Your shout too!

A survey of the views of children and young people involved in court proceedings when their parents divorce or separate.

By Judith E Timms, Sue Bailey and June Thoburn
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The National Society for the Prevention of Cruelty to Children (NSPCC) has a vision – a society where all children are loved, valued and able to fulfil their potential.

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As the authors of this important report remind us, some 3 million of the 12 million children in the UK will experience the separation of their parents during the course of their childhood, and between 25,000 and 30,000 children a year are going through the divorce or separation of their parents for a second or subsequent time. The NSPCC and CAFCASS have combined to undertake this valuable study. The authors review the conclusions of existing research in this field and explain that a key aim of *Your shout too!* is to ascertain from young people their satisfaction with their involvement in the decision-making process.

*Your shout too!* provides important statistical and narrative information towards understanding the issues facing young people when their parents or carers separate. It also underlines the importance of listening to what young people have to say. The 141 children who completed the postal survey for this research were interviewed by CAFCASS family court advisers (FCAs), who were responsible for providing a report to court about residence or contact arrangements. Whereas 74 per cent of the young people felt they were “able to have a say” (at least “a bit”) only 55 per cent felt this made at least a bit of a difference to the outcome.

The authors discuss society’s attitude to disputes between adults in private law proceedings and the extent to which there is still a presumption that parents know what is best for their children. In this context, it is of concern that nine young people reported that no one had explained the court process to them, not even family members to whom the task fell in 76 per cent of cases.

More positively, just like the children in the first *Your shout!* survey, many of the children displayed an enviable maturity. Contrary to many adults’ perceptions, only two of the children expressed a wish for their parents to get back together. What was more important was to achieve a lack of bad feeling between the adults and for good-quality contact to be allowed. Families, including extended and step-family members, were often a source of support and comfort to the children.

The findings in this report lend emphasis to the need for continuing efforts by all involved in the process, at whatever stage, to find appropriate and flexible ways of ensuring that children of all ages have a say in decisions regarding their future. I welcome this excellent report, and would urge all involved with children’s cases in private law proceedings to take note of its messages in order to help shape policy and practice for the future.

February 2007

Rt Hon Sir Mark Potter  
President of the Family Division  
Head of Family Justice
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About the steering group

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**Yvonne Brown** is a solicitor advocate in the higher courts (civil proceedings). She has practised in the area of family law for over 20 years. She currently specialises in public law children proceedings and is a member of the Law Society’s Children Panel. Between 2004 and 2006, she was a member of the National Committee of the family law organisation Resolution, when she chaired the Children Committee. Between 2003 and 2006 she was also Chair of the Black Solicitors’ Network. Since 1994 she has been the principal of Yvonne Brown & Co in Hackney, a legal aid firm working in the area of family law and education law.

**Harriet Bretherton** worked as CAFCASS’s research coordinator for four years and has had a 30-year professional career spanning probation, court welfare and CAFCASS. Her work has enabled CAFCASS to contribute to achieving better outcomes for children. Included in her achievements are the Library and Information Service, established in September 2006 in partnership with Barnardo’s; and CAFCASS annual research conferences, which have attracted eminent academics and researchers from Britain and abroad, and have highlighted exciting pieces of research.
We are particularly indebted to the 141 young people who took part in this study and gave us the benefit of their thoughtful responses.

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Barbara Esam
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Note: Throughout the text, in the interests of brevity, the terms “children” and “young people” are used interchangeably to refer to minors up to the age of 18, rather than the more correct “children and young people”.
1 The research in context

Your shout too! reports the findings from a research study that sought the views of children and young people involved in court proceedings following the separation of their parents. The research, which adopts an approach to seeking children’s views used in an earlier study of children and young people in the UK “looked-after” system (Timms and Thoburn, 2003 and 2006), is particularly timely given current public debate about the need to open up the family courts to greater public scrutiny (DCA 2006a), and consultation about the separate representation of the interests of children at the centre of the proceedings (DCA, 2006b) and developments in private law practice.

Before turning to the research, we set it in the context of recent policy developments, legislative provisions and findings from earlier research in this field.

1.1 The policy context

- Some 3 million of the 12 million children in the UK will experience the separation of their parents during the course of their childhood.
- Every day approximately 650 children see their parents separate or divorce.
- Two-thirds of divorcing couples have dependent children under 16.
- Between 25,000 and 30,000 children a year are going through the divorce or separation of a parent for a second or subsequent time.
- In 2005, there were 151,654 divorce petitions received by the courts and 85,835 applications to the court about children’s residence and contact arrangements (Judicial Statistics 2005).

The above statistics explain why the position of children whose parents separate or divorce has risen up the public and political agenda in the last few years. Within the debates about desirable changes, concern has been expressed by government and non-government organisations that the voices of children in the proceedings are still being muffled by the noise of parental disputes. However, there is not as yet consensus about how their voices are to be heard and in what circumstances.

Before looking at recent proposals for change, it is important to look at the changes in family patterns in the UK and indeed in almost all “post-industrial” societies. An increasing pattern of serial monogamy is developing and the Policies Studies Institute has predicted that divorce and re-marriage will be the norm by 2010. It is estimated that approximately half of all divorced parents re-marry or form new relationships and that half of those new relationships will also end in divorce or separation. Within this process, the core family group of the children involved will be subject to recurring change, emphasising the need to be able to review previously agreed arrangements for them as circumstances change. A series of research reports (discussed in the next section) have confirmed the view that the complex range of emotional, economic, educational and social problems, which may be experienced by young people before, during and after the breakdown of their parents’ relationship, cannot be resolved merely by legislation. Nor is it suggested that every child will, in the longer term, as a corollary to divorce or separation, be disadvantaged or otherwise harmed in the process. What does seem clear, however, is that the separation of their parents is experienced by children as a crisis, which may render them more vulnerable to a range of social, emotional, psychological, educational and financial difficulties (Amato, 2006).
The question of what support services should be provided must be viewed within the Government’s overarching agenda for children as set out in *Every Child Matters* (DfES, 2003) in which the Government sets out its five key aims for all children, namely that every child, whatever their background or their circumstance, should have the support they need to: be healthy, stay safe, enjoy and achieve, make a positive contribution, and achieve economic wellbeing.

In *Supporting families*, a green paper on the family (Home Office, 1998), the Government stated that “the interests of children must come first”. Following two consultations by the Children Act Sub-Committee (CASC) (LCD, 1999 and 2002) – the first looking at contact and domestic violence and the second at the facilitation of contact and the enforcement of contact orders – the Government published two further green papers, *Children’s needs and parents’ responsibilities* (DCA and DfES, 2004) and its follow-up report on the responses to consultation and agenda for action, *Parental separation: children’s needs and parents’ responsibilities: next steps* (DfES, 2005). The first of these, jointly published by the Department for Constitutional Affairs (DCA) and the Department for Education and Skills (DfES), signalled a new approach to the support of children and their families, who are in the process of separating. It acknowledged that the way in which courts intervene in disputed contact cases does “not work well” and triggered a fundamental review of support services for children and their families when relationships break down.

Currently only a small minority of separating couples with children have had their contact arrangements ordered by the courts. However, an increasing number of disputes are going to court: in 2003/04 the courts made 67,000 contact orders. The prime focus of government policy now is “on minimising conflict and supporting good outcomes both for children and their parents, preferably without recourse to courts” (DCA and DfES, 2004).

These documents signal the Government’s intention to make fundamental changes to the way in which private law disputes will be dealt with by the courts and contain comprehensive proposals aimed at improving outcomes for children following parental separation. The Government “firmly believes that both parents should continue to have a meaningful relationship with their child after separation, as long as it is safe” (DCA and DfES, 2004).

Although the Children Act 1989 brought together both public and private law proceedings relating to children into one unifying statute, the processes for hearing the voice of the child in private and public law proceedings continued to operate on different principles. Whereas children in public law cases are parties to the proceedings, and have both a guardian and a children’s solicitor to listen to them and to represent them and their interests in court, children in private law disputes about their residence and contact are not, as a matter of course, parties to proceedings and usually have no direct involvement in court hearings. Here the traditional emphasis has been on achieving an agreement between the adult parties, which means that children are dependent on their parents to consider and protect their interests. This historic approach was based on two assumptions:

- First, that provided the separating parents agree, the arrangements will always be in the best interests of the child.
- Secondly, that parents will act reasonably and always in the best interests of their children at times of maximum stress and family disruption.

It has been argued by researchers and practitioners that these assumptions are unrealistic and may indeed be potentially dangerous for some children (Hester et al, 1997). The result has been that “millions of children experience momentous changes, which may have numerous consequences for them, yet they may have little say in them and very often they will not even be informed about them” (O’Quigley, 2000).
The differentiation between private and public law cases is not the one that is acknowledged in some other countries. In Scotland, for example, the Children (Scotland) Act 1995 imposes a duty upon parents to talk to their children about decisions that affect them, including decisions about separation and divorce, and requires courts to take account of children's views. The provisions of the act require that children be listened to in both public and private law proceedings, and there is an important presumption that children aged 12 or more will be deemed to be of sufficient age and maturity to be able to instruct solicitors to act on their behalf.

New Zealand also recognises children as independent rights holders. Children have a right for their views to be heard and a lawyer is appointed for the child in cases where parents cannot reach agreement as to contact arrangements. The child's lawyer presents the child's view to the court and also gives the court any other information that has a bearing on the child's situation. Parents may be required to contribute to the costs of the child's representation.

The Children’s Cases Project, introduced in Australia in 2004 (McIntosh, 2004), is illustrative of a steady shift in international focus towards the interests of the children involved and the parents’ proposals for the future of their children, with less emphasis given to the past history of the parents’ relationships.

1.2 CAFCASS and the legislative provisions for hearing the voice of the child

Since its formal establishment in April 2001 – from an amalgamation of the former Divorce Court Welfare and Guardian ad Litem services together with the children's work from the Official Solicitor's department – CAFCASS has been the body charged with the statutory responsibility to both report on and represent the interests of children involved in a wide range of public and private law proceedings. CAFCASS is now a non-departmental public body under the sponsorship of the DfES. Its statutory functions are set out in section 12 of the Criminal Justice and Court Services Act 2000.

The functions of CAFCASS are:

- To safeguard and promote the welfare of the child
- To give advice to the court about any application made to it in family proceedings
- To make provision for children to be represented in such proceedings
- To provide information, advice and support for children and their families.

The main legislation covering arrangements for children when their parents divorce or separate is the Children Act 1989, which has been amended in some important respects by the Adoption and Children Act 2002, and the Children and Adoption Act 2006.

Section 8 of the 1989 Act provides for residence, contact and other orders relating to children to be made if the court considers that an order is necessary to promote and safeguard the welfare of a child. This is almost always in cases when the parents or others with parental responsibility are in dispute about the post-separation arrangements for their children. Section 7 provides for the court to be assisted in reaching its decision to make or vary a section 8 order by the provision of a report, either by a local authority social worker or by a CAFCASS Family Court Adviser (FCA).

In 2005/06 CAFCASS responded to 26,144 requests for private law reports (which may involve more than one report prepared under section 7 of the Children Act 1989).
In carrying out their duties, court rules require CAFCASS officers to have regard to the requirements of the welfare checklist as set out in section 1(3) of the Children Act 1989. These include the requirement to “give due weight to the ascertainable wishes and feelings of the child concerned in the light of their age and understanding”. The role of the CAFCASS practitioner in these proceedings is to report on matters identified by the court. The child is not represented in the proceedings, although there is a requirement that the family court adviser (FCA) will make efforts to ascertain the child’s wishes and feelings, and include them in the report to the court. Research and experience suggest that the emphasis placed on children’s wishes and feelings in the subsequent proceedings will vary, first, according to the attitude of the writer to the involvement of children in their parents’ disputes (which is still controversial) and secondly, as a function of the perceived negative effects or risks to the child of confronting parents with their child’s views. Consequently, as James et al (2004) found: “a child’s right to contact becomes a prescription for the welfare of children rather than a right that can be claimed [or not] or enforced [or not] by the individual child”.

The importance of hearing the views of children is further strengthened by the Family Proceedings Rules (FPR) 1991, which allow for the court to make a child a party to the proceedings.

Rule 9.2A allows competent children of sufficient age and understanding to participate with a solicitor to represent their views in court but without a guardian to represent their interests. However this is subject to a stringent test of competence and it is not a route which is either clearly signposted or available to younger or less articulate young people.

In contrast, Rule 9.5 allows the court to appoint both a solicitor and a guardian for the child if it appears to the court that they should be separately represented, thus achieving the same working synthesis of children’s rights and children’s welfare available to all children in public law proceedings. In 2005/06 CAFCASS children’s guardians represented children in 1,035 cases in which the child was made a party in section 8 residence or contact proceedings under rule 9.5. Although a very small proportion of the total numbers of children involved in family breakdown, they are however a highly significant group because of the intractability and complexity of their cases. Many have been trapped in the ‘revolving doors’ of repeated contested proceedings over a number of years and have been the subject of several section 7 welfare reports.

There are fundamental differences between the statutory powers and duties of the FCA in section 7 reporting and the role of the children’s guardian under rule 9.5. The CAFCASS officer appointed under section 7 is not a representative of the child but an officer of the court charged with reporting on matters of dispute identified by the court. As part of that duty, he or she will ascertain the wishes and feelings of the child and represent them to the court, but in contrast to proceedings under rule 9.5, the child is not a party to proceedings, and there is no power to appoint a solicitor for the child, to initiate proceedings on behalf of the child or to call expert witness evidence on the child’s behalf. (See Appendix 6)

The requirement to seek the wishes of the children concerned and to provide them with representation in court proceedings in which they are involved is congruent with the duty under international law and convention to safeguard the welfare of the child, to give due regard to the ascertainable wishes and feelings of the child, and to ensure that children are not disadvantaged in relation to the adult parties to the proceedings.
Article 12 of the United Nations Convention on the Rights of the Child (UNCRC) states that

1. States Parties shall assure to the child who is capable of forming his or her own views
   the right to express those views freely in all matters affecting the child, the views of the
   child being given due weight in accordance with the age and maturity of the child.

2. For this purpose, the child shall in particular be provided the opportunity to be heard
   in any judicial and administrative proceedings affecting the child, either directly, or
   through a representative or an appropriate body, in a manner consistent with the
   procedural rules of national law.

Recent policy and practice has placed a much greater emphasis on Article 12.1 UNCRC – the need to listen to children and ascertain their wishes and feelings – than on the
more specific requirements of Article 12.2, which deals with the representational rights of
children. The UK has not, for example, signed the 1996 Council of Europe Convention
on the Exercise of Children’s Rights and has been criticised by the UNCRC because of
inconsistencies in the ways in which children are enabled to participate in proceedings:
“the Committee is concerned that the obligations of Article 12 have not been consistently incorporated
in legislation, for example in private law proceedings concerning divorce, in adoption, in education
and in protection throughout the state party”.

Although the UK Government has ratified the UNCRC, it is not part of our domestic
legislation and therefore does not offer children the same route to redress as does the
European Convention on Human Rights (ECHR), now brought into our domestic law
by the Human Rights Act 1998. Of particular relevance are Article 6, which deals with the
right to a fair trial and the principle of “equality of arms” involved in ensuring that children
have the same rights to representation and are not disadvantaged in relation to other adult
parties to the proceedings, and Article 8, which deals with the right to family life including
the right of children to maintain contact with those who are important to them.

In this context, section 122, a late addition to the Adoption and Children Act 2002, was
welcomed as it considerably strengthened the position of children in contact and residence
proceedings. This new provision added proceedings under section 8 of the Children Act
1989 to the list specified in section 41 of the Children Act 1989, in which a child may be
made a party to the proceedings and have the benefit of “tandem” representation by both
a children’s guardian and a solicitor.

In introducing the amendments to the legislation the then minister for family law, Rosie
Winterton, acknowledged that:

■ There is too stark a distinction between public and private law cases

■ The power to provide for the separate representation of children should be explicitly
   referred to in primary legislation

■ Children should have access to separate representation more frequently than they do at
   present (Hansard, 2002).

The 2002 legislation was not the first time separate representation for children in private
law proceedings had made its way into the statute book. Provisions for the separate
representation of children in private law proceedings were included in the Family Law
Act 1996 as section 64, but suffered the same fate as other parts of the act in remaining
unimplemented. To date, section 122 also lacks the enactment of the court rules necessary to
implement it. The consultation on the Separate representation of children (DCA, 2006) makes
the (unsubstantiated) assertion that too many children are receiving separate representation
and proposes to restrict representation to cases which satisfy (as yet unspecified) legal
criteria. This could lead to a reduction even in the comparatively very small numbers
currently being represented under rule 9.5 FPR, but much will depend on if, when and
how the requisite court rules are drafted. Therefore, although the need had been identified
and acknowledged by Parliament for more than a decade, until section 122 is implemented the only real route to separate representation and the “tandem” representation available to children in public law proceedings, is still via the provisions of rule 9.5.

1.3 Contact and issues of domestic violence

Increasingly, courts are occupied by long-running contact disputes and the need to balance the child’s right to protection with what the non-resident parent sees as his or her right to meaningful contact. Men’s and equal parenting groups argue that the law is unfairly balanced against them and that this undermines their capacity to act as an equal parent and systematically erodes their relationship with their children. It has been argued that “implacable hostility” between parents leading to the child refusing to have contact has led to a need for increased powers for the court to deal with non-compliance with contact orders.

The debate about the circumstances in which contact arrangements should or should not be enforced has become somewhat polarised and is often confused with the discussion about how the courts should assess and respond both to allegations of violence between the parents and allegations of abuse of the children made by one parent against the other. One result of the differential approach to children in public and private law proceedings is that insufficient attention has been given to the links between divorce and parental separation, domestic violence and child protection. There is evidence from research and from professionals involved in court proceedings that some children involved in disputes about contact are not protected by the same risk-assessment procedures, or indeed some of the basic screening mechanisms, that protect their counterparts in public law proceedings. Sturge and Glaser (2000) argue that “in domestic violence cases, where children have memories of that violence, their wishes should warrant much more weight than in situations where no real reasons for their resistance appear to exist”.

