare. We believe that the removal of this barrier will significantly improve the lives of these children and will make a positive difference to society.

What Multi-disciplinary Professionals told us

- The standout finding from all consultees was that the needs of children going through a family separation have been overlooked.
- It is normal for children to be affected by family separation; some may experience family separation as a relief, but many children will struggle; how it is handled can have a long-lasting impact.
- Parents are not always the best judge of how their children are coping.
- Children need information and support to help them navigate a family separation, but there are no nationally coordinated services or information, universally accessible to all children. These are desperately needed.
- Parents and children need a 'one stop shop' website with educative and supporting information and signposting that they can trust.
- Schools are a neutral and accessible space; other than online, they are the most obvious source for information and support. This needs to be acknowledged at a policy level.
- Children need access to a listening ear, not necessarily counselling or specialist support, just someone to listen, a person they can talk to.
- Outcomes are better when children of a suitable age are consulted about arrangements, but this rarely happens. They are not seen as having any agency and feel powerless to influence everyday decisions which affect them.
- Parental separation may mean that children see less of key family members who are important to them.
- Specialist support for children only becomes available in extreme cases when children are already distressed.
- The lack of any one government department taking responsibility means that children in separating families are largely invisible in terms of public policy and data. The lack of data contributes to them continuing to be overlooked.

What Young People (ages 11-18) told us

- Young people talked of a number of concerns they face during and following a family separation: about practical changes such as their housing, about their siblings, about spending time with both their parents, and about their own wellbeing.
- They want to know what is happening, to have open communication, especially to know when and how they would spend time with both parents.
- They wanted stability, and to have a voice in future arrangements. They highlighted their sense of powerlessness and spoke of being '*done to'* not '*done with'*. They felt trapped within other people's choices.
- Over half (53%) said they did not know they had a right to be consulted when decisions are made which affect them.
- They spoke of family separation being a taboo subject, nobody talks about it and there aren't places to go to talk things through.
- 74% did not know who to ask for support and the majority of children did not know of any support services who could help them. (They identified a number of general support services (eg Childline), none of which are specific to issues of a family separation)
- Most (67%) said they would turn to friends or family for support, especially grandparents and aunts; some children felt very isolated.
- 67% felt that teachers did not understand their needs when going through a separation or could help only to a limited extent.
- Just under half (48%) said they did not know they had a right to information when parents separate.
- Looking to the future, they identified schools as the best way to access information and support, including PSHE lessons. They had lots of other ideas too, including social media.
- Young people said they had to grow up more quickly and choose which parent they preferred, which they felt was an unfair question. Parents and adults could be manipulative.

RECOMMENDATIONS

Recommendations for Government:

1. Allocate overall responsibility for the wellbeing of children in separated families to the Department for Education; under current structures, the Minister for Children, Families and Wellbeing (Despite the title, the wellbeing of children and parents in separated families are not within this Minister's portfolio).
2. Working across Government departments, we recommend the Minister has responsibility to:
    a. Establish an authoritative website to provide a dedicated 'place to go' for all children and young people at all stages of their parental separation journey.
    b. Establish mechanisms for children over 10 to be offered consultation, so their views can be considered when decisions are made which affect

them. The presumption of child consultation should apply to all decision-making which affects them, including mediation and solicitor-led processes.

c. Make available training packs about family separation for all first-responders, including schools, GPs, social prescribers, youth workers, mental health practitioners.
d. Where Family Hubs are funded, extend the remit to support children and young people directly following parental separation.

3. Incorporate the United Nations Convention on the Rights of the Child (UNCRC) into domestic legislation as a matter of urgency, in accordance with the UK's commitments as a signatory.
4. Pending incorporation of the UNCRC, amend the Children Act 1989 to extend the s1(1) welfare principle and the s1(3) welfare checklist to beyond court proceedings, so they reach all children.

Recommendations for Department for Education and Schools:

5. DfE to provide accessible information and resource packs for children and young people when experiencing family separation, including where to go for direct consultation when decisions are being made which affect them.
6. Schools to provide a first-responder listening ear to children and young people, as the first place they will look to for support following parental separation.
7. Develop a PSHE module on parental separation and navigating family transitions.
8. School staff training to include modules on support for children during family separation. Schools to provide opportunities for young people's forums to talk about family transitions.

Recommendations for Family Hubs:

9. Recognise children whose parents separate as a discrete target group in need of support and direct services through the national Family Hub programmes.

CONCLUSION

The children of separating parents are affected by separation, just as their parents are.

Their needs and rights must not be overlooked, either by government, by family justice professionals or by schools. It is not enough for government to focus on earlier resolution methods for parents, without acknowledging the gap in provision for children. Some simple measures are needed to provide information, resources and a listening ear. There is also a need to establish mechanisms for children over 10 to be consulted as the expected norm following parental separation.

These measures will, over time, lead to savings across multiple government departments. More importantly, they will build resilience and improve childhood experiences for the many thousands of children whose families separate each year.

CONTEXT

The Family Solutions Group was set up in January 2020 by the Honourable Mr Justice Cobb as a sub-group of the Private Law Working Group. It was tasked with considering what is needed to improve the experience of families who separate before any application is made to the Family Court. Its report *'What About Me? Reframing Support Services for Families Following Parental Separation'*[4] was published in November 2020.

The theme woven through all the discussions was the need to restore the child to the centre of systems that currently operate largely for parents. It highlighted the lack of support services for children and young people when parents separate. It contained substantive recommendations for children to have information, support and consultation, formulated around the requirements of Article 12 of the United Nations Convention on the Rights of the Child (UNCRC). This gives children and young people the right to participate in decision-making about their lives, both in and out of court.

The recommendations received widespread support across the family justice sector and have been endorsed by the President of the Family Division. He has referred to the '*What about me?*' report as *'the blueprint for radical change'.* [5]

There were 2.3 million separated families with 3.6 million children in Great Britain in 2021.[6] Each year approximately 280,000 children have parents who separate[7], yet this significant cohort of children is largely invisible in terms of public policy and service provision, and we know very little about them.

The Independent Family Review[8], led by the Children's Commissioner, found that almost half of children in the UK are growing up outside the traditional, nuclear family. 44% of babies born at the start of the century did not live with both biological parents their entire childhood.

Research funded by the Nuffield Family Justice Observatory in 2022 found that: '*Children are far more likely to be involved in private law disagreements or disputes between parents or family members about arrangements for their upbringing than they are likely to be subject to child protection proceedings - but we know very little about these children as they are only just starting to be captured in national administrative data.'* [9]

The fallout from this significant omission comes at great cost to society and impacts directly on the work of multiple departments, including MoJ, DWP, DHSS and DfE.

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[4] 'What About Me? Reframing Support Services for Families When Parents Separate' Family Solutions Group November 2020

[5] Sir Andrew McFarlane 'Supporting Families in Conflict; There is a better way' Address to the Jersey International Family Law Conference 2021.

[6] From Separated families statistics: April 2014 to March 2021

[7] Ibid 4 above, para 54

[8] Family and its Protective Effect; Part 1 of the Independent Family Review, Children's Commissioner

[9] Seeding Change. Improving the lives of children and families in the family justice system. Nuffield Family Justice Observatory. July 2021-June 2022.

TWO CONSULTATIONS

The Family Solutions Group recently completed a consultation with a cross-section of experienced multi-disciplinary professionals including teachers, child psychologists, child and adolescent psychiatrists, academics, social workers, and representatives of non-governmental organisations and parents' groups. A list of the consultees is included at Appendix 1.

The consultees were asked three questions:

1. What in your opinion are the main needs for children and young people when parents separate?
2. What services are available for children which work well?
3. What further information or services do you think should be available to support children and make a positive difference when parents separate?

Alongside the adult consultation, a parallel young people's consultation was carried out with members of the Plymouth Youth Parliament in collaboration with the Youth Participation Team, Children Young People and Families Department, Plymouth County Council. Following the strong engagement by the Plymouth youth participants, a wider UK consultation was carried out over the summer with members of the UK Youth Parliament.

The purpose of these consultations is to sharpen the direct focus on children, by hearing from a wide range of children's professionals as well as listening to the young people themselves.

In Part 1, we outline the key themes to emerge from the adult consultation. The quotes in this section are from the adult consultees unless otherwise indicated.

Part 2 sets out the results from the young people's consultations. We are enormously grateful to the 112 young people who took part and to the facilitators of these discussions.

Issues raised make sobering reading. Echoing previous findings, children feel unheard when parents separate, and the services available to them are poorly signposted and, for the most part, insufficient to meet their needs. Young people were unaware of their rights. It is evident that we are far from the Article 12 compliant range of information and support services for which the FSG's report, *What about Me?* argued.[10]

We hope that this consultation, particularly with the young people, provides the impetus for much-needed change to improve outcomes for all children and young people following parental separation.

Our consultations were conducted in England and the adult consultees did not include anyone in Wales. The needs of children identified by the consultees will apply equally to Wales as to England, although differing structures will exist for the provision of services.

[10] What About Me? (n.4)

OTHER RELEVANT PAPERS

In presenting these consultation results, we are mindful of the findings and recommendations by many others who have gone before, with overlapping recommendations to those which came from our consultees. That children have specific needs following a family separation is not a new issue.

We highlight a few findings below:

- 'Separating Families: Experiences of separation and support' is an important research project published by the Nuffield Family Justice Observatory in late 2022.

  'The separation of parents affected children both emotionally and practically in their everyday lives'.
  'The process of separation was never complete and evolved with changing circumstances, for example house or school moves or a parent starting a new relationship. Children and young people said they were not given information about what was going on, were not able to participate in decisions affecting them and did not feel listened to, leaving them feeling distressed.' [11]

- 'Supporting children when parents separate: Embedding a crisis intervention approach within family justice, education and mental health policy' by Mervyn Murch, published in 2018.

  Murch highlights the need to support children and young people through critical life changing events associated with serious conflict between their parents leading to parental separation and divorce. He advocates the establishment of a network of coordinated community support services for children and young people whose parents are separating. He encourages a joined-up approach of early intervention policy and practice across the departments of education, justice and health.

- Voice of the Child Dispute Resolution Advisory Group, published 2015[12]. The group was set up by the then Minister for Justice to promote child-inclusive practice in out of court dispute resolution processes and in private family law proceedings which impact on the child. Detailed recommendations were made for child-inclusive practice for parents in mediation, and an overall recommendation for child consultation was extended to all out-of-court dispute resolution processes. The report also acknowledged the difficulties facing children and young people in understanding what is happening and made multiple recommendations, many of which overlap with the responses from our consultees.

  A few extracts from this important report are as follows:
  - *The existing resources are not joined up, making it very difficult for children and young people to find a clear pathway through the private*

[11] Symonds, J., Dermott, E., Hitchings, E. and Staples, E. (2022) Separating Families: Experiences of separation and support. Nuffield Family Justice Observatory.
[12] Final Report of the Voice of the Child Dispute Resolution Advisory Group March 2015

family law justice system. The Advisory Group took the view that high quality information and support must be made available to children and young people at various stages of family separation that is specific to different age ranges

- *High quality, consistent, accessible and age appropriate information should be made available for all children and young people experiencing parental separation, via leaflets, booklets, support services, videos and websites.*
- *An authoritative website and online tools should be developed in collaboration with young people and supported by a range of services to provide a dedicated 'place to go' for all children and young people at all stages of their parental separation journey.*
- *Information about hearing the voices of children and young people should be incorporated in all material about mediation and dispute resolution services, and should be included in all relevant products for separated parents and their children, and websites run by relevant agencies.*
- *There should be closer partnership working between all the professionals providing help and support to separating families ensuring that the voices of children and young people are at the heart of interventions both out of court and in court.*
- *In order to change the culture to one in which children and young people are routinely given the opportunity to have their voices heard when parents split up, information for parents, children and young people, and professionals working with them should be cascaded though the use of social media, advice columns (including Agony Aunts), schools and community hubs.*

- Professor Gordon Harold has conducted detailed research into the impact of inter-parental conflict and family separation on children[13]. A brief evidence summary is included in Appendix 2, and abridged here:

  'It's normal for it to take about two years for children and teens to adjust to a family separation… that high levels of conflict have poor outcomes for children and that by contrast, actions designed to reduce the level of inter-parental conflict are associated with positive long-term outcomes…. 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 prospects.'

There are other papers which have shone a light on the need for support services for families and children following separation. These include the Family Justice Review

[13] Harold, G., Acquah, D., Sellers, R. and Chowdry, H. (2016). '*What works to enhance inter-parental relationships and improve outcomes for children.*' Department for Work and Pensions.

in 2011 and the Private Law Working Group report, titled *'The Time for Change, the Need for Change, the Case for Change'* in April 2020. The Archbishops' Commission on Families and Households report 'Love Matters'[14] in 2023 also contains important recommendations for separating families.

It is no surprise that the views expressed by those we consulted repeat the same themes which have been said by many others, over many years. They will continue to be said until they are heard and acted upon.

14 '*Love Matters'*: Archbishops' Commission on Families & Households, April 2023

PART 1: MULTI-DISCIPLINARY CONSULTATION

KEY THEMES

- **The standout finding from all consultees was that the needs of children when parents separate have been overlooked.**

To our question 'What services are available for children which work well?' The general reaction was '*There aren't any are there?'*[15]

There is no framework of nationally coordinated information or support services, universally accessible to all children. These are desperately needed.

The situation was summed up by one consultee who said, *'We have a 1950s solution to the problems of the 2020s'* and by another who said, '*I don't think there are any services for children and what is more shocking is the fact that I haven't even thought about it'*.

There is a lack of focus on parental separation as a creator of vulnerability for children, with the result that children's needs are overlooked. This is the standout finding from the multi-disciplinary adult consultees.

- **Many children will struggle when parents separate**

This is an entirely normal reaction to what, for them, will be an abnormal situation. For some children, parental separation may come as a relief (see below re domestic abuse), but for many it will not be so. They may experience a period of pain and loss akin to bereavement.

In 'Supporting Children When Parents Separate' Mervyn Murch refers to parental separation being experienced as *'a 'crisis', a term defined in a specific sense to mean a period of emotional turmoil requiring time and support to adjust and regain their psychological equilibrium'.*[16]

Our consultees also highlighted this point. *'Most children will struggle. How much depends on the situation before separation'.* The higher the level of parental conflict, the greater the fall out for children.

- **Parents aren't always the best judge of how their children are coping**

Children are much more aware than their parents may often realise, and they have sharp antennae for picking up signs of tension. While some parents are fully aware of the challenges faced by children following their separation, this is not universally the case. Consultees commented that parents have a vested interest in believing that their children are OK. *'Parents are not good at perceiving the effects of their actions on their kids'.*

As one clinical psychologist put it *'Hurt people hurt people'.*

[15] There are examples of innovative service development, but they are localised initiatives with limited funding.
[16] See further: Murch, M. (2018) 'Supporting Children When Parents Separate', Chapter 6. (Bristol University Press: Policy Press).

Or *'Poor separation creates vulnerable children'*.

Our findings echoed those of Symonds et al. (2022) that *'there are differences between some parents' understanding of the impact on children and what children told us themselves.'*[17]

- **Existing resources are targeted towards extreme cases**

Support for children and young people are currently accessed through child safeguarding and adolescent mental health portals, for which the threshold for intervention is high. Children may then be in danger of becoming pathologised, labelled as the problem themselves, rather than exhibiting understandable and normal reactions to a changing family situation. This can make matters worse.

It is normal for children to need time and a bit of help to adjust; a period of instability is to be expected. Our consultees emphasised the importance of early support for children, rather than late intervention.

Under current structures *'they [the children] have to have a symptom before anyone notices.'*

- **Schools are a neutral and accessible space for children**

Schools will usually be the first to pick up any signs of stress or difficulty for a child, and so are the obvious first-responders. They represent a neutral and accessible space.

Changes in the child's behaviour at school (as described by one teacher consultee) include '*withdrawal from interaction in class, becoming more aggressive with friends, exhibiting anger in an unpredictable manner, stealing small objects like teddy bears or, in the case of one little boy, hiding in the cloakroom with a coat over his head.'*

A conversation with someone who listens and acknowledges their situation may be all that some children need. Others may need signposting to further information or support. Schools will already be listening, but the consultation feedback suggested that many may not feel confident in how to respond, nor where to signpost for information or support.

- **Children are not routinely consulted or perceived as having any agency when parents separate**

There are limited systems in place for children of a suitable age to be consulted when decisions are made which affect them. If parents are addressing issues in mediation, the parents will be encouraged to give their consent for children to be consulted. If parents are managing issues on their own, or via solicitors, there are no established systems in place for child consultation.

Our consultees highlighted that many children are only listened to when they are already upset and exhibiting symptoms of distress.

Currently children are left feeling '*that they don't matter'*.

[17] Symonds, J. et al. (2022) (n.11)

Arrangements are made which the child is powerless to influence. *'The shocking truth is that children are completely lost'.*

As one clinical psychologist put it '*children need more rights and fewer responsibilities'.*

- **There are '*no guiding hands'* to support children whose parents are separating**

Unlike other significant events in family life such as marriage, birth, and death, when the family and extended family tend to rally round, relationship breakdown is seen as a '*private awkward matter that no one mentions'* . There is almost a conspiracy of silence in families, in addition to the policy and practice void.

Many consultees highlighted the need for a *'passage agent',* a neutral person who could listen and talk to children to help them navigate the process of family transition. *'Almost anything would have helped in normalising the process'.*

- **Children may see less of key family members who are important to them**

There needs to be more awareness of the impact of concomitant changes in the network of the child's wider family and friends. Grandparents, aunts and uncles and cousins may be seen much less regularly as the pattern of the child's family life changes. Sometimes siblings or stepsiblings may even be separated as part of a process of negotiated arrangements between parents.

As above, arrangements are made which the child is powerless to influence.

- **Children in households with Domestic Abuse have needs too**

It is not yet clear how s.3 of the Domestic Abuse Act 2021, which recognises children as primary victims of domestic abuse with their own needs for specific support services, will be translated into policy and practice initiatives.

There has been little discussion of what might be needed, despite the high prevalence of domestic abuse in private law cases identified by the MoJ's Risk of Harm Report (2020).[18] The most common factor identified at the end of the DfE Children in Need assessments relates to children witnessing abuse between their parents. This affected some 168,960 children in England in 2020-2021.[19] Surveys by Women's Aid have shown that some of those experiencing domestic abuse had done so for up to 20 years, indicating that their children may witness repeated domestic abuse throughout their childhood.[20] For these children, parental separation will bring freedom from harm and most likely relief.

Consultees highlighted that in less serious cases, some children may want to maintain a relationship with both parents, in which case there must be careful consideration of both a child's safety and a child's wishes. An assessment is needed as to whether safe arrangements can be put in place, but too often this does not happen. *'Where risk may exist, it takes too long to resolve and, in the meantime, arrangements are frozen'.*

[18] Assessing Risk of Harm to Children and Parents in Private Law Cases. (MoJ, June 2020).
[19] Department of Education (2021) Characteristics of Children in Need
[20] As reported in '*Love Matters'* Archbishops' Commission on Families &Households (2023) page 106.

- **There's a lack of resources for support services for this very extensive population of children**

Divorce and parental separation are included in the DfE list of Adverse Childhood Experiences (ACEs), yet there is no direct budget allocation to address this need.

One of the DfE's flagship policies is '*Stable Homes Built on Love',* but there is no evidence that the needs of children whose parents separate have been taken into consideration and incorporated into future budgets and planning.

There are also logistical difficulties in formulating a universal offer across many local authorities, each with differing levels of economic deprivation and need. Resources are particularly stretched in areas of high economic deprivation where the policy focus is rightly on families in crisis.

Family Hubs, which could potentially provide a pathway to the establishment of a children's support service, has its programme set for the next two years. However, it is an evolving service and support for children whose parents separate could sit logically in this space.

- **There is no one Government department which speaks to the needs of this very large cohort of children**

There was a sense of deep frustration across the consultee group that children going through a family separation fall between differing government departments.

No one takes overall responsibility for driving forward this agenda and consequently there has been no policy development or budget allocation. Until and unless a family member turns to the family court and falls within the remit of the Ministry of Justice, there is no policy oversight of families who separate.

'*Most services and government departments operate in strong vertical silos and horizontal links between them are weak. There is a need to work across existing rigid departmental and professional boundaries.'*

BARRIERS TO PROGRESS

Despite the sheer weight of the numbers involved and the impressive strength of arguments in favour of supporting children through a family separation, there are substantive barriers to change. These need to be acknowledged before progress can be made.

1. **Lack of political responsibility and designation of a lead Government department.**

Responsibility must be clearly allocated for formulating and funding core policy and practice in relation to children whose parents separate.

In 2015, the House of Commons Public Administrations Select Committee drew attention to the lack of coordination in government departments. This has become increasingly evident in relation to any coherent or coordinated approach to children

involved in parental separation. In the '*What About Me?*' report,[21] the FSG highlighted the lack of political leadership as the key barrier to making progress in reframing support services when parents separate.