These child psychiatrists, who have frequently provided expert evidence in contested public and private law proceedings, set out the psychological advantages of listening to children in a report prepared for use in the Appeal Court (2000). In it, they made the following recommendations:

- The child must be listened to and taken seriously.
- It is damaging for the child to feel he or she is being forced to do something against his or her will or judgement, if the child cannot see the sense of it.

An inspection of Private law front-line practice in CAFCASS, published in August 2006, highlighted the vulnerability of some of the children who are the subject of section 7 reports and emphasised the fact that “some of these children are ‘children in need’ as defined by the Children Act 1989 and such children are vulnerable due to a history of abuse and neglect, witnessing domestic abuse, family breakdown and other factors, such as young age” (HMICA, 2006). Earlier evidence from local family court reporting services suggested that violence between parents is present in almost 50 per cent of cases in which a section 7 divorce court welfare report is ordered (Association of Chief Probation Officers, 1999).

In recognition of these concerns, section 120 of the Adoption and Children Act 2002 amended the meaning of harm in the Children Act 1989 to include “impairment suffered from seeing or hearing the ill-treatment of another”. In addition, sections 6 and 7 of the Children and Adoption Act 2006 (to be implemented in October 2007) gave CAFCASS significant new statutory duties in relation to the facilitation and monitoring of contact and the assessment of risk to the children concerned. These changes have been welcomed as making explicit the responsibilities of the court in relation to children suffering the negative effects of domestic violence.

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1 Re LVM and H Contact: Domestic Violence CA. 2000
In response to the concerns being expressed about some resident parents failing to comply with court decisions to facilitate contact with the absent parent, and in other cases risks of violence to the parent or child not being recognised by the courts, the Children Act Sub-Committee (CASC) of the Family Law Board recommended a staged approach to facilitating contact. The proposals included an initial screening of the adults to check whether there were any known incidents of violent behaviour, including inter-partner violence or abuse of children. Other parts of the report considered what more might be done in cases where an order for contact had been made, to ensure that the resident parent played his or her part in ensuring that the court order was observed. The Children and Adoption Act 2006 had, in its first draft (but omitted from the final version), a provision that introduced electronic tagging for parents who persistently refused to comply with contact orders made by the court.

The debate centred on the balance to be struck between court-based provisions designed to enforce parental compliance and out-of-court dispute resolution, mediation and conciliation services. The debate also highlighted the fact that in the absence of any independent evidence on behalf of the child, it is very hard for judges to distinguish between the unreasonably hostile parent and the parent who has valid and legitimate reasons for refusing to cooperate with contact arrangements.

On 21 July 2004, the then president of the family division, Dame Elizabeth Butler-Sloss, announced the implementation of a new Framework for Private Law. Its aims were to assist courts to safeguard children’s welfare and to divert parents from acrimonious contested hearings by providing greater judicial continuity, earlier hearings and family support, and access to in-court conciliation and dispute resolution. CAFCASS is currently working to introduce extended dispute resolution schemes involving consultation with children in courts throughout the country. Some schemes include a one-hour children’s meeting, in which children come to court at the time of the first directions hearing, and are seen separately by a CAFCASS officer and consulted about the arrangements being proposed for them. The child’s views are then fed back to the parents.

A key question is how children should be involved at this stage and, indeed, throughout the process in which parents formalise their separation and reorganise their own and their children’s lives. The challenge is to support the children and families involved by developing policy and practice models which incorporate respect for the freestanding rights of children to be consulted and to be heard as an essential component in defining their best interests and improving longer-term outcomes.

1.4 Review of related research

There is an extensive body of research on the consequences of divorce and parental separation for children and their families. However, much of this research has reflected parental perspectives of what is in their children’s best interests, with less input from the children themselves and with few caveats about the potential for a conflict of interests between either one of the parents and the child.

1.4.1 Research seeking the views of children in the wider community

Because, as noted by Smart et al (2001), parents have often been reluctant to allow their children to be directly involved in research, studies of children’s views have mainly been small scale, involving in-depth interviews with a volunteer sample. These include an early longitudinal study in the USA conducted by Wallerstein and Kelly (1980) and a subsequent study by Wallerstein and Blakeslee (1989), which followed through into adulthood a small sample of children in 52 families affected by divorce. One aspect of the research was to identify the issues arising in the children’s lives. Results found that in many cases the
children were still deeply affected 10 and even 15 years later. In the UK, Neale, Smart and Wade (2000) interviewed and reported in detail on the experiences of 80 children aged between six and 16 who were experiencing co-parenting arrangements following parental separation. *Parent problems! and Parent problems 2* were two pieces of child-centred qualitative longitudinal research carried out by Neale and Wade (2002) and Neale and Flowerdew (2004). Parent problems surveyed the views of 117 children following the separation of their parents and *Parent problems 2* followed up 60 of the same young people to see what had subsequently happened in their lives. The children were asked about the new people in their lives, the changing arrangements they had faced and the people who had helped them. The third part of the research trilogy, *Moving on: the changing lives of young people after parental divorce*, Neale and Flowerdew (2007) looked at young people’s longer-term perspectives of the changes which had taken place in their lives.

While some of these earlier studies have concentrated on the child’s emotional and behavioural reactions to the break-up of their parents’ relationship, others also have something to say about reactions of parents and (to a lesser extent) children to the services available to help them. In the UK, Lyons, Timms and Surrey (1999) followed up a questionnaire completed by 110 young people aged 13–21 during a one-day consultation with some of the young people. Although they were a random volunteer group, approximately one-third of them said that they had been affected by the divorce or separation of their parents. The young people were asked what support services would be helpful to them in the event of their parents’ relationship breaking down. What emerged was a proposal for a pyramid of services of information, consultation and, if necessary, representation accessible to young people, not just at the time of divorce or separation, but in the years following. Dunn and Deater-Deckard (2001) examined the perspectives of 467 children from diverse families aged between five and 16. They concluded that the process of parental separation can be a lonely and bewildering time for the children involved, but that only 5 per cent said they were given full explanations and a chance to ask questions. Walker et al (2001) also highlighted the extreme difficulty parents have in talking to their children at a time of maximum family turmoil. As part of a wider study, Buchanan et al (2001) interviewed 30 children over the age of eight in respect of whom court welfare reports had been written. They found that up to 80 per cent of children wanted involvement in decision-making.

Trinder et al’s qualitative study (2002) involved interviews with 57 children in 61 volunteer families, whose views were sought about contact arrangements. Again, this study identified that children and young people felt insufficiently consulted by parents and by practitioners about the contact arrangements directly concerning them. A key finding was how different contact can look to different families.

Butler et al (2003) reported on the findings of a study conducted by a multidisciplinary team of researchers who interviewed 104 children aged seven to 15 soon after their parents had obtained their *decree nisi*. The study drew on the findings of an earlier ESRC study by Douglas et al (2000) and the results showed that as far as the children were concerned, little had been offered to them by their parents in the way of information or explanation. Wade et al (2002) pointed out that it is important not to take a relatively one-dimensional view of children in private law by focusing exclusively on the process of divorce and overlooking the fuller picture of adversities that some children face. The researchers carried out a study in which they explored the views of all children in Year 2 (aged six to seven) and Year 5 (aged nine to 10) from four schools, irrespective of their family circumstances. A second stage consisted of individual interviews with 42 children with experience of parental separation. The results led them to question the value of one-off interviews by practitioners seeking to ascertain children’s views. They also cautioned against using volunteers for what is highly skilled direct work with children.
1.4.2 Research on children’s experience of court and other more specialist services

Children of parents who apply to the courts to settle their disputes are particularly vulnerable. Fortin et al (2006) studied young adults in their early twenties talking about their experience as children when their parents had resorted to the courts to settle their disputes, identifying the need to look at the long-term psychological stress suffered by some children.

Although the children were not themselves interviewed, using a standardised schedule to collect information from parents, Trinder et al (2006a) found that 51 per cent of the children in their study scored above the threshold of psychological distress.

A comprehensive review of research findings on Child contact with non-resident parents was carried out by Hunt and Roberts (2004). After an examination of national and international research, they concluded that it is the nature and quality of contact that is more important than the contact itself.

Trinder et al (2006a) concluded from their study of three different models of conciliation within CAFCASS that contact as an aim in itself was a “red herring”, and that it should be the means to the end – namely the maintenance of good-quality relationships between children and both their parents. More recently, Trinder (2006b) found significant disagreement between parents and professionals about whether and how children should be involved in conciliation processes.

Information on 95 children who have been represented under rule 9.5 of the Family Proceedings Rules is provided by the National Youth Advocacy Service (NYAS) review of 9.5 cases (Fowler and Stewart, 2005). All these cases were complex and exceptional as defined by the president of the Family Division’s guidance on the use of the rule 9.5 provisions to make the child a party to private law proceedings. In 44 per cent of cases there were questions regarding the mental or physical health or disability of a parent, and in 27 per cent of cases there had been serious allegations of physical or sexual abuse, including domestic violence. Nonetheless, the extent of involvement for the children was reported to be considerable:

- In 95 per cent of cases children’s views had a significant effect on decision-making.
- In 98 per cent of cases the outcome was explained to the child at the end of the case.
- The children’s views coincided with decisions made by the court in 89 per cent of cases.

NYAS’s encouraging results have been replicated by CAFCASS, which carried out a review of the outcomes in approximately 100 cases where children had been represented under rule 9.5. At the time of review none of these cases had returned to court. The CAFCASS annual report 2005/06 stated: “a sample analysis... suggests the use of r9.5 is proving an effective measure in resolving disputes and supporting children in some of our most complex private law cases”.

More recently CAFCASS has started to regularly seek the views of a sample of children and young people interviewed by FCAs, using a computer-assisted feedback process designed by Viewpoint. An early evaluation report gives the responses (independently analysed by Young Voice) of 104 children aged nine to 15, divided into under- and over-12s. Generally, low levels of satisfaction with the results of the court hearing were reported, despite high percentages of young people feeling that their CAFCASS worker understood their needs and helped them to make their views heard. Only one in seven responded that they had been helped to have access to special people in their lives, and less than one-fifth felt the worker helped them to be listened to. Fewer than one in three responded that they were helped to live where they wanted. Girls were less likely than boys to say that their CAFCASS worker had helped them feel safe, and girls in the over-12 group were markedly less likely to think the court decision was a good one. Fewer than half reported
that they knew how to make a complaint. The report questioned whether courts were giving enough weight to children's wishes and feelings. It should be noted, however, that it is not possible to separate out public and private law cases, and the report does not say how many of the 104 had a CAFCASS service as part of proceedings resulting from the separation or divorce of their parents (CAFCASS 2006).

Research commissioned by the Department for Constitutional Affairs (DCA) (Douglas et al, 2006) included interviews with 15 young people who had been represented under the rule 9.5 provisions. The purpose of the research was to consider whether or not the “tandem” services provided by solicitors and children's guardians were satisfactory from the point of view of the children. A central finding was that most of the children welcomed the idea of having someone appointed by the court to help them participate in the decision-making process. The researchers also highlighted the fact that “the development of separate representation in private law proceedings has been prompted at least as much by concern that the welfare of the child is properly safeguarded and is not lost sight of underneath the parents’ own priorities and concerns”. In this context, separate representation was being used in two basic categories, namely, intractable cases in which all other approaches had failed and complex cases with aggravating circumstances such as allegations of abuse or parental difficulties such as mental illness. More specifically, the researchers recommended that children should always be separately represented in cases in which consideration was being given to enforcing compliance by a resident parent with an earlier contact order. Early findings from this study were made available to us by the authors.

The Your Shout Too! research described in the following sections built on this and the other studies described in this section, and sought to bring into the discussion the views of a wider range of children involved in court proceedings.
2 Methodology

2.1 Choice of methodology and ethical issues

As has already been noted, some important earlier research studies have reported on the views of children and young people about the impact that the separation of their parents has had upon them. Some of these studies have included their views about residence and contact arrangements. More recent UK studies using interviews with resident and non-resident parents, and less often children, have also provided information about satisfaction or otherwise with the services offered. The studies seeking the views of children and young people have involved interviews with small numbers of young people and these “in-depth” responses have provided important information to service planners. However, it is recognised that there are problems with building policy around such small numbers. This research therefore aimed to gain the views of a larger and more representative sample of children and young people, and to build on these earlier studies.

A survey methodology was adopted in order to try to reach out more widely, which was innovative for this group of children. Since the threshold for the ordering by the courts of a CAFCASS report is high, it was likely that some of the young people would have raw feelings or that earlier distress might have been reawakened by the questionnaire. Any risks associated with undertaking research with children have, however, to be balanced against the risks inherent in not seeking their views, and of harm to many more children of providing services that may not be meeting their needs. A survey methodology had been used with young people in care (Sinclair et al, 2005), and these researchers were contacted for advice on questionnaire design and ways of contacting the children. The research also built on our earlier survey of looked-after children (Timms and Thoburn, 2003, 2006). It was recognised that the young people included in these earlier surveys, though emotionally vulnerable, were mainly living with foster carers or residential staff who could be expected to keep an eye out for any adverse reactions. In contrast, the children and young people contacted for this study would be living with a parent in a situation of conflict not necessarily fully resolved. We therefore also sought advice from the Commission for Social Care Inspection (CSCI) Children’s Rights Office staff who had recently sent postal surveys to children who had received a social work service in their own homes, including some who had been the subject of child protection interventions (Morgan, 2006).

The ethical issues around the use of a survey methodology were explored with the NSPCC-convened national advisory committee for the research (comprising the research team, a district judge, a solicitor, the CAFCASS research coordinator, and an independent academic) and with a local steering group, including local CAFCASS representation, and an independent University of East Anglia (UEA) researcher. Discussions also took place with the university’s ethics committee and the CAFCASS research governance committee. It had already been decided that a carefully worded letter would be sent to the resident parent, along with the questionnaire and an explanatory leaflet for the child, and that this would allow the parents to exercise discretion if they considered that their child might be adversely affected. They were given the phone number and email of the researcher and invited to seek more information. This made it possible to comment either to the researcher or to their local CAFCASS office on being contacted in this way. (In the event, we have not been informed of any comments received by CAFCASS, and two parents contacted the researcher. One returned the questionnaire in the Freepost envelope with a letter explaining that she thought it was not appropriate to pass on a request of this nature to her son/daughter. The other telephoned to say that her daughter had mild learning
difficulties but wanted to take part and asked if it would be appropriate for her to seek the help of her teaching assistant in writing her responses.) Screening by the CAFCASS workers before the schedules went out was another safeguard, as was careful piloting of the questionnaire and explanatory leaflet with children and resident and non-resident parents. In the light of ethics committee discussions, it was decided to contact young people who would have been aged 11 or over when they received the questionnaire (the original plan had been to include children of eight and over). The research team is aware that this leaves out many children who might have been happy to have a say and influence future services. However, it was anticipated, as indeed turned out to be the case, that some of our young respondents would look back over court proceedings and other help provided at earlier stages in the break-up of their parents’ relationship.

To ensure the anonymity of all the young people who had received a service from CAFCASS, it was essential that the research team had no access to CAFCASS records, or to the names and addresses of individual children and young people. CAFCASS therefore agreed to facilitate the research by identifying the young people who could be approached, and by mailing on behalf of the research team the survey and accompanying explanatory literature.

The research sample comprised children aged 11 and over who had been interviewed by a CAFCASS Family Court Adviser preparing a section 7 report during a six-month period from 1 April to 30 September 2005. Staff at 71 CAFCASS area offices agreed to select a random sample of those children who fitted the criteria, and each of the 10 regions had a target number of children to be identified, in accordance with the size of their region. In addition, area offices were asked to identify those children – again aged 11 and over by the time they would receive the questionnaire – where a children’s guardian had been appointed under rule 9.5 (Family Proceedings Rules 1991) to prepare a report for the court during a 12-month period ending in September 2005. All young people represented under rule 9.5 were to be included in the sample, subject (as with the section 7 cases) to screening by the FCA or manager familiar with the case.

Complete survey packs were sent to the area CAFCASS offices for onward mailing from late June to the end of August 2006. Packs were sent to the resident parent with an explanatory letter about the research, and requesting that he/she pass on the enclosed envelope to his/her child. The clear, unsealed polythene envelope for the child contained a six-sided questionnaire, an explanatory leaflet and a Freepost envelope addressed directly to the research associate at UEA. The respondent was not asked for their name, or any identifying information, and surveys were returned anonymously.

The survey questionnaire comprised a mix of simple tick-box questions and open text boxes for comments. We emphasised in the accompanying leaflet that the respondents should “not worry about spelling and handwriting”, and where we included comments in the report, they are as the children wrote them. There were a number of different sections to the questionnaire that sought data on:

- Background characteristics of the respondents; age now and at the time of separation, gender, ethnicity, and with whom the child is currently living
- Who the respondent could remember talking to around the time of the court proceedings and how they rated them
- Whether the respondent felt listened to
- Whether the respondent could “have a say” and felt involved in the process
- Whether the respondent was kept informed
- Whether the respondent went to court
Who, if anyone, helped to reduce stress

Whether respondents now see enough of the family members they want to see

Whether respondents are broadly satisfied with the arrangements for residence and contact

Advice or tips for other children going through the court process.

The questionnaire had first been piloted at a local supported contact centre and with a single parents group, among resident and non-resident mothers and fathers, and with young people. Several changes were suggested and incorporated into the explanatory letter and leaflet.

2.2 The sample and response rate

During 2005/06 CAFCASS responded to 26,144 requests for private law reports. Given that our sample of section 7 cases were to be from the first six months of this period only, and only from cases of children aged 11 and over (estimated to be approximately 20 per cent of all cases), the potential survey population was in the order of 2,600 children. It was agreed that, of these, a sample of 1,800 young people would be sent a survey. All regions were asked to identify suitable cases and were set target numbers.