2. **The split between public and private law matters has led to two separate groups for the provision of services, leaving no service provision for the third and largest group.**

The problem has been compounded by a departmental split in which responsibility for children in public law matters devolves to DfE and local authorities, while responsibility for children involved in private law matters rests with the MoJ and the courts. This split applies to families who need the intervention of the state in public law or the intervention of the court in private law to assist parents resolve their arrangements.

The majority of families who separate fall into neither category; they do not need the state's intervention under public law, and they resolve matters themselves away from the family court, either on their own, or with the help of mediators and/or solicitors and/or other professionals.

It is this large cohort of families which is lost between the two departments. For these families, both parents and children, there is no policy oversight, funding or responsibility. This is the departmental void highlighted by the '*What about me?*' report.

The efforts by MoJ to support parents to resolve issues themselves are positive, but inevitably have a diversionary focus: the starting point is not the childhood experience post-separation, the aim is a reduction in cases which require the family court. As an example, mediation is promoted to achieve a parent-led resolution away from court, but public funding for child consultation within mediation is not available.

It is demonstrably clear that the needs of parents and children in any family separation must be addressed away from the limited and adversarial backdrop of a family court. There are multiple issues which arise following separation which have nothing to do with law, and most important of all are the children whose lives are affected

3. **An absence of recognition at a policy level of schools as the front-line emergency service for children following any family separation.**

The consultation results with both professionals and young people put schools firmly in the centre of the frame as the first place children would look for help, for information, and for a listening ear. Young people see schools as a *'safety net'*, a place to focus on their studies but also to access support. We repeat the comment above that there are multiple issues which arise following separation which have nothing to do with law.

4. **Confusion between children's welfare and children's rights and our failure to comply with international obligations under the UNCRC.**

Article 12 gives all children the right to express an opinion and to have that opinion taken into account in any matter or procedure affecting the child. The lack of opportunity for children's voices to be heard in out-of-court processes constitutes a

[21] What About Me? (n.4).

breach of our international obligations as set out in the UNCRC, and the UK is now lagging behind other jurisdictions in Article 12 implementation.

The Voice of the Child report[22], commissioned by the Secretary of State for Justice, made the same recommendations for child consultation. This should apply to all children age 10 and over, in both out-of-court dispute resolution processes and in private family law proceedings which impact on the child. The mediation profession have acted on the recommendations for privately funded mediations, but no public funding has been made available for child consultations. Also, as yet, child consultation is not routine in other non-court processes.

As a result, thousands of children each year are left without agency, powerless, as fundamental and often bewildering family changes take place around them with little or no opportunity to be consulted.

Our two consultation results clearly illustrate the lack of progress in establishing a coherent framework of services for the voice of the child to be heard.

'Children need a voice, and it should be an integral part of the process'.

Compliance with the UNCRC, Article 12 will require a much more consistent inclusion of children's voices in out-of-court decision making.

There is a strong body of evidence from research and practice that outcomes for children are better when they have been given accurate information about what is happening, and when they are consulted about family arrangements which have a daily impact on their everyday lives and wellbeing.[23]

The UNCRC Committee on the Rights of the Child published their concluding observations as regards the UK on 22 June 2023, their first assessment of the state of children's rights in the UK since 2016. We quote the following extract from para 23 of their observations:[24]

Respect for the views of the child

> *23. Noting with concern that children's views are not systematically taken into account in decisions affecting them and in national and local decision-making, and underscoring the importance of the availability of age-appropriate information to*

[22] Voice of the Child Dispute Resolution Advisory Group 2015

[23] See, for example, Barlow, A., Ewing, J., Newlove-Delgado, T. and Benham-Clarke, S. (2022) Transforming relationships and relationship transitions with and for the next generation: The Healthy Relationship Education (HeaRE) and Healthy Relationship Transitions (HeaRT) Project: Report and Key Findings. (University of Exeter); Butler, I., Scanlan, L., Robinson, M., Douglas, G. and Murch, M. (2002) 'Children's involvement in their parents' divorce: implications for practice'. Children and Society 16(2): 89 and 1 Walker, J. and Lake-Carroll, A. (2014) 'Hearing the Voices of Children and Young People in Dispute Resolution Processes' in Report of the Mediation Taskforce, June 2014; Judith E Timms, Sue Bailey and June Thoburn (2007) 'Your Shout too! A survey of the views of children and young people involved in court proceedings when their parents separate'. NSPCC Policy Practice Series and Judith E Timms (1995) Chapter 9 in Children's Representation 'A Practitioners Guide' (1995)

[24] UNCRC Committee on the Rights of the Child, Concluding observations on the combined sixth and seventh periodic reports of the United Kingdom of Great Britain and Northern Ireland. Available for download at: tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2FC%2FGBR%2FCO%2F6-7&Lang=en

facilitate child participation, the Committee recommends that the State party:

(a) Ensure the right of all children, including younger children, children with disabilities and children in care, to express their views and to have them taken into account in all decisions affecting them, including in courts and relevant judicial proceedings and regarding domestic violence, custody, placement in alternative care, health care, including mental health treatment, education, justice, migration and asylum;

(b) Strengthen measures to promote the meaningful participation of children in family, community and school settings and in policymaking at the local and national levels, including on so-called reserved matters, and develop mechanisms to ensure that the outcomes of children's and youth parliaments are systematically fed into public decision-making;

(c) Ensure that all relevant professionals working with and for children systematically receive appropriate training on the right of the child to be heard and to have his or her opinions taken into account;

This echoes the concerns raised by our consultees, and the importance of recognising children's rights as a core component of children's welfare. The weakness of children's rights is that they depend on the goodwill of adults to enforce them and so are particularly fragile. Respect for the rights of children and young people can act as a necessary corrective to what may be subjective definitions of a child's best interest and may lead to better outcomes. Best practice is that which incorporates a core curriculum of rights at every stage of the decision-making both in and out of court.

5. Constraints in public funding to maintain existing services or to support innovative service development.

Lack of resources is causing a general climate of burnout, sapping enthusiasm, and depleting professional energy for new service initiatives. In addition, the current model of competitive tendering for scant resources between different charities and NGOs works against the collaborative working across organisations and boundaries which all our consultees would like to see, and which could kick start innovative child-centred service development.

The scale of the problem may seem daunting, involving service delivery to a large cohort of children and young people. However, the provision of age-appropriate information for children and the resourcing of schools could be managed centrally and need not be an expensive task.

6. We need to be 'smarter' in exploring new ways to communicate and support young people.

Children already know about ChildLine. SHOUT, an online digital platform hosted by Mental Health Innovations, is an example of innovative use of new technology and new routes of direct access to children via a text message to SHOUT 85258, available 24/7. Shout has an average of 6,000 conversations a day with children and young people, with 14% of their callers under the age of 13. A shocking 38-48% mention

suicide. As a society we have raised awareness of mental health issues without an infrastructure of mental health services to meet the need.

The young people who took part in the FSG consultation told us they access information on social media, through posters (especially at school), videos aimed at specific issues, pamphlets and via *'talks in schools by people who know how to talk to young people'*. They use a variety of social media sites including: Instagram, Facebook, Twitter, Snapchat, BeReal, WhatsApp, Discord, Twitch, Pinterest, TikTok and YouTube. All these platforms could be better harnessed to meet the needs of young people whose parents are separating or have separated.

RECOMMENDATIONS

Recommendations for Government

1. **Allocate overall responsibility for the wellbeing of children in separated families to the Department for Education.**

In our *'What About Me?'* report, we issued a plea for Government to address the lack of central oversight of the needs of parents and children following separation. We highlighted the negative impact of the fragmentation of government policy between MoJ and DfE, and also DWP and DHSC.

Although the MoJ nominally takes a lead on children and families, we seriously question whether this makes sense or is in any way satisfactory when the MoJ is responsible for court-facing services and the whole tenor of our public debate is aimed at diverting separating families away from the courts, wherever safe and appropriate do so. DfE was seen by our consultees as the logical department to take the lead in supporting children and families out-of-court, especially as schools are the obvious front-line responders. However, the fallout from the lack of attention to the needs of an ever-increasing percentage of the nation's children is felt by every government department.

There is a pressing need for all departments to cooperate in advancing a policy agenda in a society which is now radically different from the days when family separation was rare and divorce an adversarial legal process.

The Archbishops' Commission on Families and Households[25] has urged the Government to '*Develop a cross-departmental relationship strategy, which provides a coordinated approach to parental separation, keeps the child's best interests and wellbeing at the centre, is culturally specific, promotes a shift from the language of hostility to the language of peace and brings together the strands of policy that currently sit with several government departments.'*

Our consultation responses clearly highlight the policy void which exists in meeting the needs of a large proportion of the nation's children who experience parental separation. Without clear Government action and a coherent route map of well-signposted services, little progress can be made.

[25] *'Love Matters'* (n.14).

Under current structures, we believe this responsibility should fall to the Minister for Children, Families and Wellbeing. Despite the title, the wellbeing of children in separated families is not within this Minister's portfolio.

2. **Working across Government departments, we recommend the Minister has responsibility to:**

    a) **Establish an authoritative website to provide a dedicated 'place to go' for all children and young people at all stages of their parental separation journey.**

There have been multiple calls over the years for authoritative go-to websites, for both parents and children. These include recommendations in the Voice of the Child report, Creating Paths to Justice report, Private Law Working Group report, FSG report, NFJO reports, and personally from the President of the Family Division. Clear, accessible online information for children and young people is urgently needed. The Voice of the Child report recommends that this is developed in collaboration with young people and linked to online tools and a range of services, to cover all stages of the parental separation journey.

    b) **Establish mechanisms for children aged 10 and over to be offered consultation, so their views can be considered when decisions are made which affect them. The presumption of child consultation should apply to all decision-making which affects them, including mediation and solicitor-led processes.**

We repeat the calls made in both the Voice of the Child report[26] and the FSG Report[27] for better funding of mechanisms to hear from young people out of court, including in child-inclusive mediation. The lack of adequate funding for child-inclusive mediation is a barrier to greater uptake.[28]

We recommend that child consultation is made available for all children of a suitable age and understanding, so their views can be considered when decisions are made which affect them. Child consultation is offered through privately-funded mediation, but generally not elsewhere.

The Child Arrangements Programme (CAP)[29] explicitly requires the wishes and feelings of the children to be considered whether the parents make arrangements directly or in any resolution process away from court. This existing requirement needs to be better known, with consistent messaging across all touch points with which a separating parent will come into contact, in order to confirm this expectation.

This presumption of child consultation should apply to issues being resolved in court, plus all decision-making which takes place out of court and affects the child, including solicitor-led processes. We recommend it being available:

- At Family Hubs, with appropriate funding, for all children whose parents separate.
- Via child-inclusive mediation for children whose families engage in mediation.