In reaching these target figures, CAFCASS workers screened the potential recipients and excluded cases in accordance with agreed criteria. There were clearly differences in the way different regions – and different offices within regions – interpreted the guidance for the decision to exclude cases from receipt of the questionnaire (those deemed “to be at risk of undue distress if they were to receive the survey”, or for whom it was, in the FCA’s judgement, otherwise inappropriate). The proportions excluded by the different offices varied between none and over 50 per cent.

Nineteen offices (27 per cent) indicated to the researcher that they had selected all the cases which fitted the criteria, and had excluded no one. A further 35 offices (49 per cent) indicated that they had identified all relevant cases, and then excluded a number for whom they deemed the survey to be inappropriate. The remaining 17 offices (24 per cent) indicated that they had a larger number of potential cases than the number they were asked to identify, and that they had therefore selected sufficient cases, with exclusions if appropriate, until the target number was reached. The result of a combination of randomisation and exclusion was that the package of questionnaire and explanatory leaflets was sent out to 1,552 children who had received a section 7 service. We wished to include all – rather than a sample of – children who had received a rule 9.5 service. Of the 198 rule 9.5 children identified by the participating offices, a survey was sent to 138 (70 per cent) after the FCAs had excluded 60 young people for whom they deemed it was inappropriate. Thus, in total, a survey was sent to 1,690 young people, via their resident parent.

Potentially, therefore, a large proportion of parents had the opportunity to ask their children if they wished to take part. It is impossible to know how many did in fact pass on the questionnaire to their child, and therefore the proportion in which it was the parent rather than the child who decided against taking part. Whichever is the case, the 127 section 7 participants in the research are an 8 per cent sample of those to whom a questionnaire was sent out. The 14 returned rule 9.5 questionnaires represent a 10 per cent response rate from the questionnaires sent out and a 7 per cent sample of those who received this service in the participating offices.

Thus, to conclude this section on methodology, we can say that we succeeded in accessing, thanks to the high degree of commitment from CAFCASS staff, a high proportion of parents whose children were the subjects of FCA reports. The low return rate is disappointing, though not unexpected.
When reading our findings and conclusions the reader must bear in mind that this is a small proportion of all those children whose cases were seen to need a report on their present and future arrangements and wellbeing. We cannot know how representative our respondents are of these children and young people, or of the even larger number of children whose cases either do not reach court, or in which an FCA report is not sought. We have, however, reported on the views of a larger and more random sample than has previously been obtained of young people, whose contact and/or residence arrangements were decided on by the English courts. The returned schedules indicate that the young people who completed them had a good understanding of the questions we were asking, and found them relevant to their experiences. Although in one or two cases we could pick up signs that a parent might have been looking over a shoulder or helping with the responses, the overall impression was of young people expressing their often strongly held opinions. Care has been taken to ensure that none of the illustrative quotations used allow for identification of the respondent or their particular circumstances. When case cameos are presented in the text, fictitious names have been given to the cases.

A final point on methodology is that, when analysing the quantitative data, we have used descriptive statistics and have not sought to hold constant the many and often overlapping variables. We have explained as we go along when overlapping variables may be influencing the findings.
3 Characteristics of the respondents

3.1 Gender and age

Replies were received from 141 young people, of whom 93 (66 per cent) were girls and 48 (34 per cent) were boys.

The mean age of the respondents was 13 years and 1 month; the average age of the girls being 13 years and 4 months and that of the boys being 12 years and 10 months. In particular, nine out of 10 of the oldest respondents (aged 16–18) were young women. The age distribution is given in table 1.

<table>
<thead>
<tr>
<th>Age of respondents</th>
<th>Number of respondents</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>11 years</td>
<td>25</td>
<td>17 per cent</td>
</tr>
<tr>
<td>12 years</td>
<td>36</td>
<td>26 per cent</td>
</tr>
<tr>
<td>13 years</td>
<td>24</td>
<td>17 per cent</td>
</tr>
<tr>
<td>14 years</td>
<td>21</td>
<td>15 per cent</td>
</tr>
<tr>
<td>15 years</td>
<td>25</td>
<td>18 per cent</td>
</tr>
<tr>
<td>16–18 years</td>
<td>10</td>
<td>7 per cent</td>
</tr>
</tbody>
</table>

Because more of the older respondents were girls, in the analysis of some of the questions it is not always apparent whether differences in responses are associated with an age effect or a gender effect.

3.2 Ethnicity

The respondents were predominantly white, with three Asian respondents and three of mixed heritage. One family spoke German at home, one family spoke Greek and English, one family spoke Urdu, one family spoke Punjabi and the remainder spoke English.

3.3 Residence and family membership

Eighty-six of the respondents (61 per cent) lived with their mother and 40 (28 per cent) lived with their father. Girls were as likely to live with their father as were boys, with 28 per cent and 29 per cent respectively doing so. Ten respondents (7 per cent) had shared residence with both parents, eight of these being girls. Five young people, four of whom were boys, were living with another relative, but not a parent.

Most had siblings, with just 13 (9 per cent) being only children. No specific questions were asked about other members of the post-separation parental households, but it was clear from the free-text responses to the open-ended questions that some were living with single parents and others were in households where the resident parent had another partner.
3.4 Length of time since parents separated

The young people were asked how old they had been when their parents separated. Two had never lived with both parents in the same household, and for 10 per cent the parents had separated by the time the child had reached the age of three.

Given the respondents were also asked their current age, it was possible to approximate the time between their parents separating and the writing of the CAFCASS reports (since the reports had, on average, been written twelve months prior to the sending out of the survey). The time since separation ranged from under a year to 13 years, with the most frequent response being one year (31 respondents, or 23 per cent). In this respect there was a difference between the section 7 cases and the rule 9.5 cases; the most frequent response was one year for the section 7 cases, and three to four years for the rule 9.5 cases.

Table 2 Length of time from parents separating to report writing

<table>
<thead>
<tr>
<th>Time since separation</th>
<th>Section 7</th>
<th>Rule 9.5</th>
<th>All respondents</th>
</tr>
</thead>
<tbody>
<tr>
<td>One year and under</td>
<td>40 (33 per cent)</td>
<td>1 (8 per cent)</td>
<td>41 (30 per cent)</td>
</tr>
<tr>
<td>2–3 years</td>
<td>19 (15 per cent)</td>
<td>4 (31 per cent)</td>
<td>23 (17 per cent)</td>
</tr>
<tr>
<td>4–5 years</td>
<td>25 (20 per cent)</td>
<td>5 (38 per cent)</td>
<td>30 (22 per cent)</td>
</tr>
<tr>
<td>6–8 years</td>
<td>24 (20 per cent)</td>
<td>2 (15 per cent)</td>
<td>26 (19 per cent)</td>
</tr>
<tr>
<td>9 years and over</td>
<td>15 (12 per cent)</td>
<td>1 (8 per cent)</td>
<td>16 (12 per cent)</td>
</tr>
</tbody>
</table>

(136 responses to question)

In some of these cases where parents had separated several years earlier, conflict over residence or contact arrangements might have been long-standing (including many court hearings). In other cases something had occurred (perhaps a new partner for one of the parents) to cause the arrangements to be looked at, possibly for the first time, by the courts.

3.5 Extent of CAFCASS involvement

Most respondents (127 or 90 per cent) had been the subject of a section 7 report. The remaining 14, ten of whom were female, had been separately represented under rule 9.5.
Respondents were asked which professionals they had seen at the time of, or since, their parents’ separation and whether the person had been helpful. They were asked to select from a list of likely professionals and to give two ticks if the help had been really good. There was also an opportunity for the respondent to mention someone else not in the list or to say that they had seen someone but that they did not know their professional identity. Four respondents did not remember seeing any professional.

Table 3 ranks the professionals seen in order of frequency of involvement and shows the percentage judged to be helpful or very helpful. It is not known whether in the remaining cases the professionals seen were unhelpful or neutral, as these were not options the respondent could tick. Apart from a CAFCASS worker, the professional most likely to be involved was a solicitor, social worker, or counsellor, with a solicitor’s input being rated as most helpful.

<table>
<thead>
<tr>
<th>Professionals seen by the respondents, and the percentage rated as helpful*</th>
<th>Seen</th>
<th>Helpful</th>
<th>Very helpful</th>
<th>Helpful/very helpful as percentage of contacts</th>
</tr>
</thead>
<tbody>
<tr>
<td>CAFCASS</td>
<td>133</td>
<td>59</td>
<td>6</td>
<td>49%</td>
</tr>
<tr>
<td>Solicitor</td>
<td>23</td>
<td>14</td>
<td>1</td>
<td>65%</td>
</tr>
<tr>
<td>Social worker</td>
<td>19</td>
<td>5</td>
<td>1</td>
<td>32%</td>
</tr>
<tr>
<td>Counsellor</td>
<td>19</td>
<td>10</td>
<td>0</td>
<td>53%</td>
</tr>
<tr>
<td>Mediator</td>
<td>6</td>
<td>2</td>
<td>0</td>
<td>33%</td>
</tr>
<tr>
<td>Advocate</td>
<td>2</td>
<td>0</td>
<td>0</td>
<td>-</td>
</tr>
<tr>
<td>Family judge</td>
<td>2</td>
<td>2</td>
<td>0</td>
<td>100%</td>
</tr>
<tr>
<td>Don’t know who</td>
<td>8</td>
<td>2</td>
<td>0</td>
<td>25%</td>
</tr>
<tr>
<td>Other (GP in 2 cases)</td>
<td>6</td>
<td>3</td>
<td>1</td>
<td>66%</td>
</tr>
</tbody>
</table>

(*one cannot assume that the remaining percentage was deemed to be unhelpful)

Most respondents (80 respondents or 57 per cent) had seen only one professional, invariably from CAFCASS. The average number seen over the whole set of respondents was 1.5 people.
A young person seeing four different professionals would typically meet with their CAFCASS worker, a counsellor, either a social worker or a solicitor, and either a mediator or an advocate.

### Multi-professional input: case cameo of “Amy”

Amy, who is 15, was represented under rule 9.5, and met a number of professionals. She saw a solicitor, an advocate and a counsellor but only found the solicitor helpful. Although her first CAFCASS worker listened to her, Amy felt “treated like a five-year-old” by her, and she felt that her second CAFCASS worker didn’t put her views across to the court. Amy went to court, but was annoyed that she was not allowed to talk to the judge.

Amy lives with her mother and “would like to get rid of my court order so that my Dad doesn’t have control over me any more”. She mentions how important family and friends are – particularly brothers and sisters.

The young people were asked to what extent they thought that, taken as a whole, the professionals they had seen had been helpful. Just over half of the respondents had only met with a CAFCASS worker and for them their answer to this question was a reflection of their views on their CAFCASS service.

### Table 4  Number of different professionals seen by the respondents

<table>
<thead>
<tr>
<th>Number of professionals</th>
<th>Number of respondents</th>
<th>Percentage of respondents</th>
</tr>
</thead>
<tbody>
<tr>
<td>One professional</td>
<td>80</td>
<td>57%</td>
</tr>
<tr>
<td>Two professionals</td>
<td>37</td>
<td>26%</td>
</tr>
<tr>
<td>Three professionals</td>
<td>17</td>
<td>12%</td>
</tr>
<tr>
<td>Four professionals</td>
<td>3</td>
<td>2%</td>
</tr>
<tr>
<td>No one</td>
<td>4</td>
<td>3%</td>
</tr>
</tbody>
</table>

(141 responses to question)

### Table 5  Did the respondents feel that the professionals they had encountered had been helpful?

<table>
<thead>
<tr>
<th>Extent of help</th>
<th>Number of respondents</th>
<th>Percentage of respondents</th>
</tr>
</thead>
<tbody>
<tr>
<td>Very helpful</td>
<td>23</td>
<td>16%</td>
</tr>
<tr>
<td>Quite helpful</td>
<td>62</td>
<td>45%</td>
</tr>
<tr>
<td>Not very helpful</td>
<td>29</td>
<td>21%</td>
</tr>
<tr>
<td>Made it worse</td>
<td>11</td>
<td>8%</td>
</tr>
<tr>
<td>Don’t remember</td>
<td>14</td>
<td>10%</td>
</tr>
</tbody>
</table>

(139 responses to question)
Figure 1  The extent to which professionals as a whole were judged to be helpful

(percentage of respondents in each category)

Comments made by the young people about the professionals they met

“Social worker helped me the most!”

“The social worker upset me and wouldn’t listen to me.”

“I would of liked the social worker to be more friendly and listen to me.”

“My Mum’s solicitor was brilliant; she understood me and did all she could to do what was best for me.”

“No one listened to what I had to say and no one considered my feelings.”

“My teacher helped me most.”

“The people I saw didn’t really do much for ME.”

“They helped me get over the upset of my Mom and Dad.”

“I didn’t like talking to people who I don’t know and who don’t know me.”

“Don’t be worried about telling anyone – talking really helps you to understand.”

“Would have been nice to receive help longer that what we did.”
Respondents were asked a number of questions about CAFCASS, and the ways in which their CAFCASS worker might have helped them. Respondents were asked how well their CAFCASS worker had explained the changes in their family situation, whether their CAFCASS worker had spent enough time with them and where they had met.

### Table 6  How well did the CAFCASS worker explain matters to the young people?

<table>
<thead>
<tr>
<th>Number of respondents</th>
<th>Percentage of respondents</th>
</tr>
</thead>
<tbody>
<tr>
<td>Really well</td>
<td>28</td>
</tr>
<tr>
<td>Quite well</td>
<td>56</td>
</tr>
<tr>
<td>Didn’t really tell me what was happening</td>
<td>33</td>
</tr>
<tr>
<td>Told me, but I didn’t understand</td>
<td>16</td>
</tr>
<tr>
<td>Told me what I already knew (this was not an option on the questionnaire, but was written in by some respondents)</td>
<td>3</td>
</tr>
</tbody>
</table>

(136 responses to question)

### Table 7  Did the CAFCASS worker spend enough time with the young people?

<table>
<thead>
<tr>
<th>Number of respondents</th>
<th>Percentage of respondents</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes, a lot of time</td>
<td>52</td>
</tr>
<tr>
<td>No, not enough time</td>
<td>31</td>
</tr>
<tr>
<td>Not sure</td>
<td>30</td>
</tr>
<tr>
<td>Can’t remember</td>
<td>22</td>
</tr>
<tr>
<td>Too much time (this was not an option on the questionnaire, but was written in by some respondents)</td>
<td>2</td>
</tr>
</tbody>
</table>

(137 responses to question)

The 14 respondents who had been represented under rule 9.5 generally held similar views about their CAFCASS worker to those of the section 7 respondents. However, there were some slight differences in their experiences. Fifty-four per cent of the young people represented under rule 9.5 replied that their CAFCASS worker had spent a lot of time with them, compared to 36 per cent of the section 7 respondents. However, two young people represented under rule 9.5 felt that they had not been given enough time.
While 16 young people (13 per cent) of those subject to a section 7 report answered that they had not understood what they had been told by their CAFCASS worker, all the rule 9.5 respondents understood the explanations given by their CAFCASS worker about court procedures and the changes that might take place in their lives.

Most respondents met their CAFCASS worker either in their own home, at the CAFCASS office or jointly at these two locations. Meetings at court were not common. School was used for meetings in 15 cases, either for the sole meeting or in addition to a meeting at the office or in the young person’s home. Other locations included a contact centre, a family centre, a café and “in town”. The responses in table 8 sum to more than 141 since respondents could logically tick more than one location.

<table>
<thead>
<tr>
<th>Place of meeting</th>
<th>Number of respondents</th>
</tr>
</thead>
<tbody>
<tr>
<td>Own home only</td>
<td>38</td>
</tr>
<tr>
<td>CAFCASS office only</td>
<td>27</td>
</tr>
<tr>
<td>At home and CAFCASS office</td>
<td>43</td>
</tr>
<tr>
<td>Only at court</td>
<td>1</td>
</tr>
<tr>
<td>At court and home/office</td>
<td>7</td>
</tr>
<tr>
<td>School</td>
<td>15</td>
</tr>
<tr>
<td>Other location</td>
<td>5</td>
</tr>
<tr>
<td>Can’t remember where</td>
<td>4</td>
</tr>
<tr>
<td>Can’t remember a meeting</td>
<td>5</td>
</tr>
</tbody>
</table>

In addition to asking the respondents for their views of the service they received from CAFCASS, they were asked if their CAFCASS worker had improved the situation for them, and if so, in what ways. It is important to distinguish conceptually between how satisfied or dissatisfied respondents were with the professional services offered by CAFCASS and their degree of satisfaction with the outcome of this service. Some respondents could be appreciative of the help given while admitting that things had not really improved. An 11-year-old commented:

“She seemed to want to know a lot of info, which was fine. However, to me, this did not seem to cause any effect.”
Table 9  Did the CAFCASS worker help to make things better for the young people?

<table>
<thead>
<tr>
<th>Number of respondents</th>
<th>Percentage of respondents</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes, a lot</td>
<td>29</td>
</tr>
<tr>
<td>Yes, a little</td>
<td>48</td>
</tr>
<tr>
<td>No, not really</td>
<td>45</td>
</tr>
<tr>
<td>No, made things worse</td>
<td>13</td>
</tr>
</tbody>
</table>

There is some indication that the girls in the survey felt more dissatisfied with their CAFCASS worker than did the boys. Nearly a third of the boys reported that their CAFCASS worker helped a lot, while only 17 per cent of the girls expressed that view. Figure 2 illustrates the pattern of the responses to this question by gender.

Figure 2  Did the CAFCASS worker help to make things better?