[26] Voice of the Child Dispute Resolution Advisory Group, 2015
[27] What About Me? (n.4).
[28] Barlow et al. (2022) (n.23).
[29] Practice Direction 12B 4.4. The Child Arrangements Programme (CAP)

- Via privately-appointed child consultants, for all families using privately-funded solicitors to manage issues on their behalves, whether finance or children issues.
- Through the Child Arrangements Programme (CAP)

c) Make available training packs about family separation for all first-responders across government departments, including schools, GPs, social prescribers, youth workers, mental health practitioners.

We recommend the development of a specific training module, complete with a resource pack, for all first responders, including GPs, Social Prescribers, mental health practitioners, Emotional Literacy Support Assistants (ELSAs) and youth workers.

All our consultees highlighted the central importance of the involvement of schools in establishing a universal offer to this large cohort of children and young people. However, they were equally clear that not everything can be left to schools and teachers; schools and teachers already have multiple challenging responsibilities and are often reluctant to become involved in what many see as private family matters. It should also be noted that schools have no statutory responsibility to care for children.

Other professionals such as GPs and social prescribers are often the first port of call when parents become worried about their children. As things stand, they have few available resources to 'treat' what may be a child's perfectly understandable reaction to their changing family structure, short of a referral to the Children and Adolescent Mental Health Services (CAMHS) who have very long waiting lists.

It can take a long time for a child to be officially 'diagnosed' when early recognition of the source of the distress and access to appropriate information and support could be a much more effective response. Access to additional training and resourcing could enable these professionals to offer alternative support.

'*We need to train people who are in situ rather than reinventing the wheel'.*

d) Where Family Hubs are funded, extend the remit to support children and young people directly following parental separation.

If Family Hubs are to realise their ambitions as a flagship service to support children and families, it is time to recognise the needs of children affected by family separation in the support that Family Hubs offer. See further below, re Family Hubs.

3. Incorporate the United Nations Convention on the Rights of the Child (UNCRC) into domestic legislation as a matter of urgency, in accordance with the UK's commitments as a signatory.

UNCRC Article 12 provides a framework which facilitates the development of rights-based services of information, consultation and representation to children and young people. Incorporation of the UNCRC would give children a statutory right to be informed, consulted and if necessary represented. Currently the obligation to consider children's views is only recognised in limited contexts. The concluding observations of the UNCRC Committee of the Rights of the Child has highlighted the lack of provisions for children required by our treaty obligations.

4. **Pending incorporation of the UNCRC, we recommend that the Children Act 1989 be amended to extend the application of the s.1(1) welfare principle and s.1(3) checklist to beyond court proceedings so they reach all children.**

Incorporation of the UNCRC will not happen overnight. In the meantime, we endorse the suggestion of Barlow and Ewing (2022)[30] that consideration be given to amending the Children Act 1989 to extend the welfare principle beyond court proceedings so that it would apply whether parents reached agreement directly or are supported in an out-of-court resolution process. This would help to ensure that the paramountcy principle would apply whenever decisions are made about child arrangements, to prevent parents from reaching agreements which are potentially harmful to children.

Similarly, extending the s1(3) welfare checklist to all decision-making would ensure that children's wishes and feelings are ascertained consistently whenever child arrangements are decided.

Recommendations for Department for Education and Schools

5. **DfE to provide accessible information and resource packs for children and young people when experiencing family separation, including where to go for direct consultation when decisions are being made which affect them.**

Teachers can provide a listening ear but are often not aware of specific resources which could help children who are struggling with parental separation. Reflecting feedback from teachers in the Mediation in Mind evaluation report in 2020, one teacher is quoted as saying: *'There is a massive need for children and families in this area, but we have always struggled to give them the right advice and know where to signpost.'*[31]

When parents separate, giving young people information about the process (and the practicalities) helps to ease anxieties.[32] Lack of clarity on everyday arrangements can lead to anxiety and insecurity when the building blocks which had made up the everyday infrastructure of a child's life may suddenly appear to be crumbling.

The Archbishops' Commission also made the same recommendation: *'Children whose parents are separating need clear, age-appropriate information about the process and to be kept informed throughout'.*[33]

Similarly, the Voice of the Child report included this recommendation: *'High quality, consistent, accessible and age appropriate information should be made available for all children and young people experiencing parental separation, via leaflets, booklets, support services, videos and websites.'*

Resource packs need to be developed to provide age-appropriate information for children going through a family separation.

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[30] Barlow, A. and Ewing, J. *Children's agency in post-separation child arrangements: Time for a change?* SLSA Annual Conference, York: 07 April 2022.

[31] Barlow, A. and Ewing, J. (2020) *An Evaluation of 'Mediation in Mind': Final Report – June 2020*. (Exeter: University of Exeter)' (P.15).

[32] Ibid. Barlow et al. (2022) (n.23)

[33] '*Love Matters'* (n.14).

6. **Schools need to provide a first-responder listening ear to children and young people, as the first place children will look for support during parental separation.**

There was a consensus about the need for a familiar listening ear, on the spot *'first aid'*, rather than an all singing and dancing psychotherapeutic programme of support. For some schools, the introduction of designated first-responders might build on the appointment of existing mental health practitioners, and for others this will simply be the provision of a listening ear.

We know from research[34] and practice that parental separation is a stressful experience and that it can take up to two years for children to adjust to the changes in their family structure. Children need access to a listening ear, not necessarily counselling or specialist support, just someone to listen. A designated first-responder would offer a listening ear.

'What is needed is somebody independent to listen and acknowledge the period of transition, normalise the separation process and open the conversation with children'.

Some children will need more than someone to listen. They will need the offer of someone impartial to stand beside them, to help put their point of view to their parents (as per 2(b) above).

7. **The Personal, Social, Health and Economic Education (PSHE) Relationship and Sex Education curriculum to include a module on parental separation and navigating family transitions.**

'School is an amazing way to reach young people, posting up helplines and places for support. PSHE curriculum lessons and assemblies.'

Schools should be front and centre in providing information and listening support for children. The Department for Education's PSHE Relationship and Sex Education programme is aimed at the formation of healthy relationships and is the ideal vehicle for an additional module providing information and support for children navigating family transitions. The FSG Children's Group have produced two videos and infographics supported by lesson plans. These lesson plans for secondary schools ('The Rights Idea?')[35] and primary schools ('Rosie's Story')[36] have already received accreditation from the PSHE Association. Both sets of lesson plans have been adapted for use in the Curriculum for Wales, with the support of Welsh Government.[37]

The Government is currently conducting a review of the Relationship, Sex and Health Education (RSHE) curriculum content and accompanying statutory guidance.[38] This creates an ideal opportunity to include parental separation and navigating family transitions in the new curriculum.

[34] See further Professor Gordon Harold in Appendix 2.
[35] Available at: https://law.exeter.ac.uk/research/groups/frs/projects/therightsidea/
[36] Available at: https://law.exeter.ac.uk/research/groups/frs/projects/rosies_story/
[37] Available at: https://law.exeter.ac.uk/research/groups/frs/projects/therightsidea_wales/ and https://law.exeter.ac.uk/research/groups/frs/projects/rosies_story_wales/ respectively.
[38] See Press Release, 31 May 2023 available at: https://www.gov.uk/government/news/next-steps-taken-to-ensure-age-appropriate-relationships-sex-and-health-education.

All children whose parents are separating should be able to access support which is distinct from social services safeguarding services. Delivering a support programme in schools would also have the advantage of being universally available and free for parents. Private therapeutic support services are not cheap and are dependent on a parent's ability to pay for them at a time when family budgets are likely to be stretched.

The issue of parental consent for the child's involvement would also be covered by the existing policy of implicit consent from parents for children to be involved in all PSHE and RSHE programmes in school. However, if a child is referred to a school counsellor or therapist, then parental consent would be necessary.

8. **School staff training to include modules on support for children during family separation, and schools to provide opportunities for young people's forums to talk about family transitions.**

A suite of training resources could be included in iHASCO or other approved online training for schools and staff members.

'Teachers are trained in how to spot someone being a terrorist or FGM, but the normal signs that a child might be going through a family separation are overlooked in our training.'

'We need to resource teachers in a sensible way. All schools must do RE (and RSE in secondary schools). Healthy relationships involve respecting each other. Teachers need to teach about non-stigmatising family transitions as normal, that families are changing. The training and language for this will be important.'

Teachers, teaching assistants, Special Educational Needs Co-ordinators (SENCOs) and Emotional Literacy Support Assistants (ELSAs) all require briefing on the impact of family separation on children. Some may have gone through family separation as an adult or child and be influenced by their own perspectives; others may lack experience or feel ill-equipped to support children affected by family separation.

Our hope is that schools can be provided with information and signposting resources, so this aspect of school life becomes easier for them to manage well, rather than an area of difficulty about which nothing is known.

With the right training and resources, schools can provide an important preventative service in a safe and familiar space. Our consultees all highlighted the value for children to be able to talk at an early stage of parental separation, possibly when '*the blame culture is at its peak'* and parents may not be looking for services or be aware that their child is struggling.

Some schools have appointed a 'resilience monitor' as part of a more public health monitoring approach which could encompass awareness of the impact of parental separation.

'This isn't rocket science and we have PSHE modules on all sorts of niche subjects like gender reassignment and terrorism, so why not one on something which will probably affect half the children in the school?'

We also recommend that schools are encouraged to run groups or clubs to provide a forum where children can talk freely about parental separation and family transition with their peers. The advantage of groups would be that children could choose to opt

in and would not need to be referred by an adult. Place2Be and Your Direction have found that groups work particularly well in facilitating peer support and providing a neutral space in which children help each other.

Some of the young people who took part in the Youth Parliament consultation talked of the *'shame'* associated with the breakdown of their family and also of the relief of being able to acknowledge and talk to each other about how they were feeling. One of the facilitators of the Youth Parliament consultation said *'It was like releasing a tap and it was hard to get them to leave at the end of the session.'* Group work is valuable.

Recommendations for Family Hubs

9. **We recommend that separating families are recognised as a discrete target group for the provision of direct services and resources through the national Family Hub programmes.**

Family Hubs are evolving fast and are well-placed to raise awareness of the needs of children and young people whose parents separate, and to provide a springboard for the development of a universal service offer.

On 9 February 2023, during a visit to one of the flagship Family Hubs in Cornwall,[39] the Prime Minister, Rishi Sunak, reiterated the government's intention *to 'roll out Family Hubs to offer parents the support they need to raise a child'* [40]. He underlined the advantage of the integrated Family Hub approach in creating easily accessible family support for everyone and ensuring that families can continue to get help through every stage of a child's development, until adulthood.