(percentage of responses by gender)

There is also an apparent trend for younger children to be more satisfied with the service from their CAFCASS worker than are the older respondents, and this tendency held for both younger boys and younger girls, when compared to the older boys and the older girls. In table 10 the views of respondents aged 13 and younger are compared to those of respondents aged 14 and older.
Table 10  Did the CAFCASS worker help to make things better?

(responses by age)

<table>
<thead>
<tr>
<th></th>
<th>Aged 13 and younger</th>
<th>Aged 14 and older</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes, a lot</td>
<td>22 (28%)</td>
<td>7 (13%)</td>
</tr>
<tr>
<td>Yes, a little</td>
<td>26 (33%)</td>
<td>22 (40%)</td>
</tr>
<tr>
<td>No, not really</td>
<td>26 (33%)</td>
<td>19 (35%)</td>
</tr>
<tr>
<td>No, made things worse</td>
<td>6 (8%)</td>
<td>7 (13%)</td>
</tr>
</tbody>
</table>

(135 responses to question)

Age also seems to be a factor in the extent to which the respondents thought that their CAFCASS worker had explained the situation and likely changes to them. A higher proportion (26 per cent) of the younger children (aged 13 and under) ticked that their CAFCASS worker had explained matters really well, compared with only 13 per cent of the older group. Three of the older group had added a comment that their CAFCASS worker had only told them what they already knew.

Respondents were asked to consider six ways in which their CAFCASS worker might have helped, and to tick if they had been helped in that way, or to double-tick if the help was particularly good. They were also given the option: “My CAFCASS worker did not help me.” Respondents were invited to tick as many boxes as were applicable. The results are given in table 11 and responses are analysed by gender and for two age groups. When there are not enough responses, the breakdown by age and gender is not given.

Table 11  Ways in which the CAFCASS worker helped the respondents

(ranked in order of frequency of mention)

<table>
<thead>
<tr>
<th></th>
<th>Number of respondents (of which double-ticked)</th>
<th>Percentage of total</th>
<th>Boys</th>
<th>Girls</th>
<th>11–13</th>
<th>14+</th>
</tr>
</thead>
<tbody>
<tr>
<td>By helping me to say what I wanted</td>
<td>60 (10)</td>
<td>43%</td>
<td>44%</td>
<td>42%</td>
<td>48%</td>
<td>34%</td>
</tr>
<tr>
<td>By helping me to live with the people I want</td>
<td>50 (10)</td>
<td>36%</td>
<td>28%</td>
<td>39%</td>
<td>32%</td>
<td>41%</td>
</tr>
<tr>
<td>By helping other people to listen to me</td>
<td>30 (5)</td>
<td>21%</td>
<td>27%</td>
<td>18%</td>
<td>25%</td>
<td>16%</td>
</tr>
<tr>
<td>By helping me to feel safe</td>
<td>18 (5)</td>
<td>13%</td>
<td>n/a</td>
<td>n/a</td>
<td>n/a</td>
<td>n/a</td>
</tr>
<tr>
<td>By helping my family to talk to each other</td>
<td>11 (1)</td>
<td>8%</td>
<td>n/a</td>
<td>n/a</td>
<td>n/a</td>
<td>n/a</td>
</tr>
<tr>
<td>By helping me to see the special people in my life</td>
<td>9 (1)</td>
<td>6%</td>
<td>n/a</td>
<td>n/a</td>
<td>n/a</td>
<td>n/a</td>
</tr>
<tr>
<td>My CAFCASS worker did not help</td>
<td>34 (2)</td>
<td>24%</td>
<td>25%</td>
<td>23%</td>
<td>22%</td>
<td>27%</td>
</tr>
</tbody>
</table>

(133 responses to this set of questions)
The older respondents and the girls tend to value being helped to live with the person they choose; while the younger respondents and the boys value the CAFCASS role in getting other people to listen to them. In addition, the younger respondents also appreciate being enabled to say what they wish to happen. While only 13 per cent, or 18 young people, ticked “helping me to stay safe”, over a third of these felt strongly (by double-ticking the box) that it was important that arrangements did not expose them to maltreatment or risky situations. This is a much larger proportion than for the other responses.

Positive experience of CAFCASS: case cameo of “Bethany”

Bethany is 12 and her parents split up four years ago. Her CAFCASS worker was the only professional involved. Although she says that both her mother and father were helpful, she says that she was “struggling with it all” and that her CAFCASS worker “helped me a lot – I’m so glad I went to see her. She made me feel better! I was able to tell her and my family how I feel.”

Bethany was the only respondent to tick all six boxes indicating the ways in which her worker had helped her:

- Helping me to say what I wanted.
- Helping other people to listen to me.
- Helping my family talk to each other.
- Helping me to live with the people I wanted.
- Helping me to see the special people in my life.
- Helping me to feel safe.

Bethany is “extremely happy” where she lives with her mother, although she would like to see more of her father who now lives in another European country. Her plans for the future include a good job and she hopes that “my life will be better than ever”.

Respondents were invited to add comments about their experience of CAFCASS, and provided with blank boxes in which to write. Many young people chose to do so, giving a rich set of views, many of them polarised. One might expect those with strong views, whether positive or negative, to be more likely to use this opportunity to express them. The main, recurrent themes, both positive and critical, are summarised below.
Positive themes

- Listened to
- Understanding shown by CAFCASS worker
- Friendly
- Supportive
- Enabled the young person to express their views
- Facilitated contact with a parent who the young person wished to keep in contact with
- Assisted the young person in their decision about who to live with
- Confidentiality and privacy respected

Critical themes

- Not being listened to properly
- Not acting on what the young person said
- Leaving information (which the young person felt to be important) out of the court report
- Being perceived as trying to enforce contact with a parent the young person was reluctant to see
- Being patronising
- Passing on information or comments the child had expected to be kept confidential
- Not working for long enough with the family

Negative experience of CAFCASS: case cameo of “Charlotte”

Charlotte is 13 years old and lives with her mother and two siblings. She did not feel that her CAFCASS worker had helped. Charlotte “didn’t want to be involved”. In particular she “felt like it was upsetting for all of my family including my Mum, brother and sister. They got very upset when we had to talk to someone… We should have been left alone and not been put through all the upset of talking to a stranger.”

Charlotte’s other complaint was that she felt she was being pressurised to agree to see her father. “When I said I didn’t want to see my Dad, I should have been able to do that. I told CAFCASS I didn’t want to see him, but they still kept wanting to talk to me. I think the court shouldn’t push children to see their dad if they don’t want to.”

Finally, in this section, a selection of comments by the young people about their CAFCASS worker are reproduced.
Comments made by the young people about their service from CAFCASS

“My CAFCASS worker was extremely helpful and he made me feel relieved and happy! He was really nice and understood me perfectly.”

“I don’t think she really helped. She just upset me more.”

“They listen to you. They will ask you questions – you don’t have to answer them but it helps.”

“I don’t think she listened to me. She put words in my mouth.”

“She looked at all sides and made good judgements.”

“CAFCASS didn’t act on what I said, they were stupid in the decision they made.”

“She was very helpful and comforting. Gave me a lot of support.”

“A lot of things I told the CAFCASS about my Mum were left out of the report.”

“Very friendly.”

“I felt she was talking to me like I was five years old which upset me a bit.”

“She was able to help me to see my Dad.”

“I told them I didn’t want to see my Dad. But they still made me go.”

“CAFCASS helped me realise how hard it is when a family splits up and helped me to decide who to live with.”

“Didn’t put my views across to the court.”

“My CAFCASS worker helped people to listen to ME.”

“They upset me as they gave my Mum a letter of what my little brother and I said.”

“Made it clear he was working for us and not our parents which was very reassuring.”

“They said they wouldn’t tell Dad some things. Then a couple of days after, Daddy starts asking why I said some things that I didn’t want him to know.”

“Now they helped me, I have got on with my family better. Well they were very helpful and all I want to say is Thanks.”

“I would like to have been told more information about the situation than I have.”

“Kind, funny.”

“CAFCASS lady didn’t stay around long enough.”
6 Being listened to and influencing the outcome

A key aim of this research study was to ascertain from the children and young people how satisfied they were with their involvement in the decision-making process. Respondents were asked whether they felt their views and wishes had been listened to, and whether subsequently they felt that this had influenced the outcome, regarding where they lived and with whom they had contact.

Table 12  The extent to which respondents felt that they could “have a say”

<table>
<thead>
<tr>
<th>Able to “have a say”</th>
<th>Number of respondents</th>
<th>Percentage of respondents</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>56</td>
<td>40%</td>
</tr>
<tr>
<td>A bit</td>
<td>47</td>
<td>34%</td>
</tr>
<tr>
<td>Not really</td>
<td>22</td>
<td>16%</td>
</tr>
<tr>
<td>Didn’t want to be involved</td>
<td>14</td>
<td>10%</td>
</tr>
</tbody>
</table>

(139 responses to question)

Table 13  The extent to which respondents felt that what they said “made a difference” to what was decided

<table>
<thead>
<tr>
<th>Giving a view had “made a difference”</th>
<th>Number of respondents</th>
<th>Percentage of respondents</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>45</td>
<td>34%</td>
</tr>
<tr>
<td>A bit</td>
<td>28</td>
<td>21%</td>
</tr>
<tr>
<td>Not really</td>
<td>45</td>
<td>34%</td>
</tr>
<tr>
<td>Didn’t give a view</td>
<td>14</td>
<td>11%</td>
</tr>
</tbody>
</table>

(132 responses to question)
Figure 3  Extent to which young people felt involved, and could influence the outcome

<table>
<thead>
<tr>
<th>Have a say (per cent)</th>
<th>Make a difference (per cent)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>A bit</td>
<td>A bit</td>
</tr>
<tr>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Not involved</td>
<td>Not view</td>
</tr>
</tbody>
</table>

Neither the age nor the gender of the respondent appeared to be relevant factors in whether the young person felt they could “have a say”.

While three-quarters of all respondents felt they could “have a say”, there was either more realism, or less optimism, about how effective their voice had been in influencing the outcome. Fifty-five per cent felt that “having a say” had made a difference. However, 45 per cent felt that they had either not expressed a view (either through choice or omission) or that their view had not affected the outcome. An 11-year-old commented:

“They talked to me. However, this did not seem to make any useful difference.”

There was qualitative evidence that some respondents felt a degree of disempowerment and that they would like their views to be taken account of to a greater extent.

“I would like to have a say about what I want, and I want people to listen to what I want.”

“To be heard and to be treated fairly – and to have a say with certain matters.”

“I would like to be taken seriously.”

A higher percentage of the boys than the girls appeared confident that their views had made a difference to the outcome: 48 per cent of boys as compared to 27 per cent of girls. This was particularly apparent among younger boys. Similarly, respondents aged 13 and younger were more positive than those aged 14 or older that voicing their opinions and wishes had made a difference to the decisions made (38 per cent as compared with 28 per cent).

Table 14 explores the relationship between being listened to and influencing the outcome. On one hand there were young people who felt able to “have a say” and to express their views and wishes about their future, but who felt it had only made a partial difference, or indeed no difference at all (23 per cent and 16 per cent respectively of those in this category). Conversely there were respondents who felt that they had only had a partial input, as regards making their views and wishes known, who nevertheless felt it had made a difference to the outcome (27 per cent), although 39 per cent of this group felt it had not made any difference at all. As might be expected, all those who had not “had a say” in the process thought that they had not made a difference to the outcome either.
Table 14  Being listened to and influencing the outcome

<table>
<thead>
<tr>
<th></th>
<th>Number of respondents able to “have a say”</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Yes</td>
</tr>
<tr>
<td>Made a difference</td>
<td>31 (61%)</td>
</tr>
<tr>
<td>Made a bit of a difference</td>
<td>12 (23%)</td>
</tr>
<tr>
<td>Did not make a difference</td>
<td>8 (16%)</td>
</tr>
</tbody>
</table>

In general, however, there is an association in the young people's replies between feeling involved and feeling that they had been able to influence the outcome.

Respondents were also asked who, if anyone, had explained the court decision to them. For three-quarters of the young people, it had been solely a parent or another family member who had told them of the decisions made. For a further 15 young people both family and their CAFCASS worker had informed them of, and explained, the outcome. Eight respondents had the decision explained to them only by their CAFCASS worker.

Table 15  Who explained the court decision(s) to the young person?

<table>
<thead>
<tr>
<th></th>
<th>Number of respondents</th>
<th>Percentage of respondents</th>
</tr>
</thead>
<tbody>
<tr>
<td>Family member</td>
<td>102</td>
<td>76%</td>
</tr>
<tr>
<td>CAFCASS worker</td>
<td>8</td>
<td>6%</td>
</tr>
<tr>
<td>Family plus CAFCASS worker</td>
<td>15</td>
<td>11%</td>
</tr>
<tr>
<td>No one</td>
<td>9</td>
<td>7%</td>
</tr>
</tbody>
</table>

(134 responses to question)

It was of concern that nine young people said that no one had explained the court decision to them.
We asked the 141 respondents whether they had attended court; and, if not, would they have wished to attend. Seven young people did not answer this question.

Only 10 had been to court, representing 7.5 per cent of the 134 children and young people who answered the question. For some, it was simply to look around. Two of these 10 children and young people had attended court although they “didn’t really want to”. There were 124 respondents (92.5 per cent) who had not attended court, and of these the majority, 74 children and young people (60 per cent), ticked that they did not want to do so. However, there was a sizeable minority of 50 respondents (40 per cent) who indicated that they would have liked to attend; 24 would have liked to have gone to court, and a further 26 said they would have liked to have gone to court and specifically seen the judge.

Table 16  Did the respondent go to court?

<table>
<thead>
<tr>
<th>Number of respondents</th>
<th>Percentage of respondents</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes, to look around</td>
<td>3</td>
</tr>
<tr>
<td>Yes, to talk to the judge</td>
<td>1</td>
</tr>
<tr>
<td>Yes, to talk to someone else from the court</td>
<td>4</td>
</tr>
<tr>
<td>Yes, but didn’t really want to</td>
<td>2</td>
</tr>
<tr>
<td>No, but would have liked to have gone to court</td>
<td>24</td>
</tr>
<tr>
<td>No, but would have liked to have seen the judge</td>
<td>26</td>
</tr>
<tr>
<td>No, and didn’t want to go to court</td>
<td>74</td>
</tr>
</tbody>
</table>

(134 responses to this question)
Various hypotheses were explored to ascertain if there was any relationship between the wish to attend court and other known variables about the respondents. There was no statistical relationship between the gender of the respondent or the age of the respondent and the wish to personally attend court. There was a tendency for those whose parents separated more recently to want to attend court, but this was not statistically significant.

One hypothesis is that those children and young people who were dissatisfied with their CAFCASS representation, or with the court outcome, might in retrospect feel they would have been better served by attending. There was some apparent support for this hypothesis. Of the 50 who wished to attend court or see the judge, 25 (50 per cent) said that their CAFCASS worker had not really helped or had made things worse. This is a higher percentage than for the remaining respondents, among whom 26 (35 per cent) made these comments.

Those wishing to go to court were also less likely to feel that they had been able to “have a say” (33 per cent compared to 48 per cent among the remainder of the respondents). Similarly those wishing to go to court were less likely to feel that they had been able to make any difference to the outcome (25 per cent compared to 43 per cent of the remainder of the respondents). However, none of these tendencies was statistically significant.

**Comments made by the young people who attended court**

“Scared and upset.” (Girl aged 11. Rule 9.5)

“At first I was scared.” (Girl aged 12)

“I went to the court and talked to one of the men that was working there. I felt a bit nervous and scared. I didn’t know what was happening.” (Girl aged 14)

“I was quite annoyed that I didn’t get to meet the judge and I didn’t like waiting outside the court room.” (Girl aged 15. Rule 9.5)

“Horrible place.” (Girl aged 14)

**Comments made by the young people who did not attend court, but would have liked to**

“I wanted to tell the judge that I wanted to live with my mum only – this was when I was seven, but I had to wait until I was 12.” (Boy aged 14)

“Nobody asked if I would like to go to court.” (Girl aged 15)

“I wasn’t allowed to go, that annoyed me.” (Girl aged 15)

“I felt very upset because the CAFCASS officer said I couldn’t go.” (Girl aged 12)

“I would have liked my say to go directly through to the judge, so he knows my views.” (Girl aged 15)

None of those who said that they did not wish to go to court added any further comment.
Would have liked a say at court: case cameo of “Debbie”

Debbie is 17 and lives with her mother. Her parents separated five years ago. She did not feel that her CAFCASS worker helped. She did not feel that she had been able to have a say, or that anything she had said had made a difference to what was decided. Friends had been her main source of support. Debbie says she was: “Taken to court by my dad, only to be told that the court house wasn’t the place for a young child. I wanted to go to voice my opinions on what was going on, but I wasn’t allowed to.”

Debbie now has “hardly any contact with my sister due to the fact that she lives with my dad and step-mum”. Among her wishes for the future are:

■ “to regain a friendship with my younger sister and to be welcomed into my dad’s house”.

Worried about going to court: case cameo of “Ed”

Ed is 15 and lives with his mother and siblings. His father “has caused my mom so much trouble” and Ed wants him “to stay out of our lives so we can all be happy”. Ed adds: “The CAFCASS lady was good at the start, but was only seeing my family for a short time. Then, just as we needed her the most, we never saw her again.”

Ed says that he did not want to go to court “in case my father was there”.

Mixed feelings about going to court: case cameo of “Fiona”

Fiona is 15 and lives with her mother and siblings. Her parents separated five years ago and Fiona has been represented under rule 9.5. She wrote a great deal about her views on the CAFCASS services she and her siblings had received. While she felt that she had been allowed to “have a say”, she was angry that her younger brother was made to see her father. She felt her second CAFCASS worker had not believed her. “Whatever I said, she would question me and say ‘Are you sure?’ really slowly as if I was really thick and making it all up.” While she was angry that her comments about her father’s behaviour did not seem to be believed, she felt her mother was being criticised by the CAFCASS worker for “being stressed about everything in front of me”.

Fiona did not go to court and writes: “I didn’t actually know it was an option, but I would have gone if I knew.” She added: “I hated it when my mum went to court, because we were always scared that someone would come to take my brother away.”
8 Informal support

Respondents were asked who – aside from the professionals mentioned earlier in the questionnaire – had offered help and support during or after the separation. They were asked to tick from a list of likely people and to give two ticks if the support had been very good.

| Table 17  Sources of family and informal support |
|-----------------|----------------|-----------------------------|
|                | Helpful | Very helpful | Number of mentions as a percentage of all 141 respondents |
| Mother         | 66     | 20            | 61%                          |
| Father         | 42     | 12            | 38%                          |
| Grandparents   | 52     | 14            | 47%                          |
| Brother/sister | 50     | 4             | 42%*                         |
| Friends        | 65     | 10            | 53%                          |
| Parents of friends | 17 | 3             | 14%                          |
| Teachers       | 38     | 4             | 29%                          |
| Other school staff | 18  | 2             | 14%                          |
| Adults in club/team | 7 | 1             | 6%                           |
| Doctor or health worker | 8  | 1             | 6%                           |
| Someone else   | 21     | 5             | 18%**                        |
| Website/telephone helpline | 0  | 0             | –                            |

* Percentage out of the 128 who had siblings; the remaining 13 were only children.
** Respondents were not asked who the “other” person was, but some respondents offered this information. Some mentioned the mother’s partner or stepfather (five times), stepmother (three times), aunt or uncle (four times), step-grandparents (once) and pets (once).

Very close family members were the main source of support for the children and young people in the survey who were experiencing the separation of their parents, with one or other parent, grandparents and siblings being cited most frequently. Step-parents also received favourable mentions, with no negative comments being made at all. This also extended to the less formal category of a parent’s new partner or boy/girlfriend.

Outside the immediate family the importance of friends – both in response to this question and elsewhere in the questionnaire, as well as in the free-text comments – is apparent. The role of teachers and other school staff in offering help and support is also encouraging. This may be a provision that could be encouraged and expanded.

In an age of internet/mobile phone use, it was surprising that no one mentioned obtaining help from a website or from a telephone helpline. Many organisations commit large resources to the development of online advice sites, and it is known that they are frequently accessed. It was expected that some of our respondents would have used them.
A variable was computed from the question on “other help”, which counted the number of sources of help the respondent had ticked. The number of sources ranged from zero to eight, with most respondents ticking two, three or four sources (33, 28 and 29 mentions respectively).

The average number of sources mentioned was 3.3. On average, girls named 3.5 sources, while boys acknowledged three sources of help. (This is not a statistically significant difference, nor was there any statistical association between the number of sources accessed and the age of the respondent.)

Comments: (respondents were asked who had helped, so comments are invariably positive)

“My older sister helped me and said I could go round her house whenever.”
“My dad helped me a lot.”
“Grandparents were fantastic.”
“Mum always there.”
“Someone who is in the same kind of situation, like a brother/sister are great help.”
“My step-mum helped.”
“My step-dad is great.”
“Uncle helped me: he listened to me.”
“My auntie was my biggest strength. She provided me with a home to go to whenever things got tough.”
“Friends.”
“My teacher was the most helpful because she was someone, who wasn’t a relative, whose parents had split up. She understood how I felt and listened.”
“Teachers are easy to talk to.”
“My cat and dog helped me.”
“Everyone helped me get through.”
“They were kind while you were getting to grips with things.”
“No, I coped perfectly well by myself.”
9 Views on residence arrangements and contact with adult family members

Respondents were asked about their contact with various family members and friends, and particularly if they saw enough of the people with whom they wished to be in contact. The findings regarding sibling contact are discussed in section 10. In this section of the report, the responses are analysed separately, according to whether the child or young person was living with their mother or father.

9.1 Respondents living with their mother

Eighty-six children and young people were living with their mother and, of these, 32 (37 per cent) reported that they saw as much of their father as they wished. However, ten (12 per cent) of this group of 86 respondents answered that they did not see as much of their father as they would have liked.

Not seeing (or not seeing enough of) a parent the young person wishes to see: case cameo of “Isabelle”

Isabelle is 12 and lives with her mother. Her parents separated four years ago. She was “upset” by her CAFCASS worker, and felt that things she and her younger brother said were passed back to her mother. She thought that her CAFCASS worker had “made things worse” and that having a say had not made a difference to what was decided.

Isabelle writes: “I only see my dad once a month from Friday to Sunday and I’d like to spend more time with my dad.” She would also like to see more of her grandparents on her father’s side.

The remaining 44 included those who did not wish to see their father. An 11-year-old girl wrote: “I don’t see my dad any more because I chose not to”; and a 15-year-old girl wanted “my father to stay out of my life and to leave me alone”; while a 12-year-old girl, represented under rule 9.5, wrote: “I’d like my dad to stop pestering me to see him.”

Not wanting to see parent: case cameo of “Jack”

Jack is 14 and lives with his mother, and says “my step-dad is great”. He found a voluntary agency worker helpful, but not his CAFCASS worker. He would have liked to have seen the judge: “I wanted to tell the judge that I wanted to live with my mum only.” He used to see his dad “every week, but now not at all. Thank God! I HATE HIM!”.

He does, however, still “go to family parties etc on my real dad’s side”. He is adamant that:

- “children should not be made to see people they don’t want to”;
- “I will see people on my terms, not theirs”;
- he wants “people to leave me alone to live my own life”.

43 Your shout too!
There is some indication that desired links with paternal grandparents are being lost when the child lives with their mother. While 25 (29 per cent) saw as much of their paternal grandparents as they wished to an almost equal number, 24 (28 per cent), reported that they did not see enough of them. A girl aged 11, living with her mother, said about her paternal grandmother: “I would like to see more of my nan in [name of city] and I want her phone number.”

Another 11-year-old girl, living with her mother, said: “On my dads family side, I would like to see more of some relatives.”

For the remaining 37, the question may be inappropriate, for example, if the grandparents have died. Alternatively the respondents may have chosen not to answer the question, or they may not wish to see the grandparents on their father’s side.

“Do not want to see [grandparents on dad’s side] because I hate them and do not trust them. They call my mom names.”

Among the respondents who were living with their mother, eight (9 per cent) did not see enough of a sibling.

9.2 Respondents living with their father

There were 40 children and young people living with their father and, of these, 15 (38 per cent) reported that they saw as much of their mother as they wished. However, nine (23 per cent) of this group of respondents answered that they did not see as much of their mother as they would have liked.

The remaining 16 included those who did not wish to see their mother. For example, a 12-year-old girl commented “I do not want to see my mam again”, and another wanted “me mum to go away and leave me alone, 'cos she keeps harassing us”.

Similar to the situation above, there is some indication that desired links with maternal grandparents are being lost when the child lives with their father. While 15 (38 per cent) saw as much of their maternal grandparents as they wished, 13 (33 per cent) reported that they did not see enough of them: “I live full-time with my dad. Though I’m unable to see my nan [Mum’s side], my dad lets me keep in contact with her through phone calls and letters. There have been times whenever she is in [name of city] he wouldn’t mind her coming over for dinner. This is something I don’t want my mum finding out because she would pressure my nan.”

For the remaining 12, the question may have been inappropriate, for example, if the grandparents have died. Alternatively the respondents may have chosen not to answer, or they may not wish to see the grandparents on their mother’s side.

Nine of the children and young people living with their fathers did not see enough of a sibling, which represents 23 per cent of this group. This is a higher percentage than among those living with their mother, although overall numbers are small.
9.3 Contact arrangements

The children and young people were asked whether they were satisfied with the arrangements to see their non-resident parent or other relatives. Nearly two-thirds of respondents (62 per cent) indicated that the contact arrangements were satisfactory, with another 24 per cent being mostly satisfied.

Table 18 Are respondents satisfied with their contact arrangements?

<table>
<thead>
<tr>
<th>Number of responses</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes 82 (62%)</td>
</tr>
<tr>
<td>Mostly 31 (24%)</td>
</tr>
<tr>
<td>No 15 (11%)</td>
</tr>
<tr>
<td>Don’t know 4 (3%)</td>
</tr>
</tbody>
</table>

(132 responses to question)

Figure 5 Respondents’ views on contact with their relatives

Reinforcing the pattern discussed above regarding with which parent the respondent lived, 21 per cent of those living with their father said that their contact arrangements were not satisfactory, compared to only six per cent of those living with their mother.

There is some indication that the boys were rather more satisfied with their current contact arrangements than were the girls. A higher percentage rated their arrangements “OK” and only three boys stated that they were not satisfactory, as compared to 12 (14 per cent) of the girls.
Table 19  Satisfaction with contact arrangements by gender

<table>
<thead>
<tr>
<th>Are arrangements OK?</th>
<th>Boys</th>
<th>Girls</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>31 (71%)</td>
<td>51 (58%)</td>
</tr>
<tr>
<td>Moody</td>
<td>10 (23%)</td>
<td>21 (24%)</td>
</tr>
<tr>
<td>No</td>
<td>3 (7%)</td>
<td>12 (14%)</td>
</tr>
<tr>
<td>Don’t know</td>
<td>0</td>
<td>4 (5%)</td>
</tr>
</tbody>
</table>

(132 responses to question)

In addition, older respondents were more satisfied with their contact arrangements, with three-quarters rating them as satisfactory. On the other hand, 13 respondents aged 13 and younger stated that their contact arrangements were not satisfactory, which represented 16 per cent of this age group. These differences are statistically significant.

Table 20  Satisfaction with contact arrangements by age of respondent

<table>
<thead>
<tr>
<th>Are arrangements OK?</th>
<th>Respondents aged 13 and younger</th>
<th>Respondents aged 14 and older</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>44 (54%)</td>
<td>38 (74%)</td>
</tr>
<tr>
<td>Moody</td>
<td>20 (25%)</td>
<td>11 (22%)</td>
</tr>
<tr>
<td>No</td>
<td>13 (16%)</td>
<td>2 (4%)</td>
</tr>
<tr>
<td>Don’t know</td>
<td>4 (5%)</td>
<td>0</td>
</tr>
</tbody>
</table>

(132 responses to question)

Additional comments made by the children and young people raised various issues arising from contact. They concerned how they spent their time when visiting the non-resident parent, and how they negotiated the difficulties which might arise on visits, specifically in regard to talking about the other parent.

“I get bored at my mum’s, so I don’t want to go as much.”

“Sometimes it’s difficult to see friends when it’s my dad’s ‘time’, which was frustrating when younger.”

“They shouldn’t talk to their mum about their dad because it’s going to cause arguments If their mum and dad have split up and are in a different area they should go and see them, but they shouldn’t say anything.”

“My parents don’t want to talk to each other so we [the children] have to be the messengers.”

“Don’t take sides.”
One 13-year-old boy wanted to have greater flexibility and choice over whom he saw and when.

“Be able to choose when I see anyone, like have an overnight stop at Mum’s one night then choose if I want to go and see Dad even if the court says I have to go.”

While only two respondents wished that “my mum and dad could get back together”, 10 wanted their “parents to get along better”. An 18-year-old wanted her “parents to be friends and talk and be civil to each other without fighting/arguing”. A 14-year-old girl wished for her “mum and dad to be able to contact each other to make arrangements and for them both to support me”. A 12-year-old wrote:

“Right, I would like my mum and dad to act like they still like each other around me. As long as they don’t argue around me.”

### 9.4 Residence arrangements

The level of satisfaction with residence arrangements was generally higher than that with contact arrangements, with 95 per cent of respondents being either satisfied, or mostly satisfied, with arrangements regarding where and with whom they lived.

#### Table 21 Are respondents satisfied with their residence arrangements?

<table>
<thead>
<tr>
<th>Number of responses</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes 117 (85%)</td>
</tr>
<tr>
<td>Mostly 14 (10%)</td>
</tr>
<tr>
<td>No 4 (3%)</td>
</tr>
<tr>
<td>Don’t know 3 (2%)</td>
</tr>
</tbody>
</table>

(138 responses to question)

#### Figure 6 Respondents’ views on their residence arrangements

When the girls’ and boys’ responses are considered separately, the boys are again more satisfied with their current arrangements in relation to residence.
Table 22  Satisfaction with residence arrangements by gender

<table>
<thead>
<tr>
<th></th>
<th>Boys</th>
<th>Girls</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>42 (91%)</td>
<td>75 (82%)</td>
</tr>
<tr>
<td>Mostly</td>
<td>3 (7%)</td>
<td>11 (12%)</td>
</tr>
<tr>
<td>No</td>
<td>1 (2%)</td>
<td>3 (3%)</td>
</tr>
<tr>
<td>Don’t know</td>
<td>0 (0%)</td>
<td>3 (3%)</td>
</tr>
</tbody>
</table>

(138 responses to question)

The older group of respondents aged 14 and older are again rather more satisfied with their arrangements regarding residence than the younger age group. However, since satisfaction levels are generally high, the differences are not marked.

Satisfaction with residence and contact arrangements: case cameo of “Karl”

Karl is 12 and lives with his mum. He found his CAFCASS worker “very helpful” and felt supported by both his parents, siblings, friends and teachers during and after the separation. His message for other young people was that “even if your parents don’t love each other any more, they still love you.” He is happy with the residence and contact arrangements and added: “I live with my mum and see my dad. I think the system works.”

“Karl” is representative of a group of children and young people who replied to the penultimate question of the survey – “What things would you like to happen in your life in the future?” – in a particularly positive way. Thirteen respondents were pleased with their current post-separation situation and arrangements, and wanted their lives to remain stable and happy. Some of their comments are listed below.

“Everything stay the same.” (Rule 9.5)
“I am happy with everything the way it is.”
“Family-wise everything is how I want it to be.”
“I am happy with my life as it is and I hope it stays like it.”
“I would like my life to stay the same. I am happy with my life and where I am living.”
“I can now become the doctor I wanted to become, thanks to this separation and divorce. I now love life whereas before I didn’t. If it stays as happy and optimistic as it is now, I will be content with my life in the future. That is what I would like.”
“Carry on being happy.”
10 Contact with siblings

Over 90 per cent of respondents have siblings, with just 13 “only children” replying to the questionnaire. Twenty respondents (16 per cent of those who have siblings) indicated that they did not see enough of siblings who were resident elsewhere. However, the question is not detailed enough to be able to conclude that all of this group are split from a sibling by the parental divorce. For example, a teenager might have an older sibling at university, or working away from home, and the young person might not see enough of him or her for that reason.

Comments about siblings were made in response to various questions in the survey. Siblings emerge as important providers of support during the proceedings; they are, after all, in the same situation, although their needs or wishes may be different. A 15-year-old girl represented under rule 9.5 commented:

“Don’t try to shut your friends and family out no matter what; especially not your brothers and sisters.”

Of the 128 with siblings, 54 (42 per cent) mentioned them as providing help and support. It might be expected that respondents with much younger siblings would not count upon them for support, so the real level of support from older or similarly aged siblings is undoubtedly higher than 42 per cent. Two respondents mentioned that a much older sister, living independently away from home, provided a “bolt hole” if required:

“My older sister helped me and said I could go round her house whenever.”

Particularly if the respondent were an older sibling, he or she could feel an added responsibility towards a younger sibling and feel the need to be the “strong” person whom the younger child could rely upon. This could be quite a burden for the child or young person, as shown by this comment from a 16-year-old girl:

“Don’t be afraid to let out your emotions because you can’t always be strong – most applicable to those with younger siblings.”

Importance of siblings: case cameo of “Grace”

Grace is 18 and lives with her mother and sibling. She saw a solicitor, counsellor, mediator and CAFCASS worker and, apart from the mediator, all were helpful. Grace felt she could have a say and that it made some difference to what was decided. Her CAFCASS worker explained things “really well”, took her “comments into account, and made it clear he was working for us and not our parents, which was very reassuring”.

She wrote: “Due to individual circumstances I am very happy with the arrangements which have been made for me and my sibling. I see the people who matter to me and that’s all that counts.”

Among her tips for other young people is this comment:

“For siblings it’s best to stick together and try and help each other through the tough time rather than argue, as it makes matters worse.”
While providing mutual support, the presence of a sibling could lead to complex contact arrangements, which might entail being split from a brother or sister, causing distress to the child or young person. Restructured families, involving step- and half-relationships, pose particular challenges for keeping in contact with step-siblings or half-siblings. One 12-year-old girl wrote:

“Miss my stepbrother who is with my mam, who doesn’t see us at all.”

As mentioned in the previous section, 23 per cent of the respondents who were living with their father reported that they did not see enough of their siblings. This is higher than the 9 per cent of respondents living with their mother who reported similar problems.

**siblings split: case cameo of “helen”**

Helen is 14 and lives with her dad. She feels that she had some say about the decisions made and that her CAFCASS worker helped her to live with the person she wanted. However, Helen is separated from her brother, who lives with her mum.

She felt strongly that “a lot of things I told the CAFCASS about my mum were left out of the report and so my brother still has to live with her. I only see him every two weeks. I ring my brother every day”, but her mum “never phones or speaks to me”. Her wish for the future is for “my brother to live with me and my dad, ’cos my mum ignores him and does not care about him”.

Siblings may have different needs and wishes. One respondent (aged 12 and a rule 9.5 case) could see that her wishes were not necessarily the same as those of her siblings, and it would appear that CAFCASS had helped her explore the options and enabled her to make her own decisions regarding arrangements. She wrote that her CAFCASS worker:

“Helped me say that I did not want the same thing as my little sisters.”

Respondents could have split loyalties to different siblings, and one 12-year-old boy (represented under rule 9.5) had decided on his own way of keeping in touch with both brothers and with wider family members:

“I felt like I was helping my brothers by saying to (named CAFCASS worker) one week with my mum, then one week with my dad, because one of my brothers lives with my dad and one with my mom. I see all of my family at different times. I see my dad’s part of the family when I am with him and my mom’s part of the family when I am with her.”