The government has acknowledged that services can be disjointed and hard to navigate but Family Hubs are intended to act as a *'one stop shop'* to offer guidance and advice on a range of circumstances.

'Having children can be tough as well as bringing so much joy. All families from time to time need a helping hand. Family Hubs bring services together helping parents, carers, children, and young people to access the support they need more easily'. [41]

CONCLUSIONS – Part 1

There is clearly a big job to do in terms of raising awareness of the impact that parental separation can have on children and young people and incorporating that awareness into the public policy agenda.

Children are affected by parental separation, just as their parents are.

Their needs and rights must not be overlooked, either by government, by family justice professionals or by schools. It is not enough for government to focus on earlier

[39] See: https://familyhubsnetwork.com/pm-visits-and-gives-a-renewed-push-to-rolling-out-family-hubs/
[40] PM speech on building a better future:4 January 2023. Priorities for 2023.
[41] Claire Coutinho, the Children, Families and Wellbeing Minister. Press Release 9 February 2023. Available at: https://www.gov.uk/government/news/thousands-of-families-to-benefit-from-local-support-in-rollout-of-family-hubs.

resolution methods for parents, without acknowledging the gap in provision for children. Some simple measures are needed to provide a listening ear, information and resources. There is also a need to establish mechanisms for children aged 10 and over to be consulted as the expected norm following parental separation. These measures will, over time, lead to savings across multiple government departments.

More importantly, they will build resilience and improve childhood experiences for the many thousands of children whose families separate.

'Parents need to find a way to work together and ensure they hear us and respect our wishes and feelings. This isn't just about them; they often forget that.'

PART 2: THE YOUNG PEOPLE'S CONSULTATION

The consultation with young people was carried out with members of the UK Youth Parliament (UKYPP). The UK Youth parliament is a youth organisation consisting of democratically elected members aged between 11 and 18. Founded in 2000, UKYPP has 369 members who are elected to represent the views of young people in their area to government and service providers.

UKYPP provide opportunities for decision makers to meet with and listen to the views of young people in a group setting but also in smaller focus meetings. It provides an opportunity for councillors to interact with young people that use local services to enable a focus on young people and their needs within the city they represent. By supporting the participation and empowerment of young people, a better balance of power between young people and professionals may be created.

The initial pilot consultation was with members of the UK Youth Parliament, Plymouth (UKYPP), meeting in person as part of a focus group. The response from the young people was so engaged that a wider UK Youth Parliament online consultation was set up to take place over the summer.

A total of 112 responses were received from the two consultations, and the results are set out below. The wider UK Youth Parliament results are presented first, followed by the report from the UK Youth Parliament Plymouth Pilot Consultation.

REPORT FROM THE WIDER UK YOUTH PARLIAMENT CONSULTATION

Between May and July 2023, the consultation questionnaires were completed by 81 young people aged 11-18. The responses indicated that many had lived experience of parental separation.

QUESTION 1 – Where do you live?

The young people came from all areas of England.

QUESTION 2 - What do you think are the main needs of children and young people when parents decide to separate?

Emotional and Mental Health Support

49% of the children felt that they needed emotional and mental health support both at the time and following parental separation.

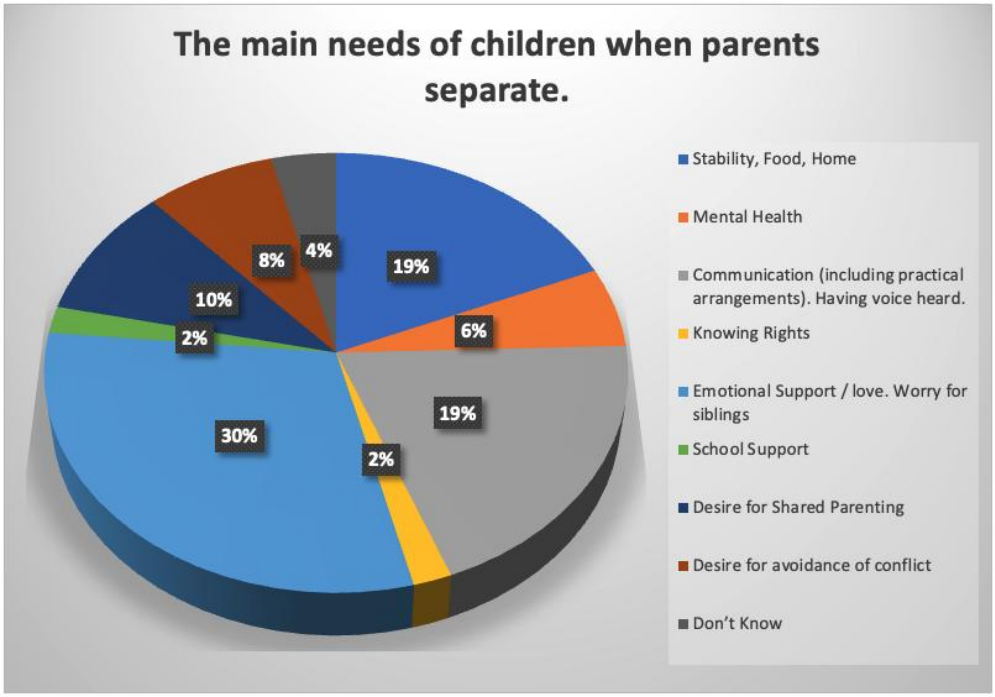
'I think the main need for a child when their parents have decided to separate is to make sure you look after them physically and mentally because it may affect their behaviour and possibly cause psychological disabilities.'

They wanted to continue to feel loved by both parents and expressed concerns not only about their own welfare but that of their siblings. They needed *'care and attention*

and the assurance that they will always have a place and they are not different nor alien to others.

There was also concern about practical and material changes in their lives as well as emotional needs.
'Will I have to move, what about the car, will I get pocket money? '
'Who looks after who and their possessions?'
'I don't want to be a suitcase kid'

References to the need for '*Money*' *and* *'necessary child support payments' 'A safe space'* *and* *'somewhere comfortable to live'* demonstrated a high level of uncertainty about the scale of the changes including economic changes which may take place in their lives following parental separation.



Communication

Children felt that it was very important to have a clear understanding about when and how they would be able to spend time with both of their parents. They wanted to understand how the practical arrangements would work as well as the importance of being loved by both parents. They wanted to *'know the process and what would happen'* and *'someone to talk to who is going through the same thing as people often feel like nobody understands what they are going through.'*

Understanding what's Happening, Stability and having a Voice

The responses reflected the importance of having stability and a voice in future arrangements.

Children frequently spoke about financial worries, as well as the more practical arrangements such as where they would live. There was a sense of them needing to know how their lives might change and how their needs would be met. Practical

arrangements were important to them, and they wanted the opportunity to have their voices heard in the agreement of these arrangements. '*They need to know clearly what is going on and have a voice in where they want to go who they want to stay with etc.'*

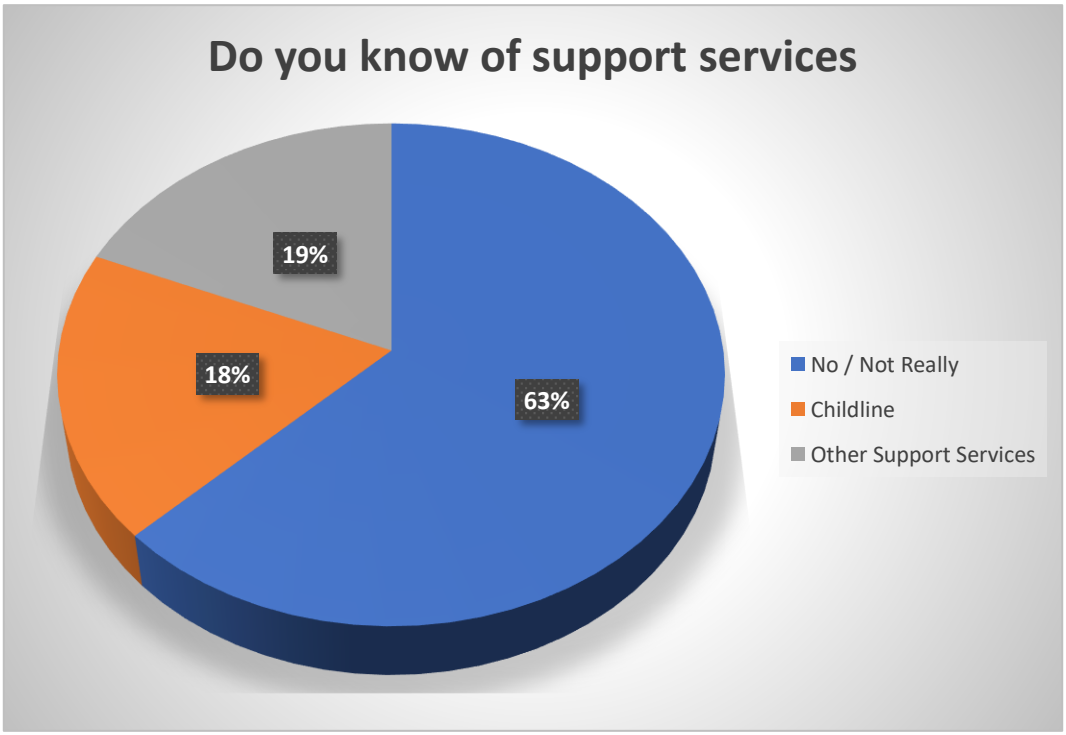
There was a desire for *'parents to sit down and explain things clearly to their children without bitterness or anger.'*

'Allow them (the children) to know what and when things are happening in advance. Prepare them for the changes and be consistent on both sides so the children aren't always in the middle of battles.'

Maintenance of a Relationship with Both Parents

Children spoke about the importance of maintaining a relationship with both their parents. They identified the distressing nature of the conflict they had (or might) experience and spoke of the importance of wanting to be free from this. They commented about not wanting to be subjected to '*bitterness or anger*', '*not being involved in parents' arguments*', and not wanting to be *'used as pawns'* or '*be made to hate the other parent.'*

QUESTION 3 - Do you know of any support services which are available to children and young people when parents separate?