Loyalty to, and feeling responsible for, a younger sibling could lead the child or young person to speak up on behalf of the sibling. This could pose problems as the CAFCASS worker tried to independently elicit the younger sibling’s views, while the older sibling felt his/her knowledge of the situation, and of the sibling, was ignored:

“The lady from CAFCASS upset me lots, as she accused me of making up my sister’s mind for her. I DIDN’T.”
Comments made by the young people about contact with siblings

“I want my brother to come home and live with me, my mum and sister.”
“I see enough of everyone except my brothers.”
“They listened to me about where I wanted to live but my sister had to stay behind and I don’t like that. I would like my sister to be here with us so we are a proper family and for us all to have the same name and not go to the other house any more.”
“I now hardly have any contact with my sister due to the fact that she now lives with my dad and step-mum. But the separation has made me and Mum closer.”
 “[CAFCASS] wasn’t able to make my mum change her mind about me seeing my sister and now I don’t see her. I would like to see my sister.”
“He seemed to make an easy decision and place my brother with my mother as this is what she wanted. I would like someone who knows what they are doing to review the situation again and move my brother to the place where he belongs and not with the person who caused this to happen.”
11 Other changes: school and house moves

Replies as to whether the young person had moved house and/or school were amalgamated to give an indication of disruption (over and above the parental split) in the child’s life. These are shown below, ranging from “no moves” to “moves both to a new school and to a new house away from the child’s original home area”:

| No moves                                           | 44  (32%) |
| “Moving-up” school only                          | 9   (7%)  |
| Same area house move only                        | 18  (13%) |
| “Moving-up” school – same area house move         | 5   (4%)  |
| New area school move only                        | 4   (3%)  |
| New area house move only                         | 14  (10%) |
| New area school – same area house move            | 7   (5%)  |
| “Moving-up” school – new area house move          | 4   (3%)  |
| Moves to both new area school and new area house | 31  (23%) |

(136 responses to question)

Approximately a third of respondents had experienced no moves of either house or school, and a further 7 per cent had just routinely moved up from primary to secondary education within the same area. However, nearly a quarter of the respondents, 31 children and young people, had moved to a new area, involving both a house move and a move to a new school, and the loss of previous friends. While a third of those now living with their mother had moved house to a new area, this percentage rose to 46 per cent for those now living with their father.

The remaining group, comprising 38 per cent of respondents, had experienced some combination of house and/or school move, either within the area or to a new area.

Many moves/disruption: case cameo of “Lucy”

Lucy is an 11-year-old living with her mother. She has been represented under rule 9.5. Lucy wrote: “We had three different CAFCASS. First didn’t do anything, second made it worse. Third made it much better.” (The third is presumed to be a rule 9.5 guardian.) Lucy went to court but was “scared and upset”, and does not see enough of her brothers. She has moved house to a new area and moved schools twice.

On occasions, though, moving could provide a “fresh start”. One 12-year-old girl had moved house and school, both into a new area. She said: “I’m fine living with Dad, I’m happy. I didn’t have much friends [in previous place], but I have lots more here.”

“I have been to four different houses. It’s quite hard.” (However, for this young person there had been no school moves, and school had represented a constant in her life. She added: “Luckily I love my school.”)

“I have moved school twice.” (Rule 9.5 respondent)

 “[Moved house] twice because my [father] made us homeless.”

“I moved house for about a year and then moved back with my dad again in a different house.”
12 Hopes and aspirations of the respondents

The penultimate question of the survey asked the children and young people: “What things would you like to happen in your life in the future?” This was interpreted in a variety of ways, and allowed the children and young people to air their hopes, ambitions, worries and frustrations. Seventy-seven (55 per cent) of the respondents chose to write comments in the blank box provided, and some gave very full answers touching upon a number of aspects in their lives. In all, 95 comments were made by the 75 children and young people, and a number of common themes emerged, which have been grouped in Table 23.

Twenty-four respondents mentioned school or career aspirations, doing well in GCSEs and/or A-levels, maybe going on to university and having a “good job”. The respondents included three would-be pilots, three lawyers, a teacher, a doctor, an owner of her own hairdressing salon and a young person who wanted to work with horses. Sporting ambitions also featured, with one respondent hoping to make the British team for tae kwon do, another wanted to be a show jumper and a third a footballer. One boy simply wanted to become a “multi-billionaire”. Eight respondents just wanted to enjoy themselves: to “go out with mates”, have a “fun life” and “lots of friends – and still have my old friends”.

Finding “someone special”, getting married and having children also figured in five young women’s replies, one of whom concluded with a heartfelt wish.

“I really want to travel the world, have a good career, get married and have children. But I don’t want to get divorced.”

Other respondents chose to interpret the question as referring specifically to the post-separation situation and arrangements, and there were a number of different aspects to their hopes. These issues have already been referred to in sections 6 and 9, and relate to contact and residence arrangements, and the extent to which young people had felt consulted.

Table 23 Hopes for the future: common themes identified

<table>
<thead>
<tr>
<th>Number of mentions</th>
<th>Percentage of total mentions</th>
</tr>
</thead>
<tbody>
<tr>
<td>25</td>
<td>26%</td>
</tr>
<tr>
<td>5</td>
<td>5%</td>
</tr>
<tr>
<td>8</td>
<td>8%</td>
</tr>
<tr>
<td>13</td>
<td>14%</td>
</tr>
<tr>
<td>13</td>
<td>14%</td>
</tr>
<tr>
<td>9</td>
<td>9%</td>
</tr>
<tr>
<td>11</td>
<td>12%</td>
</tr>
<tr>
<td>5</td>
<td>5%</td>
</tr>
<tr>
<td>4</td>
<td>4%</td>
</tr>
<tr>
<td>2</td>
<td>2%</td>
</tr>
</tbody>
</table>

(95 comments from 75 respondents)
13 Cross-cutting issues

13.1 Children as family managers, negotiators and peacemakers

The survey responses showed a picture of children effectively managing the tensions in their particular family situation by attempting to protect the sensitivities of their parents, sometimes at the expense of their own wishes and needs. Many demonstrated remarkable generosity in falling in with what is essentially an adult’s rather than a child’s agenda. Some of the qualitative unstructured responses from the children about their future life plans and aspirations were particularly illuminating.

“I would like to see more of my grandparents, but they fell out with my mum so we don’t ever see them.”

“My father wasn’t and still isn’t happy with the arrangements and this has caused problems. My parents don’t want to talk to each other so we [the children] have to be the messengers. However, I am happy with how the arrangements are. Sometimes it’s difficult to see friends when it’s my dad’s ‘time’, which was frustrating when younger.”

“We are having to sell the house I have lived in all my life because of this.”

Just like the children in the first Your shout! survey of children in public law proceedings, many of the children in this survey displayed an enviable maturity.

“I would like to fulfil my ambitions and find someone special and build a close family and be the best mother I can be. Before all this it would be a good idea to get the grades I need in my GCSEs and A levels.”

13.2 Ways in which children initiate change

Linked to the above is the question of how the children in our survey could have initiated change in the residence and contact arrangements made for them by their parents and the courts. None of the children demonstrated any awareness of anything they could do themselves to change or instigate a review of their situation although some were clearly dissatisfied.

“I would like my last name changed.”

“I would like to get rid of my court order so that my dad doesn’t have control over me any more.” (Rule 9.5 respondent)

“I want my brother to live with me and my dad, ’cos my mother ignores him and does not care about him. She just wants the CSA money for her cigarettes and drink.”

Although the Children Act 1989 allows for the theoretical possibility of children taking cases back to court, in practical terms the complexity of the process constitutes an obstacle course, which would defeat all but a truly exceptionally competent child. The sense that there is little they can do of their own volition may contribute to the feelings of powerlessness and distress felt by some children who are marooned in the middle of acrimonious and protracted parental disputes.
13.3 The emotional wellbeing of the young people, and the behaviour and emotional health of the parents

When a postal survey methodology is used, it is inappropriate to seek information about emotional wellbeing. If sought, however, responses are difficult to interpret because of different interpretations placed by the respondents in the way questions are worded. With this short survey, we did not have any tick-box questions on wellbeing. However, some of the respondents gave us information about their feelings and wellbeing. From the responses of other respondents, feelings of anger or anxiety (towards or about parents or extended family members) were sometimes strongly articulated. From the answers of other respondents, there was a general impression of sadness and even helplessness towards making a difference to things.

The following two 14-year-old girls were still having problems coping emotionally with the separation proceedings and subsequent situation.

“[I would like] to stop shouting and losing my temper with everyone.”

“I would like to settle down within myself, because I feel very uncomfortable.”

There were also responses that made it clear some of our respondents had had to contend, or were still trying to cope, with the emotional difficulties or unreasonable or abusive behaviour of a parent. The following young woman was still hoping that some help might be offered to her mother who was clearly still in a very distressed state.

“My so-called father has caused my mum so much trouble I can’t stand seeing her cry any more. My mum had to beg for help for us, which our GP is now trying to get.”

A teenage girl, apparently writing about a decision about a younger sibling, was critical of the FCA and the court’s decision.

“They let an 11-year-old live with an alcoholic! Idiot!”

Much has been written about the issue of resident parents, or other close relatives, whose implacable hostility to the child’s other parent makes it difficult for them to help the child make appropriate contact arrangements. The language of implacable hostility is contested. Professionals and researchers well know of obstacles placed by a minority of resident parents in the way of contact with apparently reasonable parents. Similarly, even leaving aside the question of actual violence, non-resident parents can make it impossible for satisfactory contact arrangements to be achieved by their continuing hostility to the resident parent. In some cases, one parent, or both, may have serious emotional or mental health problems that make it highly unlikely that they will be able to put the needs and wishes of their children first. Reading between the lines of some of the responses, some of our respondents had parents with such problems. Less has been written about the equally important situation when a child, for no reason in terms of parental behaviour or risk factors, becomes implacably hostile to the non-resident parent.

It is clear from most of the responses of those who did not wish to see an absent parent that the past or present behaviour of the parent gave very good cause for this response. It is impossible for us to know from our questionnaires whether this was the case, but there were write-in responses that might have fitted with the profile. (Indeed this is to be expected since the possibility of a child not being safe with one of the parents is a major trigger for the ordering of a report.)
13.4 Continuity, disruption and complexity

While most of the respondents (61 per cent) were living with their mothers, 28 per cent of both girls and boys lived with their father. Having a different mother or father from other siblings made for particularly complex residence and contact arrangements, and it may well be that the possibility of split residence arrangements had been one of the reasons why FCA reports were ordered in these cases. Certainly, from the qualitative comments, the fact that a sizeable minority said they did not see enough of a sibling living elsewhere was a contributory factor towards dissatisfaction with arrangements.

While not claiming that this would be a universal finding for all section 7 or rule 9.5 young people, our group of respondents did show a statistically significant difference in their views of their contact arrangements depending on with which parent they were living. Young people who were living with their father reported less contact with siblings and their maternal grandparents than did those who were living with their mother, who answered about their father and paternal grandparents. In the latter group, 23 per cent did not see enough of a sibling, 23 per cent did not see as much of their mother as they would like, and 33 per cent did not see as much of their maternal grandparents as they would have wished.

However, caution is required when interpreting this finding, as factors are interrelated. For example, nearly half of those living with their father had moved house to a new area: a higher proportion than for those who were living with their mother. Contact problems are likely in some of these cases to have less to do with living with the father, but rather might result from, or be aggravated by, the moves that those children living with their father experience.

13.5 Satisfaction with the services and arrangements

Our study was primarily concerned with seeking the views of children and young people about the services and other sources of support available to them. We also asked about their satisfaction with the arrangements, so that we could have an idea whether we had managed to include in the sample some who were generally satisfied with how things were working out for them and others who were not. In the context of the responses to this survey, there are three aspects to the concept of satisfaction which it is important to distinguish. The first two concern the services offered or actually provided:

■ To what extent are the young people left unsatisfied by what was on offer to help them over this period in their lives? This might mean that services, although provided, were not the services that the young person considered appropriate.

■ To what extent are the young people dissatisfied with the professional service actually provided because it was not sufficiently competent in their view, although needed?

Being unsatisfied is defined in this context as expressing a need for a service, where this need was not being met, or not fully met. Despite our sample being selected by CAFCASS from their case records, a small number of respondents replied that no one in a professional capacity had helped them. A larger number, 31 young people (23 per cent), believed that their CAFCASS worker had not spent enough time with them, or that the service had not continued long enough. One 15-year-old wrote:

“Since the CAFCASS officer finished their report my mum, me, my brother and sister have received no support or help from anyone.”
Satisfaction with the service received is discussed at various points in this report. Overall, half of all respondents found their CAFCASS worker either helpful or very helpful; 62 per cent thought that their worker had explained matters well, and 57 per cent thought that their worker had helped to “make things better” for them. However, a significant minority of 45 young people (33 per cent) responded that their CAFCASS worker had not really helped them, and a smaller number, 13 (10 per cent), thought that their worker had made matters worse. In addition, 33 respondents (24 per cent) thought that their CAFCASS worker had not adequately explained what was happening in terms of court procedures and potential outcomes. The young people expressed dissatisfaction about not being listened to, not having their wishes acted upon, being patronised, a lack of confidentiality and being pressurised to maintain contact with someone they did not wish to see.

The third aspect of satisfaction was:

- To what extent are the young people satisfied with the court decisions and the outcomes in relation to residence and contact?

As was discussed earlier in relation to table 18, while 95 per cent of respondents were wholly or mostly satisfied with their residence arrangements, only 62 per cent were satisfied with contact arrangements, and a further 24 per cent were mostly satisfied.

We combined answers to various parts of the questionnaire to obtain researcher ratings of “satisfaction with the professional service on offer”, “satisfaction with the ensuing contact and residence arrangements”, and “satisfaction with the degree of involvement” the young person was allowed to have in the process. Being satisfied with the service from the professionals was linked to satisfaction with the degree of involvement. However, satisfaction with outcomes was linked neither to satisfaction with the professional service nor to satisfaction with the degree of involvement.

In other words, a young person who was satisfied with his/her contact and residence arrangements was as likely to be satisfied as dissatisfied with the professional help offered, and as likely to feel involved in the process as excluded from the process. We return to this point in our conclusions.

### 13.6 What makes a difference?

This leads to the question that arises from similar studies that seek to tease out any associations between the quality of service and the outcomes for the child or parents (see also Thoburn et al, 2000, who found that those who received a continuing family support service had worse outcomes on average than those who did not). If satisfaction with services (and therefore quality of services) is not associated with greater satisfaction with the outcomes, what is the point of providing anything other than minimum level services? In looking again at the profiles of these young people that emerged from the totality of their answers, a way of understanding this lack of fit between quality of service and quality of outcome emerges. It is not unreasonable to hypothesise that young people still suffering emotional distress – with a mentally ill parent or one with personality or relationship difficulties, or whose parents (or themselves) have developed a strong hostility to a partner or parent with whom they are no longer living – will be less satisfied with their current living and contact arrangements. In such situations, even a very highly skilled and empathic report-writing service is unlikely to be associated with satisfaction with arrangements.
In looking at what makes a difference, our findings fit with similar studies both of children and young people coping with family breakdown, and others in situations that make them vulnerable. There are variables around:

■ The child, summarised in the research on resilience (Howe et al, 1999). For complex reasons, some children and young people are more resilient than others and more able to make the best of a situation. Even for the majority of “heavier-end” cases – which needed a court report – respondents gave indications of resilience in their answers (although it is likely that more of the resilient children were among our sample).

■ The parents: one or both may be emotionally vulnerable and unable to help their child through the trauma of separation and court proceedings.

■ The relationships within the family preceding and during marriage break-up.

■ The context, including the availability of supportive others, the happy circumstance of a new partner being supportive and understanding the complexity of the child’s attachments, and having the minimum number of changes to other established relationships. This is also linked to resilience, as the resilient child tends to have more friends and engages more easily with a parent’s new partner.

■ Services from professionals, including the GP, teacher, priest and youth leader.

■ The professional service provided by the courts, including the services of the FCA who writes the report.

■ Other support services related to the problems resulting from parental separation, which are available before, during and after the court processes.

The variables having the biggest impact on satisfaction with the arrangements (and on wellbeing generally) are the first three, with the contextual factors also having an important impact. The service variables cannot be expected to turn around cases where there are adverse personal and relationship characteristics.

To answer our question about why service quality is important, our conclusion, supported by the young people’s responses, is that it can make a bad situation bearable; even resilient children find that it helps them through to the other side during this distressing time in their lives. For the resilient children with parents and others who can recognise their needs and help them through (even though adjudication may be needed to help them to get to that point), the sensitive assessment and report-writing service provided by some of these FCAs was sufficient. For others, it clearly was not and longer-term family support, mediation therapy and facilitated contact services were needed. It was clear from some of the answers that the brief intervention of the FCA had been “too little, too late” and that the continuing distress in the family had not been recognised and longer-term services had not been provided.
14 Key messages and conclusions

Before drawing out the key issues emerging from our findings, we come back to the note of caution referred to in our methodology section. Generalisations from this small sample are inappropriate since we cannot know how representative the responses are of those whose cases reach a court hearing, let alone the responses of those whose cases do not result in court adjudications. However, we feel some confidence in identifying key issues and make suggestions about future policy and practice directions, because our findings and conclusions are very similar to the studies we referred to earlier. The responses from our sample of 141 children demonstrated a great diversity of situation and attitude, both to their family situations and to the services received. Each young person had a unique experience and story to tell, and one model of service provision for this growing group of potentially vulnerable children will certainly not fit all. The survey demonstrates that, at least with respect to those whose cases go to court for adjudication, there is a need to make careful assessments of each child’s situation and the relative impact of different courses of action upon them.

There is now much greater awareness of the needs of the child at the centre of the proceedings, but discussion was largely confined to the involvement of children around the court process as a by-product of the process of parental separation. This has limited professional discussion and debate to questions of whether and how children should be involved in court conciliation processes, the ascertaining of their wishes and feelings for the purposes of producing a report to assist the judge, and their representation, or lack of it, in court. This is basically an adult agenda and some of the children in our survey were clearly puzzled by it. These decisions were obviously important to them, but so was the help available to them and their parents during times of stress before, during and after court proceedings.

In this concluding section we pick up on some of the key issues for policy and practice that emerge from the responses of the young people under the headings of “helping and support” services, “assessment and report writing”, and “representation and adjudication”. However, what also emerges is the importance of looking at these three aspects of the service as a whole, and especially of developing a nationally and locally coherent pattern of services, which is both fair and flexible and provides the appropriate combination of help at the stage when it will be most effective. The comments from the young people lead us to question whether the current deployment of the lion’s share of resources to professional interventions around the time of the court hearing may be at the expense of the development of a continuum of direct and indirect support services to children and young people. Clearly this also raises questions about the need for substantial new resources in order to develop such a national infrastructure.

14.1 Help and support outside the court system and over a longer timescale

Following our comments about complexity, there is a need for flexibility in the provision of support services, within a coherent broad framework for their deployment and delivery.

There is much evidence in this and other studies that at the time parents split up, and at times when problems between parents “flare up”, children of all ages suffer emotional stress, and that for some, the harm is significant and enduring. This evidence should lead the newly established Local Safeguarding Children’s Boards (on which CAFCASS is represented) to consider the services that should be available to this group of children...
at the various levels of need. They should especially note the importance of looking at
the service needs of siblings who become separated when their parents split up. More
specifically, some of the responses support the need for a framework of flexible services
to facilitate contact between separated family members. These should be available
following a needs-based assessment after court proceedings have ended, or for those
whose cases do not reach court.

There is much local and national activity under the general heading of “supporting
families”, but the particular needs of children suffering temporary or long-term harm
when their parents’ relationship ends appear not to be high on the priority list. Few, if
any, respondents appeared to have received a longer-term help and support service. If
services did exist in their areas, there was little evidence from their responses that they
were aware of them. To date, there has been something of a scatter-gun approach to
the provision of support and services. There have been highly rated and less well rated
initiatives, mostly focusing on mediation, conflict resolution, facilitated contact and
the provision of advice around the time of the break-up. There is little evidence of the
development of coherent policies at a national or local level as to how specialist services
for those whose problems endure longer can be made available on a longer-term basis.
This requires these children to be recognised, as advocated by the inspection report
(HMICA, 2006), as a group of “children in need”. In some cases this will require them
to be given higher priority for general family support, child counselling, and social and
mental health services, but some will need more specialist services provided by those
with specialist knowledge and expertise in this area of family work.

The impact on children of inter-partner violence has been recognised, but mainly
around the stage of assessment and decision-making rather than as one aspect of child
and family needs that services must meet.

An additional problem is that as Hawthorne et al (2002) found, parents act as
“gatekeepers” for many of the services aimed at children and so it is difficult to know
what is proving effective. The children in the Your shout too! survey showed very little
awareness of any services that they could access themselves. The lack of reference by any
children in our survey to the websites or helplines designed to provide information to
children and young people may indicate that better child-centred publicity is needed.

14.2 Ways in which children can initiate change

These longer-term services should ensure that avenues are open and clearly
sign-posted for children to seek professional advice if they wish to make changes to
contact, residence or other arrangements that are not working well for them. None
of the children in our study demonstrated any awareness that there was anything they
could do themselves to initiate change or review of existing arrangements. Theoretically,
“competent” young people may seek leave under section 10 of the Children Act 1989
to initiate their own variation of a residence or contact order. In practice, this happens
very rarely and the route is effectively blocked by complex procedures, including the
requirement for leave to do so from a high court judge. This may be one aspect of the
Children Act 1989 that should be looked at again so that a less complex and more cost-
effective way of changing arrangements can be devised. The ingrained culture of the
traditional professional welfare protectionist role, combined with an adversarial family
court, has inhibited our understanding of the central role children’s own views can
play in the improvement of outcomes for them. It has also compounded the feelings
of powerlessness commonly experienced by children in the face of parental separation
and family transformation over which they have no control.
Linked to the above is the question of the negative impact of long-running disputes on the lives of the children involved. We did not specifically ask about the length of proceedings and how long children had been involved in disputes concerning their residence and contact. However, the responses to the question about the length of time since parental separation and the “free-text” comments indicated that the conflict leading to the writing of some section 7 reports had been ongoing for several years, to the detriment of the children involved and to their family life and wellbeing. It is important to flag up these cases for further inquiry and to examine what steps to take in order to reach an earlier resolution.

As one would expect, in the case of children who had been involved in proceedings under rule 9.5, an appreciably longer time on average had elapsed since parental separation than was the case for those in the section 7 report group.

14.3 Assessment and report writing around the time of the court hearing

Shorter-term and more intensive services are needed for families as a whole, and for parents and children separately, at the time of separation and at other times when earlier conflicts flare up again. These need to be more fully integrated into the menu of services available in a locality so that there is continuity for the parents and children rather than duplication or (more likely) large gaps in the services available to them. As with services generally, the scatter-gun approach is also apparent with these specialist services. Despite the difficult circumstances some of these children wrote about, very few had any input into adult-based processes of mediation and conciliation. Some appear to have been seen as part of in-court conciliation or conflict resolutions projects. However, both children and family justice professionals need more clarity about the purpose and process of their participation.

There is now a growing body of research about what children and young people find helpful from those preparing reports and from those representing them in court, and this should be passed on to FCAs employed in training and supervision. Only one respondent ticked all six boxes identifying the ways in which her worker helped her and indicating that she was “extremely happy” with the outcome. Our findings indicate that a successful outcome for children may require a number of child-centred interventions for which listening to children is a prerequisite. Other necessary elements are the assessment of any risk, negotiation on the child’s behalf, and representation of their interests within families, within processes of extended dispute resolution and in court proceedings.

We have referred to the complexity of the role of the CAFCASS worker and here we highlight the importance of training, and case consultation and supervision. While it is important for the FCA preparing a report for the court to maintain a stance of neutrality with respect to the parents and other adult parties, much skill is needed in combining a “helping approach” with the report-writing duty. They need to engage all family members by taking the time to establish themselves as competent and trustworthy.

The comments of some of the children lead us to emphasise the importance of understanding and skills around respecting confidentiality. It appears that it was not made clear to some respondents what would and would not be shared with others. This is particularly relevant within the context of public consultation on the extent to which family courts should be opened up to greater public scrutiny. There are practice issues here for both CAFCASS and the courts in terms of what assurances and caveats can be given to children in order to avoid a breach of children’s trust and any potential exacerbation of their family difficulties. It is clearly important that children are given accurate information about this in explanatory leaflets, or other appropriate means of communication, as well as verbally at the start of discussions with a FCA.
14.4 Hearing the child’s views, court hearings and adjudication

While practitioners are largely united in their agreement that it is a “good thing” to listen to and consult with children, there is much less unanimity about the extent to which children should influence the decision-making. Most are clear that children’s views can rarely be determinative, but beyond that there are wide disparities of professional opinion and attitude towards the nature of children’s involvement. The situation in private law may be further complicated by the fact that many (possibly most) parents assume that what is best for them will be best for their children. Our findings, set alongside those of other studies, lend support to a continuation of efforts to find appropriate and flexible ways to ensure that children of all ages can have a say, independently of their parents, either directly or through a skilled FCA or children’s advocate. Some children, such as those in our survey who had been represented separately under rule 9.5, will need more than that. They will need someone both to carry out an investigation on their behalf and to give independent evidence in the adversarial proceedings that will determine the shape of their lives.

This is more likely to happen for those whose cases reach court than for the majority of children who have no contact with CAFCASS. Although it is not a formal judgement in these cases, decisions are taken and information and access routes are needed for those who are made unhappy by these arrangements. Again, this must be considered in the light of children’s inability to initiate change.

Our findings, with respect to children’s views about going to court, are an important addition to the growing body of literature indicating that some children do want to have the opportunity of putting their views directly to the judge. Others, however, do not and a clear message emerges that children should be involved in deciding how best their views can be made known to those responsible for making decisions.

14.5 Concluding comments

Just as earlier research on children involved in public law proceedings demonstrated that professional attention and the attendant allocation of resources diminish as a function of time that has elapsed since the court proceedings, our findings indicate that this is also the case for children involved in private law proceedings. The current system focuses on the process of separation and the regularisation of that process through the courts. Once that process is over and the parents and the courts are happy, or at least resigned to the outcome, their children become largely invisible.

Attitudes to children in public and private law proceedings in England and Wales have developed in different ways and at different speeds over the last 30 years. This is partly due to the reluctance of the state and family justice professionals to intervene in what are seen as private family matters. This has had the knock-on effect of severely limiting the amount of support and resources that children involved in private law proceedings have received.

Children in public and private law proceedings are no different from each other; their childhood, common needs and rights to be heard unite them. Children’s Rights Director Roger Morgan has referred to children’s views as “a rich and major source of highly relevant and useful advice for development and change in policies and practices about children’s services” (Morgan 2006). We agree, and consider that the quality of responses, especially the “free-text” comments, indicate that a survey methodology can be used alongside research interviews and the Viewpoint service evaluation project.

But we are left with a number of questions. The relationship between listening to children and improving outcomes for them is complex, requiring a range of skilled professional interventions for which listening is the prerequisite. However, it seems clear from our
findings that listening in itself is not enough. The big question now is: Are professionals and parents prepared to act on what children tell them in order to improve outcomes by allowing children to participate in decision-making and to be supported by services in ways that are meaningful to them?

There is also the question of the vast majority of children and young people whose parents separate and who do not resort to the courts to resolve their residence and contact disputes. Given what we now know about the potential for conflict of interest between children and their separating parents, do we need to be asking what is happening to the silent majority within the process of parental breakdown and family transformation?
Research summary

Your shout too! reports the findings from a research study that sought the views of children and young people involved in court proceedings following the separation of their parents. The survey addressed four key aspects of the young people’s experiences:

- their understanding of the court processes
- their satisfaction or otherwise with their level of involvement in the decision-making processes
- their satisfaction or otherwise with the professional services provided before and during court proceedings
- their satisfaction or otherwise with the residence and contact arrangements made.

A total of 71 area offices of CAFCASS participated in the research, by sending out the survey on behalf of the researchers. A package containing a questionnaire and explanatory leaflet for the young person, and an explanatory letter for the parent, was sent by a CAFCASS administrator to the resident parent of 1,552 children and young people about whom a section 7 report had been prepared within a six-month period in 2005. In addition a survey was sent to 138 (70 per cent) of the 198 young people, as identified by the participating area CAFCASS offices, who had been represented under rule 9.5 (Family Proceedings Rules 1991) by both a solicitor and a children’s guardian over a 12-month period in 2004/05. The 141 young people who returned the (anonymised) questionnaires are an 8 per cent sample of those to whom a questionnaire was sent. The response rate for the subset of rule 9.5 cases was slightly higher at 10 per cent.

Findings

The young people

- Ninety-three, or two-thirds, of the 141 respondents were female and 48 were male.
- Their ages ranged from 11–18 years, with an average age of 13 years and one month. The girls were on average six months older than the boys.
- There were three Asian respondents and three of mixed heritage.
- Ninety per cent had a half or full sibling, and just 13 answered that they were only children.
- The children’s parents separated between less than one year and 13 years before the questionnaires were completed, the most usual period being two years.
- Eighty-six of respondents (61 per cent) had their main residence with their mother, and 40 (28 per cent) with their father. Ten (7 per cent) had shared residence, and five were living with another relative.

Services and support

- Just under half (43 per cent) had seen one or more other professionals in addition to their CAFCASS worker, whose involvement triggered their inclusion in the survey.
- The other professional was most likely to be a solicitor, a social worker or a counsellor, and of these the solicitor was rated the most highly.
Teachers and other school staff were an important source of help and support.

No one mentioned accessing telephone helplines or relevant websites.

Sixty-one per cent of the young people considered that, taken as a whole, the services provided by professionals in response to their parents’ splitting up had been very helpful (16 per cent) or quite helpful (45 per cent). However, 11 (8 per cent) ticked that it had “made it worse”.

Informal support came from parent(s), friends, grandparents and siblings (ranked in order of frequency of mentions).

CAFCASS services

Fourteen respondents (10 per cent) had been represented under rule 9.5, and the report for the others was prepared under the provisions of section 7 of the Children Act 1989.

Approximately half the respondents thought that their CAFCASS worker had been helpful or very helpful.

Sixty-two per cent thought that their CAFCASS worker had explained the changes that were occurring or might occur in their family, and their options, really well or quite well.

All of the rule 9.5 group had understood the explanations given by the CAFCASS worker about court procedures and the changes that might take place in their lives.

The question of whether their CAFCASS worker had spent enough time with them elicited a large number of “don’t remember” or “not sure” responses (38 per cent of the total). Of the remainder there was a 60/40 split between “sufficient time” as opposed to “not enough time”.

Fifty-seven per cent thought that the input from the CAFCASS worker had made the situation better.

The younger age group, 11–13-year-olds, were more likely to think that their CAFCASS worker had helped “to make things better” for them. Boys were more likely than girls to think that their CAFCASS worker had helped “to make things better” for them. However, since more boys were in the younger group, it is not clear whether it is gender or age that is the relevant factor.

Respondents thought that the main ways in which their CAFCASS worker had helped were (ranked in order of frequency):

1. “By helping me to say what I wanted” 43 per cent
2. “By helping me to live with those I want to” 36 per cent
3. “By helping other people to listen to me” 21 per cent
4. “By helping me to feel safe” 13 per cent
5. “By helping my family talk to each other” 8 per cent
6. “By helping me to see the special people in my life” 6 per cent

(Respondents could tick as many aspects as they wished, hence the percentages add up to more than 100 per cent.)

There were differences between the older and the younger respondents, and between the girls and the boys, in terms of the above aspects of the service they most appreciated.
However, 24 per cent of respondents judged that their CAFCASS worker had not helped in any of the above six ways.

The respondents to Your shout too! ranked the six aspects of help in an identical manner to the young people who had participated in CAFCASS’s own Viewpoint survey in 2006.

Among the critical comments made about the CAFCASS service were:

- not being listened to properly
- issues around trust and confidentiality
- pressure to see a parent who the young person was reluctant to see
- on occasions feeling patronised, or being told things that the young person already knew.

“Having a say” and views about going to court

- Seventy-four per cent of respondents thought that they had been able to “have a say” about the arrangements being made for them after their parents’ separation.
- Fifty-five per cent thought that having the opportunity to give their opinion and state their wishes had made a difference to the outcome.
- Very few of the respondents had attended court (10 young people, representing 7.5 per cent of those who had answered the question).
- Two of the 10 who did attend court would have preferred not to.
- Of those who did not attend court, 60 per cent would not have wanted to.
- Of those who did not attend court, 40 per cent would have liked the opportunity to do so, and to have talked to the judge.

Satisfaction with residence and contact arrangements with the non-resident parent and other relatives

- There was a higher level of satisfaction with residence arrangements than with contact arrangements. For 85 per cent of the respondents, their residence arrangements were satisfactory, and mostly satisfactory for another 10 per cent. There were only four respondents for whom residence arrangements were not satisfactory.
- In general, contact arrangements for seeing the non-resident parent and/or other relatives were satisfactory for 62 per cent, and mostly satisfactory for a further 24 per cent. The remaining 14 per cent were dissatisfied with their contact arrangements.
- One in eight of those living with their mother did not see as much as they would have liked of their father, and one in four did not see as much as they would have liked of their paternal grandparents.
- One in four of those living with their father did not see as much as they would have liked of their mother, and one in three did not see as much as they would have liked of their maternal grandparents.
- Overall, 30 per cent of all respondents did not see as much of the grandparents (on the side of their non-resident parent) as they would have liked.
- Sixteen per cent of the respondents did not see enough of a sibling living elsewhere. Among these, the “write in” comments indicated that for an important minority this was a cause of sadness, anxiety and/or frustration.
More of the boys appeared confident (than was the case with the girls) that their views had made a difference to the outcome: 48 per cent of boys as compared to 27 per cent of girls. This was particularly apparent in the younger set of boys. Similarly, respondents aged 13 and under were more positive than those aged 14 or over that voicing their opinion and wishes had made a difference to the decisions (38 per cent as compared with 28 per cent).

**Stability and disruption**

- There was likely to be a high level of disruption in the young people’s lives, in addition to the divorce of the parents. Twenty-three per cent of the respondents had experienced both a house move and a change of school into a new geographic area since their parents’ separation.

- Another 38 per cent of respondents had experienced a house move or a change of school, excluding a standard school move from primary to secondary level.

- Young people living with their fathers were more likely to have experienced house and/or school moves than those living with their mother. This might in part explain why contact arrangements were rated as unsatisfactory more often by the young people who were living with their father.

- Only two respondents expressed a wish for their parents to get back together. Eleven other respondents wanted their parents to be civil to each other, at least in front of them, and wanted them to make contact arrangements without arguing.

**Key themes emerging from the research**

- The survey responses revealed a picture of young people attempting to deal with changes and balance the tensions in their lives. In common with the young people in the first *Your shout!* survey, many of the respondents demonstrated remarkable maturity. Their comments showed great care and concern for their parents, coupled with a desire to protect their sensitivities, sometimes at the expense of their own wishes and feelings.

- Following on from the above, there was a strong sense of some of the children being left to “live the life” agreed for them by their parents and the courts with a sense of pragmatism and resignation.

- It was remarkable that none of the young people who responded exhibited any awareness of anything they could personally do to initiate any change in their residence and/or contact arrangements.

- Talking to others, sharing problems and being open with professionals and family members were the key pieces of advice they wanted to give others facing the separation of their parents.