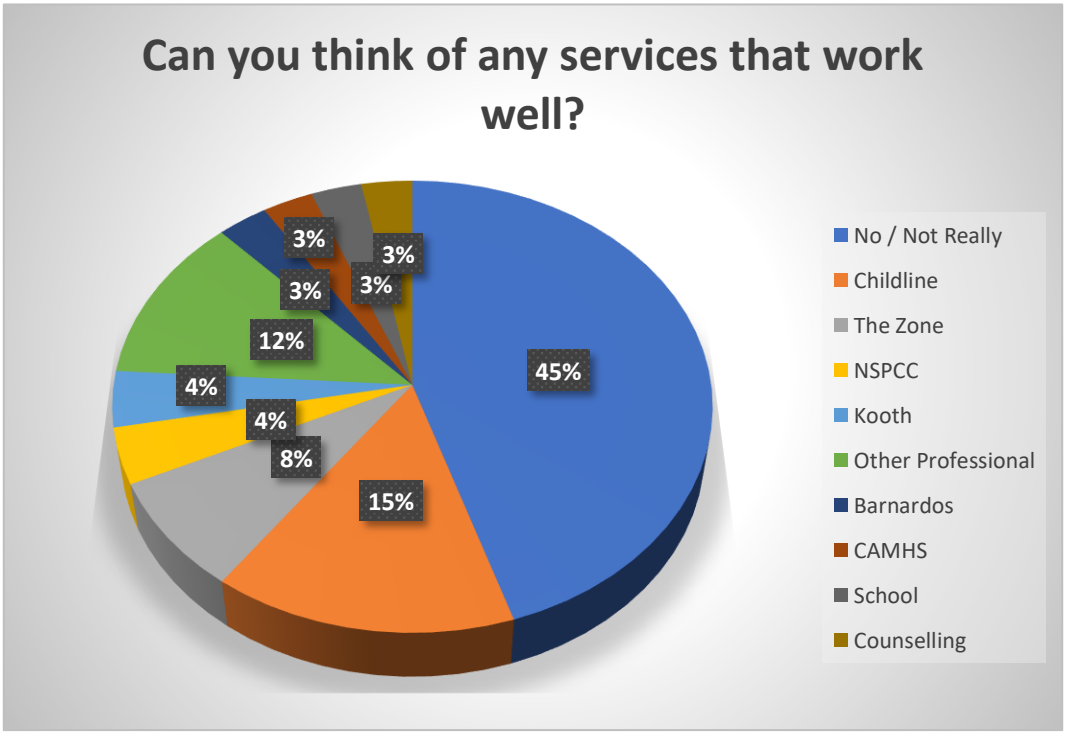


The majority of children (63%) did not know of any support services that could help them when their parents were separating. A further 19% could only think of ChildLine

as a source of potential help. One reason for ChildLine's popularity may be the fact that many children will have seen or heard from ChildLine at school, either in assembly talks, posters, or other literature. The fact that children and young people can access this service free of charge, confidentially, and in a way that works for them might be a potential reason for its popularity.

The Court, Social Services and the NSPCC were also mentioned by respondents and just one young person mentioned Family Mediation and Family Conferences.

QUESTION 4 - Can you think of any services that offer advice and support to children and young people, that work well?



45% of the children and young people who responded to the consultation were unable to think of advice and support services that work well for those going through parental separation.

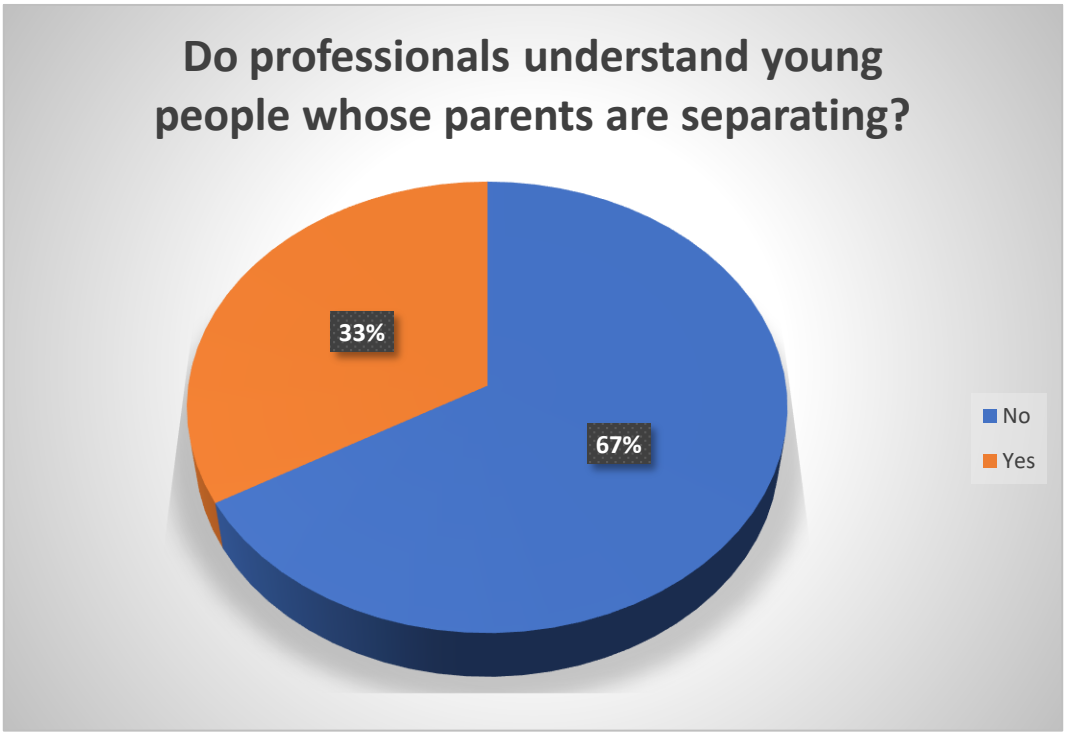
15% of children and young people again identified Childline as a place they could turn to for support.

Children were aware of a very limited range of other support services. The NSPCC, and Barnardo's, were mentioned and the NHS Child and Adolescent Mental Health Services (CAMHS). A few children knew about Kooth, a free safe and anonymous online wellbeing service for children and young people aged 13 and over which may be locally commissioned by NHS primary care services but is not available in all areas. The Zone is a free confidential local support service in Plymouth which offers emotional and wellbeing support to 13–25-year-olds. The other services mentioned were school and general counselling services. It is worth highlighting the fact that none

of the services mentioned are specifically designed to meet the needs of children whose parents have separated.

'*Only things like ChildLine and stuff. Nothing divorce specific.'*

QUESTION 5 - Do you think professionals, including teachers understand and take the needs of young people whose parents are separating into account when you are trying to work through this situation?



67% of those who responded felt that professionals did not understand the needs of children and young people whose parents were separating or felt they could only help to a limited extent. Of the 33% who thought professionals could help there were some qualified responses.

One respondent thought teachers '*could be a tad more supportive especially when it comes to workloads.* Another felt teachers helped '*to an extent but they should lend support without making the children feel different'* and another said '*No I don't think they know how to help and don't want to be caught in the middle on parents evening.'*

Teachers may be reluctant to become involved in what may be seen as private family matters.

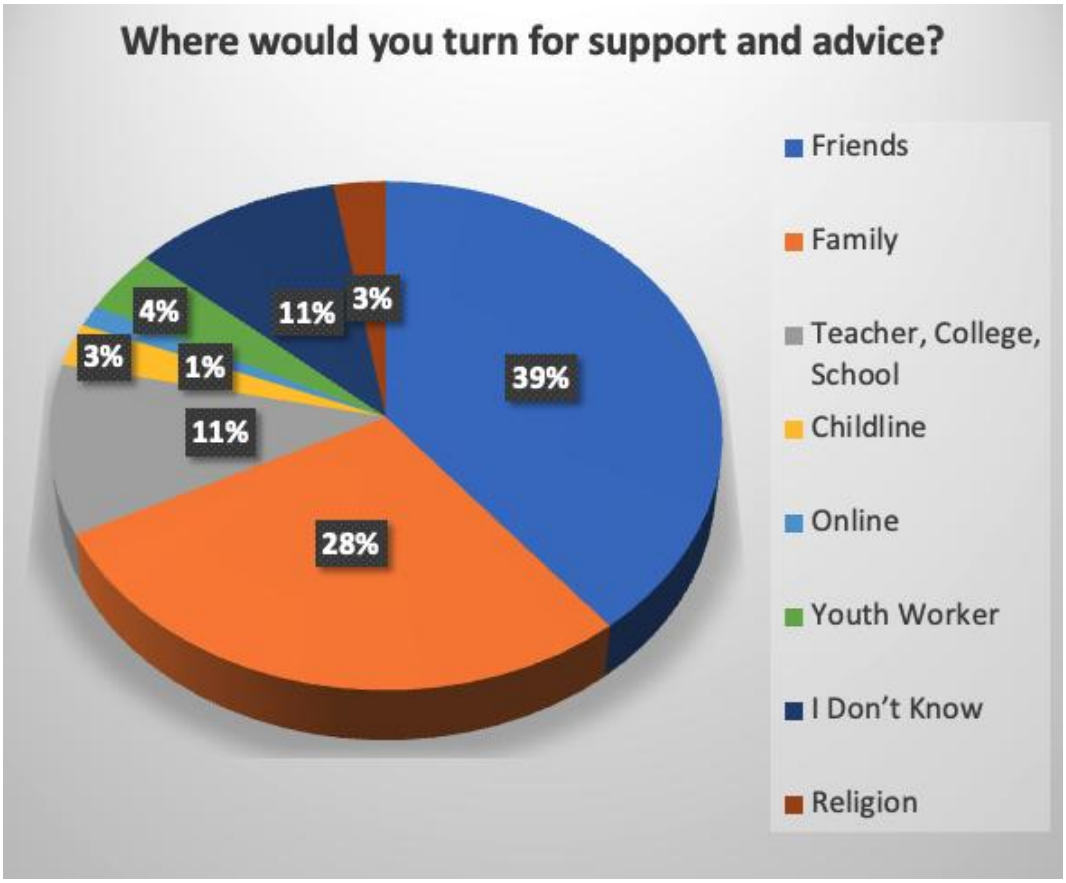
'*Not at all they (*teachers) *don't want to know or have talks about private family issues, but my youth worker would help.'*

'No, I tried to talk to them (teachers) but they didn't want to listen and said I shouldn't take sides but wait and see what happens.'

One respondent thought there was *'Poor teacher training around the subject.'* Another wished that teachers could be more considerate and modify the school's expectations of the child when they were trying to cope with parental separation. *'Even when something like this happens the same will be expected of them.'*

However, the responses clearly indicated that children saw teachers as the first line most likely professional to help them and had very limited awareness of any other appropriate professional to whom they could turn for support.

QUESTION 6 - If your parents said they had decided to separate, where would you turn for support and advice?



67% of the young people said they would turn to either friends or family for support and advice. Grandparents and aunts were particularly mentioned.

'*Grandparents. I know they only want what's best for me.*'

Friends and their mothers were also seen as supportive. '*Friends. Some of their Mums are good at giving advice.*'

It is interesting that so few people found online services helpful. This may be because online information on a website would not give feedback to the young person or continuing emotional support.

11% mentioned teachers, college, or school as possible sources of support although there may be limitations to the support they could give.

Some children felt very isolated. '*I wouldn't get support as I would just deal with it.'*

QUESTION 7 - Do you think young people in this situation would know who to ask for support? Specifically around this issue?

74% of respondents did not think young people would know who to ask for support if their parents were separating. Their responses vividly illustrate the lack of available support.

'*Nobody talks about this issue. Its taboo.'*

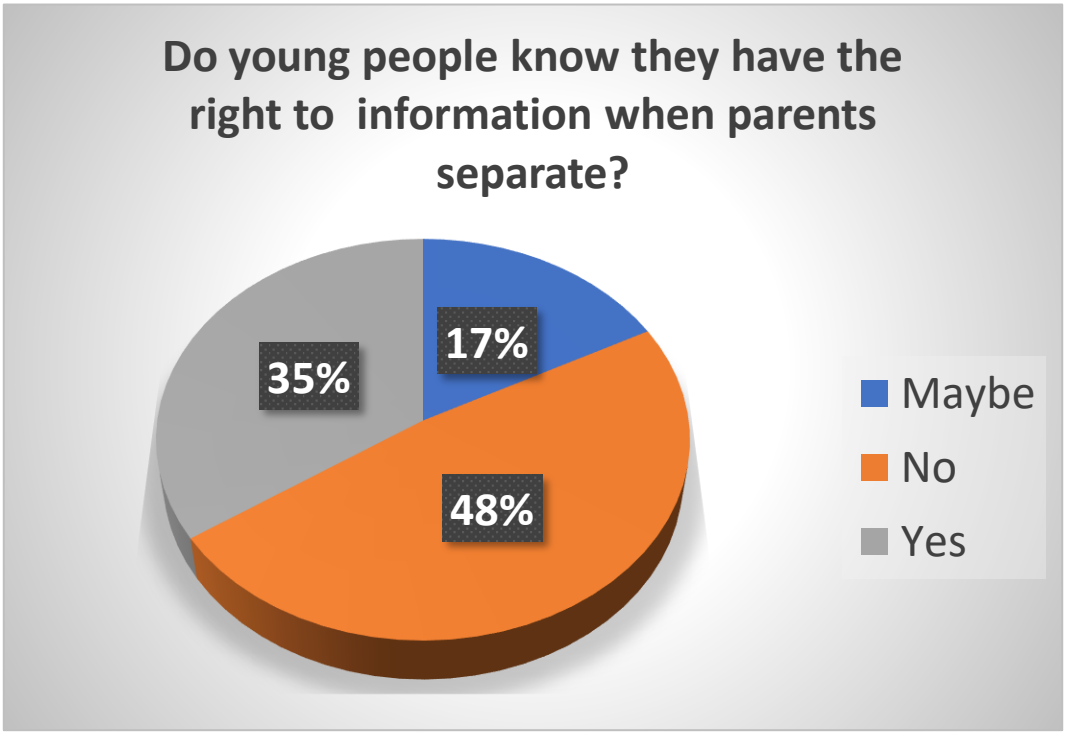
'It's not really talked about so it's hard to get the right help.'

'It isn't really spoken about in my opinion.'

The reluctance to talk about parental separation seemed to come from adults but also from the children themselves.

'*It is a hard topic to discuss so they* (children) *may have some difficulty if they don't want to be labelled by it.'*

QUESTION 8 - Do you think young people know they have a right to information when their parents separate?



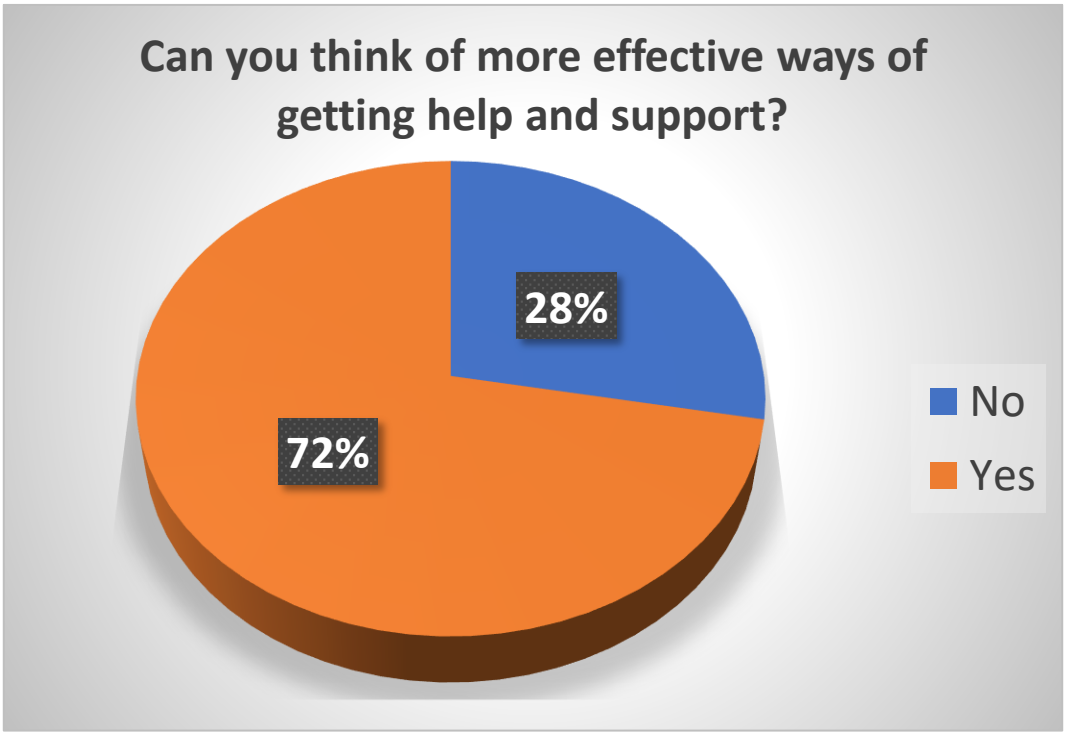
Article 12 of the United Nations Convention on the Right of the Child (UNCRC) requires children and young people to be given information and consulted when far reaching decisions are being made about their lives.

However, nearly half of the young people who responded to the survey (48%) did not know that they have the right to information when their parents separate while a further 17% were unsure. These results indicate that children and young people are not routinely being given information that helps them to gain this knowledge before they need it; neither are they aware either that there is information which could be helpful to them, and which should be available. Therefore, when they find themselves having to navigate difficult family transitions, not only would most children and young people not know where to turn for support but would not even think of asking for it.

Schools were seen as the place where information might be available. *'I think many would turn to schools but not sure where else to go.'*

Unfortunately, information that could potentially help young people whose parents are separating is not routinely available in schools or via PSHE lessons.

QUESTION 9 - Can you think of any more effective ways of ensuring young people can get access and help to the right support? Ideas of ways to raise awareness.



Nearly three quarters of the respondents (72%) thought the following suggestions would be more effective ways of ensuring children and young people get access to the information they needed. It is significant that a significant amount of the responses referenced school in some way. School is a safe place for many young people and that they trust this environment as a source of reliable support.

Young people had lots of suggestions about how they could access support.

'*Schools are an amazing way to reach young people, posting up helplines and places for support, PHSE curriculum lessons and assemblies.'*

'*The only way you could draw attention to it in the right way would be to have some sort of awareness campaign run in schools where they go through what divorce is and what their rights are, similar to the times in the week where we talk about how to interview, how to study, and other such general life advice.'*

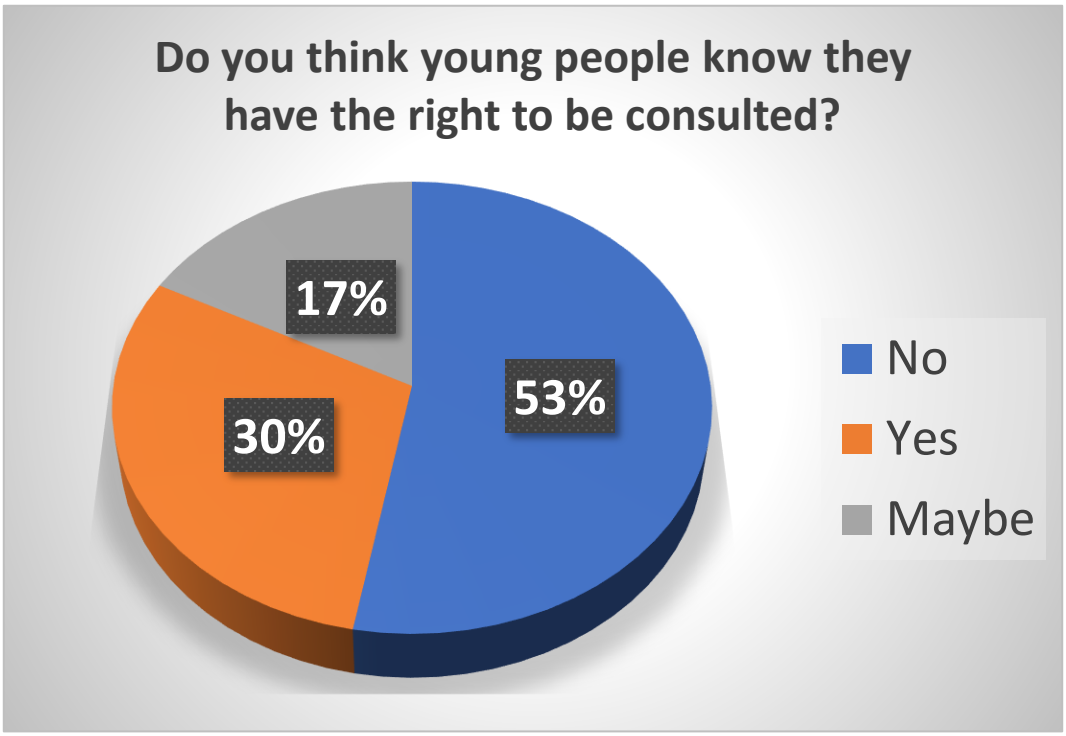
'*More awareness in schools? Maybe around Valentine's Day/Mother's/Father's Day to let people know they aren't alone.'*

Other suggestions included '*lots of promotion of free/low-cost options-most people know you can find local therapy, counselling options online, but they are often upwards of £40 an hour which really isolates the lower classes.'*

'*Do a nationwide event where on a certain day you draw a love heart on your face and hand to show support.'*

'Making sure people who are in regular contact with children make them comfortable and are warm towards them. They should be the ones given the information and they should act in a way that means the child is comfortable to come and talk to them if a problem were to occur and not feel scared and for the adult to help without it feeling like ticking boxes for a safeguarding form.'

QUESTION 10 - Do you think young people know they have the right to be consulted on arrangements between parents on their own care, including where they live?



Over half the young people (53%) said they didn't think young people knew they had a right to be consulted on arrangements for their care and a further 17% were doubtful. 30% thought young people did know that they had a right to be consulted even though there are currently no formal mechanisms for this consultation to take place unless parents are involved in mediation or court proceedings.

QUESTION 11 - What social media sites do you use that could be good for us to display help and advice to young people whose parents are separating?

32% said that they couldn't identify any specific sites which provided support and advice to young people when parents separate. In order of popularity, young people identified the following places to access general help and advice to young people.

- TikTok
- Instagram
- Facebook
- Snapchat
- YouTube
- Kooth
- Childline

CONCLUSION – FROM THE WIDER UK YOUTH PARLIAMENT CONSULTATION

The results of the wider consultation replicated the findings of the pilot survey in demonstrating that children and young people are acutely aware of the difficulties associated with parental separation. They are also clear about what their needs are, and what support they think they need.

Unfortunately, this awareness is not accompanied by any knowledge of specific support services which would meet their needs and they struggled to identify any support services that work well.

School was identified as the first place to seek help but with some individual exceptions, where young people do not think that teachers and other professionals understood the needs of a child going through separation. Although school was identified as an important place to seek information and support, overall, the young people felt that teachers did not have the relevant information and were often very reluctant to get involved. Consequently, some of the respondents had the impression that parental separation was something that shouldn't be talked about, and this served to further isolate them and increase their sense of powerlessness.

The results clearly demonstrate the need for young people to have access to well signposted services, information and support not only at the time of parental separation but afterwards as family changes evolve.

REPORT FROM THE UK YOUTH PARLIAMENT PLYMOUTH PILOT CONSULTATION

The questions used for the adult consultation were replicated in a pilot UK Youth Parliament Plymouth consultation, which could be rolled out with other members of the UK cabinet. Young people were asked to complete a short online questionnaire as well as taking part in some structured questions within a groupwork setting. Additional and supplementary questions were also asked. 31 young people aged 11-18 were involved in the pilot. Over half had lived experience of parental separation.

Can you think of any more effective ways of ensuring young people can get access and help to the right support? Ideas of ways to raise awareness?

Young people felt there clearly needed to be more information aimed at making children and young people more aware of rights, what help and support is available to them in this situation as some felt they were in limbo waiting for updates and news, and that we needed more and better social media and advertising of children's rights. Safeguarding and school assemblies and talks would be another good idea to raise awareness, better support in school. An anonymous young person said *'School is an amazing way to reach young people, posting up helplines and places for support. PSHE curriculum lessons and assemblies.'*

Do you think young people know they have the right to be consulted on arrangements between parents on their own care, including where they live?

Some young people said yes to this question, some young people said no, and a few said maybe. This highlights that they are not sure on their rights to be consulted about issues that also affect their lives. Parents separating has a big impact on children and young people's lives and futures. One young male said, *'Sadly this happens all too often, it's tough and it will be hard, and you will feel guilty spending more time with one parent than the other, but you shouldn't; it is not your fault, and you are trying to find your way they need to listen to what you want and why'. (Male, 14)*

Do you have any additional comments or points for us to consider?

Out of those that did respond, some young people felt clear support was required on issues raised, parents and adults in general could be manipulative, especially with children, and children needed to be supported in making their own decisions rather than what they think their parents want. They also felt teachers needed more training around the subject so better support could be put in place.

What do you think are the main needs of children and young people when parents decide to separate?

Young people thought that needs and welfare concerns about contact, the ability to see both parents, and having a voice in where they go and who they stay with were all important. Having a sense of security and clear understanding of what's happening, where people would live, housing, finance and money would help them emotionally. Mental health support, someone to talk to about the situation, school support, and they think schools should make it easier for young people to access support easier.

Do you know of any support services which are available to children and young people when parents separate?

Young people suggested counselling services along with access to school counsellors and access to Kooth.com which is an online service for children and young people as

well as the use of ChildLine. It was apparent that young people didn't think of this as an area which would enable them to access support, but it would be the impact of the situation that would mean support is sought.

Can you think of any services that offer advice and support to children and young people, which works well?

The data suggests that young people struggled to answer this question although, Kooth and ChildLine were both mentioned along with youth support. Young people gave responses which suggested they struggled with long waiting lists, that things took long time.

Do you think professionals, including teachers understand and take the needs of young people whose parents are separating into account when you are trying to work through this situation?

Young people felt that teachers may know about the situation but often tried avoiding the topic in general, usually due to their own work loads and behaviour issues of other students, so teachers did not have as much time to pick up and deal with general welfare issues and needs of students, and there is a lack of awareness in how to deal with situations and fear of saying the wrong thing.

If your parents said they had decided to separate, where would you turn to for support and advice?

The majority (65%) said friends, although young people also said youth worker, youth parliament, counsellor or teacher and two young people said they would look online. One young person said, *'It's weird, I am going through this right now but haven't thought about mentioning it to anyone and yet here we are openly discussing my life, and others are going through the same thing. It is good to know I should be consulted and it's important.' (Female 16)*

Do you think young people in this situation would know who to ask for support? Specifically, around this issue.

29% answered no for this question. Another 29% answered they didn't really know who to ask or what to do in this situation.

Young people from the youth parliament felt that they may not know where or how to access the right information, but they would generally speak to a friend or teacher. This highlights a lack of openness about this topic and that young people could access support for these issues. It was thought that the need for more information to be available for children and young people going through this situation would help young people access support in a timely way.

Do you think young people know they have a right to information when their parents separate?

A lot of young people felt they didn't know their rights and that it usually felt as if the decision-making was between their parents. Young people found the process difficult to navigate.

CONCLUSION FROM THE UK YOUTH PARLIAMENT PILOT CONSULTATION

When conversations around parental separation began, it was clear that young people had not had many or any opportunities to discuss this with anyone and had also chosen not to. They talked about a sense of shame and embarrassment that prevented them from talking about this openly. Young people also talked about the impact on their own emotional and mental health and the fact that they had to grow up quicker and choose which parent they preferred, which they felt was an unfair question.

There was an overwhelming sense of powerlessness with young people feeling being '*done to'* and not '*done with'*. Most young people had no knowledge of their rights in terms of time spent with either parent or how involved they could be in determining their own arrangements. The impact of witnessing and experiencing family breakdown was difficult for young people who also said this was in the context of adults pretending that everything was ok when clearly things weren't.

From a youth worker's point of view, the young people gave us a lot of feedback on the issue of separating families and the comments clearly show the earlier things are talked about and dealt with as a family the better prepared the child/young people can be. This is the first time the UK Youth Parliament in Plymouth have discussed separating families in a lot of detail.

School was mentioned as being seen as a safety net for some young people and a chance to get away from parents and their issues to focus on themselves and their studies. But also, in terms of supporting needs of children and young people throughout the daytime and knowing of the issues at home, with better support being needed by teachers. Young people felt that better awareness and education in lessons would be helpful as this seems to have fallen from the curriculum or not be a priority when young people knowing and understanding their rights is really important.

Young people who attended, felt this session in UKYPP helped them understand and consider the family issues and dynamics in more detail, along with how and when they access support.

Young people clearly want information and to understand the implications and their rights when this happens, what they don't want is parents fighting over them and forcing them to take sides as they feel this is unfair on so many levels. Some young people reported ending up having to parent or take care of parents' emotional needs and other siblings.

Staff present felt that young people were not used to speaking about this and the session became cathartic for some in terms of beginning to explore how they were feeling and that they weren't alone.

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JUDITH TIMMS OBE (CHAIR FSG CHILDREN's GROUP) National Youth Advocacy Service

HELEN ADAM - (CHAIR FSG) Family Mediator, Solicitor (non- practising)

LEANDRA BOX - The Race Relations Foundation.

ELIZABETH COE – Chief Executive National Association of Contact Centres.

ADRIENNE COX – Family Mediator, Solicitor (non-practising)

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CARLIE NORRIS – Family Mediator

BEVERLEY SAYERS – Family Mediator, FMC Board Member, Therapist

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JENNY WAY - Professional Youth Worker, Children, Young People and Families, Plymouth City Council.

A CHILD'S RIGHT TO MATTER

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APPENDIX 1 – LIST OF CONSULTEES

DfE Family Hubs Programme Lead and a **DfE policy official.**

Domestic Abuse Commissioner Office, Two Senior Policy Advisers

Anna Bedford: Regional Implementation Advisor, National Centre for Family Hubs.

Mike Bell: Family Court Reform Coalition (and former teacher)

Eleni Bloy: Consultant, (Parenting Programme) at the Race Equality Unit.

Erik Castenskiold: Founder and CEO of Restored Lives & Your Direction.

Diane Cogan: Solicitor, National Executive Director for Legal Services at NYAS.

Claudia Coussins: BACP Counsellor and Deputy Head of the Early Years and Prevention Department, Anna Freud Centre.

Dr Jan Ewing: Research Fellow, University of Exeter

Elizabeth Lyle: Head, St Christopher's Prep School, Hove.

Bridie McLoughlin: Secondary School Teacher and Designated Safeguarding Lead

Kelly Mitchell: Special Educational Needs and Disabilities Co-ordinator (SENDCO).

Emma Morris: Consultant Clinical Psychologist, Deputy Head of the Family Trauma Team, Anna Freud

Mervyn Murch CBE: Emeritus Professor, Cardiff University School of Law, and Politics. Author: "*Supporting Children when Parents Separate: embedding a crisis intervention approach within family justice, education and mental health policy". (Policy Press, University of Bristol, 2018).*

Patrick Myers. Partnership and Programme Lead, Thrive at Five.

Yuliya Osudina: Associate, Kingsley Napley.

Fiona Pienaar: Senior Clinical Lead at Mental Health Innovations.

Carol Rawlence: Child and Adolescent Counsellor.

Paula Reed: Pre-School Manager.

Dr Angharad Rudkin: Chartered Psychologist (BPS), MA(Oxon), AFBPsS, Registered Psychological Practitioner (HCPC).

Ian Soars: Chief Executive, Spurgeons

Owen Thomas: Managing Director, Head of Programmes, Fathers, Future Men.

Rachel Wardell: Executive Director for Children, Families and Lifelong Learning, Surrey County Council.

APPENDIX 2

A SIMPLE SUMMARY OF THE EVIDENCE AS REGARDS INTER-PARENTAL CONFLICT AND FAMILY SEPARATION:

PROFESSOR GORDON HAROLD

Professor of the Psychology of Education and Mental Health, 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.

• 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.

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