- The complexity in the lives of the children and their families makes the role of the FCA a particularly complex one, requiring high levels of skill and commitment to the young people. Judging from the responses, some FCAs provided a caring and sensitive service. Others did not. The narrow focus of professional input around court proceedings left some young people dissatisfied. For others it was a case of too little too late.

- Children could be satisfied with the service received but not necessarily satisfied with the outcome of the arrangements made for them. We concluded from looking at the questionnaires as a whole, that it was the characteristics of the child, the parents and especially the intensity of the conflict, which had the biggest impact on satisfaction with the outcome of the court case. However, the findings indicate that the availability
of support services for children and their families have a significant contribution to make to the continuing emotional wellbeing of children who have been the subject of court proceedings.

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References


DCA (2006b) *Separate representation of children. Consultation to inform the content of the new court rules*. Consultation paper CP 20/06.

DCA and DfES (July 2004) *Parental separation: children’s needs and parents’ responsibilities*. Crown Copyright: Cm 6273.


Hansard. 4 November 2002.


The similarities between these findings, and those emerging from other research seeking the views of children, lead us to make the following recommendations for policy and practice. Just as earlier research on children involved in public law proceedings demonstrated that professional attention and the attendant allocation of resources diminish as a function of the time that has elapsed since the court proceedings, our findings indicate that this is also the case for children involved in private law proceedings. The current system focuses on the process of separation and the regularisation of that process through the courts. Once that process is over, and the parents and the courts are satisfied – or at least resigned to the outcome – the families, and in particular their children whose problems may well be continuing, disappear from the professional radar. These findings reinforce the need for a range of integrated support services to be made available to children and their parents, and wider kinship networks before, during and after parental separation. Crucially, children and young people themselves need to understand where and what direct services are available for them and how they can be accessed.

**Policy implications**

1. The need for support services

There is an urgent need for a nationally coordinated range of direct support services for children and young people experiencing parental separation, familial conflict and domestic violence. An increase in resources is being promised under the general heading of “supporting families”. However, few resources already deployed under this general heading appeared to be reaching the children and their carers in our survey. The prime purpose of state intervention into private family life is to limit the collateral damage to children. There has, however, been little analysis of how effective general interventions can be for the children concerned. The lack of reference from respondents to the numerous websites or helplines designed to provide information for children and young people was, for example, conspicuous by its absence. Indeed, many young people highlighted the lack of information available to them. The findings indicate that the existing services are not easily visible or accessible to children when they need them. This may be not just at the time of parental separation and court proceedings, but later when the parental and professional agenda has moved on. As one young person put it: “The people I saw didn't really do much for ME.”

2. The diversity of children’s experiences and the need for a diversity of services

The responses from the children in our survey demonstrated a wide range of situations and opinions. This diversity demonstrated the danger of making general assumptions about whether or not children want to go to court, see judges or have an input into decision-making. What is needed is a diversity of services flexible enough to meet the needs of a diverse community of children.

3. Hearing the voice of the child

The children in the survey wanted to be listened to and also to be able to see how their views influenced the outcome. While practitioners are largely united in their agreement that it is “a good thing” to listen to children, there is much less unanimity about the components
of the second part of the process, namely the weight to be given to their expressed views, the extent to which they should be allowed to influence decision-making and how they should be heard within proceedings. Private law has lagged behind public law practice in recognising the central contribution of children’s views in influencing decision-making, keeping them safe and improving outcomes for them. There was qualitative evidence from the survey that some respondents felt a degree of disempowerment and that they would have liked their views to be taken into account to a greater extent. Of the sample, 45 per cent felt that they had either not expressed a view (either through choice or omission) or that their view had not affected the outcome. As one 11-year-old said: “They talked to me. However, this did not seem to make any useful difference.”

Sometimes, listening to children will not be enough, and they will need an independent investigation of their situation and separate representation of their interests in court.

4. Young people’s lack of ability to initiate change

None of the children in our survey exhibited any knowledge or awareness of how they could have brought about any change or review of their situation. This means that for all practical purposes, unless they could persuade both parents to agree to a change or one of their parents to initiate proceedings to vary the residence and contact arrangements, they were effectively locked into the arrangements ordered by the court or agreed by their parents. Some children were clearly struggling to manage fairly complex family situations, often with great maturity, but with no sense that it might be possible for them to have any agency in their own situation. One 13-year-old said he would like to “be able to choose when I see anyone – like have an overnight stop at Mum’s one night, then choose if I want to see Dad, even if the court says I have to go”.

There is provision in the Children Act 1989 (section 10) for children to seek leave to make their own applications for a variation of their residence or contact orders. In practice, this happens very rarely, and certainly none of the children in our survey demonstrated any knowledge of this possibility. Dame Margaret Booth (a former chair of the Children Act Advisory Committee) has argued that children should not be required to seek permission to commence proceedings because of the difficulties and delays this causes². The Your shout too! findings support this view.

5. The impact of domestic violence

There is the additional question of the situation of the vast majority of children who have no contact with CAFCASS or who are the subject of agreed contact orders. Virtually nothing is known about their situation or their satisfaction or otherwise with the arrangements made for them. This is particularly relevant in relation to children who may be at risk as a result of domestic violence. In 2004, the Women’s Aid Federation for England identified the cases of 29 children from 13 families who were murdered by their fathers during contact. In February 2006, Lord Justice Wall reported to the president of the Family Division on five of the cases in which there was judicial involvement. In three cases, contact had been ordered by consent. The Family Justice Council has now reported to the president on the approach the courts should adopt to proposed consent orders, in contact cases where domestic violence is an issue. The council has recommended a move away from “contact is always the appropriate way forward” to “contact that is safe and positive for the child is always the appropriate way forward”³.

This is a message that also needs to be conveyed to children who are in a particularly powerless situation in relation to consent orders.

² See Making Contact Work. A report of the Children Act Sub-Committee to the Lord Chancellor’s Advisory Board on Family Law, para 12.6. Chapter 12. DCA February 2002
³ Report to the president of the Family Division on the approach to be adopted by the court when asked to make a contact order by consent, where domestic violence has been an issue in the case (Family Justice Council, January 2007)
6. Importance of contact with family and friends

The findings replicated those of the first *Your shout!* survey (on the views of looked-after children) in demonstrating the importance of contact with key family members and friends. Overall, there was a higher level of satisfaction with residence than with contact arrangements. One in eight of those living with their mother did not see as much as they would have liked of their father, and one in four living with their father did not see as much as they would have liked of their mother. There was a trend towards older children being more satisfied with arrangements than younger children. The biggest casualty appeared to be contact for the children with the grandparents on the non-resident parent’s side. (One in four children did not see enough of their paternal grandparent.) Again, the question arises as to how the children could have initiated change. It was clear that children perceived contact largely as something dependent on the goodwill of adults, rather than as a right to be respected.

“I live full time with my dad. Though I’m unable to see my nan (Mum’s side) my dad lets me keep in contact with her through phone calls and letters. There have been times whenever she’s in [name of city] he wouldn’t mind her coming over for dinner. (This is something I don’t want my mum finding out because she would pressure my nan.)”

The importance of friends, as well as family, is also sometimes overlooked.

“Sometimes it’s difficult to see friends when it’s my dad’s ‘time’, which was frustrating when I was younger.”

7. Contact with siblings

Relationships or contact with siblings were mentioned throughout the responses. Ninety per cent of the respondents had siblings; they were mentioned as the most important source of support after parents and grandparents. There were frequent references to the importance of their relationship with their brothers and sisters.

“Someone who is in the same kind of situation, like a brother/sister, is a great help.”

“My older sister helped me and said I could go round there whenever.”

Of those with siblings, 23 per cent did not see enough of their siblings. Some had lost contact altogether. There were indications that it may sometimes be the sibling contact that is sacrificed in the interests of parity or a “trade off” between parents.

“I now hardly have any contact with my sister due to the fact that she now lives with my dad and stepmum. But the separation has made me and my mum close.”

One boy alternated a week with his mother and a week with his father in order to see both of his brothers.

One of the recommendations of the NSPCC review of legislation relating to children, based on the first *Your shout!* was that there should be an assumption of reasonable contact with siblings. The findings from *Your shout too!* confirm the view that this is a discussion that should be revisited.

8. The protracted involvement of children in court proceedings

An aspect of research and practice, which merits further attention, is the length of time children are involved in proceedings. Research by Trinder et al in 2002 indicated that it was not unusual for contact arrangements to remain unresolved over a number of years. The time between the separation of the children’s parents and completing our study ranged from under one to 14 years (some had never lived with the non-resident parent).

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2 Trinder et al. *Making contact* (page 44, 2002). In 34 per cent of families in the sample the separation had occurred within the last two years; in 33 per cent, three to five years previously; and in 33 per cent, six to 15 years previously.
We have no specific information about how satisfied or otherwise the children were with post-separation arrangements before the FCA’s report was requested, but from their comments it was clear that some of the court hearings had continued over a period of years. More information is needed about the longer-term impact of a protracted process that can be chronically distressing for the children involved.

9. Disruption as an indirect consequence of separation

One aspect of the consequences of parental separation for children, which has received little attention, is the disruption children may experience as an indirect consequence of parental separation. Nearly a quarter of the children in the research sample had experienced both a change of school and a move to a new geographical area.

“I have been to four different houses. It’s quite hard.”

In some cases, the move was positive, marking a fresh start, but given what research tells us about the increased vulnerability of children in the process of family breakdown and transformation, we would suggest that we need specific information about the practical impact of changes of home and school on the children concerned.

10. Confidentiality and the potential for breach of trust

The question of confidentiality of the children’s views (raised in several responses) bears on the current public debate about opening up the family court to greater public scrutiny.

Achieving the right balance is particularly difficult in the case of children. Some children in the sample were angry that sensitive information given to the CAFCASS officer had been passed to the court without their knowledge or permission. They regarded this as a breach of trust.

“They said they wouldn’t tell Dad some things. Then a couple of days after, Dad started asking why I said some things that I didn’t want him to know.”

Children have a right to know what will and will not be shared with others, before rather than after they decide whether or not to reveal deeply personal information. Clearly there are practice issues for both CAFCASS and the courts in terms of what assurances and caveats can be given to children in order to avoid a breach of children’s trust and any potential exacerbation of their family difficulties.

11. Implications for CAFCASS and for future evaluations of practice

Private law practice is in a period of rapid change and transition, and CAFCASS practice is changing with it. In a period of rapid change in both attitudes and practice, there is a danger of practice innovations outstripping research in terms of the commitment to, as yet, unevaluated models. From the child’s perspective the agenda is still very much that of the adults and the courts. The findings from this study clearly confirm that different children require a range of different services. Younger children in particular were more satisfied with the service they received than were older children, who wanted more information and more proactive help in achieving satisfactory residence and contact arrangements.

The children and young people valued particular aspects of the CAFCASS service. They appreciated a CAFCASS worker who:

- listened
- showed understanding
- was friendly
- was supportive
enabled the young person to express their views
facilitated contact with a parent with whom the young person wished to keep in contact
assisted the young person with their decision as to with whom to live
respected their confidentiality and privacy.

For a service to be seen as satisfactory by children and young people, it should be composed of a number of elements, for which listening to children is a valued prerequisite, but is not sufficient on its own. Other elements of the task are:

- to give the child accurate information about their situation
- to inform and facilitate family communication
- to negotiate on the child’s behalf
- to represent their views and interests effectively and accurately, both in court and within their families
- to achieve the best possible outcomes for them.

Finally, the HMICA (Her Majesty's Inspectorate of Court Administration) inspection of CAFCASS private law front-line services in 2006 recommended that “CAFCASS should develop a longer-term research strategy with a clear child-focus outcome in partnership with other family justice agencies, relevant organisations and departments”. We hope that this study and its findings will make a contribution to the development of that longer-term strategy.
Recommendations

1. Urgent consideration should be given to the need to support CAFCASS in developing a range of direct services for children and young people experiencing the negative effects of family breakdown. The services should be clearly signposted and accessible by the children, not just at the time of parental separation, but afterwards as well. (Policy points 1 and 2.) In particular, we would like to see a much more targeted use of all existing helplines, such as ChildLine, and those provided by the NSPCC. What is needed is a coherent information and support strategy to ensure that children and young people are not only aware of the services that are there to help them, but also how they may be accessed directly.

2. In cases where the court considers separate representation of the child is necessary, in order to safeguard the rights and welfare of the child concerned and to ensure that their voice is heard in the proceedings, adequate resources should be made available to those children who need it. (Policy point 3.)

3. The rules governing children’s own applications to initiate proceedings of their own volition, in order to review or vary residence and contact orders made under the Children Act 1989 (section 8), should be amended so that children are not required to seek permission to commence proceedings. (Policy point 4.)

4. There is a need for a specific review of arrangements for hearing children’s voices and protecting the welfare of children who are living, or who have lived, in violent households. (Policy point 5.)

5. There should be a presumption of reasonable contact between children and their grandparents. This could be achieved through an amendment to the Children Act 1989 (section 34). (Policy point 6.)

6. There should be a presumption of reasonable contact between siblings. This could be achieved through an amendment to the Children Act 1989 (section 34). (Policy point 7.)

7. Research is needed into the satisfaction, or otherwise, of children whose parents have agreed the arrangements for residence and contact without the involvement of CAFCASS and the courts. (Policy points 4, 5, 6 and 7.)

8. A study is urgently needed to identify those children who have been the subject of more than two welfare reports prepared under the Children Act 1989 (section 7). (Policy point 8.)

9. Specific information is needed on the extent of disruptions at home and school and their impact on children whose parents have separated. (Policy point 9.)

10. The need to respect the confidentiality of the children involved should be fully taken into consideration in any proposals to open up the family court to greater public scrutiny. (Policy point 10.)

11. A coordinated programme of evaluation of current practice initiatives is needed to ensure the development of a coherent and effective pattern of service delivery at a time of rapid change. (Policy point 11.)
Appendix 2 Leaflet to children and young people

Your Shout Too!

Hi, would you like to take part in our research? By helping us, you can help other young people in the future.

Your family has been changing and that means that things in your life have been changing too. Would you like to tell us about the changes which have taken place since your parents split up?

This is your chance to say what you really feel about what has happened to you.

YOU know what it’s like. What YOU say can make things better for other young people in the future.

- Are you happy with the help you’ve had?
- Could things have been better?
- Did you ‘have a say’ and were you listened to?
- What sort of help would you like for young people when their parents split up?
- Are there things which judges and lawyers and other professionals need to hear from young people?

Who are we?

Judith Timms is at the University of Liverpool, and June Thoburn and Sue Bailey are at the University of East Anglia.

Centre for Research on the Child and Family
University of East Anglia, Norwich NR4 7TJ
s.c.bailey@uca.ac.uk 01603 593557
Why me?
We want lots of replies, so we are sending a questionnaire to many of the young people who recently saw a worker from the Children and Family Court Advisory and Support Service (CAFCASS).

What will I have to do?
All you have to do is fill in the questionnaire we have sent you. It’s easy to do, and for most of the questions you just need to choose an answer, and tick or circle it.

Who will know what I say?
Only us, and we do not know your name. So no-one will know who has replied. What you and others tell us will be added together to put into a report. When we write up the study, we promise that nobody will recognise your views or experiences.

Some questions give space for you to say a bit more. Don’t worry about spelling or handwriting. It’s what you have to say that matters.
If you don’t want to answer any question, just move on to the next one.

If you don’t want to fill in the questionnaire at all, that is OK too.

What do I do now?
Now please fill in the questionnaire and post it back to us. We’ve given you a Freepost envelope.

YOU DON’T NEED A STAMP
MANY THANKS FOR YOUR HELP
Hi! Will you help us?
- There are no ‘right’ or ‘wrong’ answers – it’s what you say that is important.
- Don’t worry about spelling or handwriting.
- Please fill it in by yourself - although you may want to ask your parent if you don’t understand one of the questions.
- If you can’t answer a question, or don’t want to, that’s fine, just move to the next one.
- We are NOT asking for your name and what you say is private.
- We promise we’ll use the messages from everybody’s answers to help other children when their parents split up.
- Please return as soon as possible, and by the end of August at the latest.

Thank you for helping

About you
The first few questions are about you. We are only asking ‘personal questions’ in order to see if girls answer differently from boys, or if younger children answer differently from those who are older.

How old are you now? (Please write age in box)

Are you male or female?
- Male
- Female

Do you now live mainly with (please tick one)
- Your Mum
- Your Dad
- Shared between Mum & Dad
- Another relative
- Someone else?

About how old were you when your parents split up?

Are you an only child?
- Yes
- No

Would you describe yourself as (please tick one)
- White
- Asian
- Black
- Chinese
- Mixed heritage
- Another ethnic group?

What language do you mainly speak at home?

.................................
Help from outside the family

We want to ask about the people who may have tried to help you when your parents split up, or afterwards.

Do you remember who you saw? Please tick if any of these people talked to you to find out what you wanted to happen. If they were helpful, please tick under the “helpful” column. (Two ticks if really helpful)

- Solicitor
- Counsellor
- Social Worker
- Family mediator
- Children’s advocate
- Someone from CAFCASS
  (Children & Family Court Advisory and Support Service)
- Magistrates
- Family Court Judge
- Not sure who they were
- Someone else
  (what was their job?) .................
- No-one

Taken altogether do you think these people were? (Just tick one answer)

- Very helpful
- Quite helpful
- Not very helpful
- Made it worse
- Don’t remember

Did you feel that what you said made a difference to what was decided? (Just tick one answer)

- Yes
- A bit
- No, not really
- I didn’t give a view

Afterwards, did anyone explain to you what the court had decided? (Please tick as many as apply)

- Yes, a family member / friend
- Yes, my CAFCASS worker
- Yes, some other professional
- No, no-one

Is there anything else you would like to tell us about the people who talked to you – like who helped you most (or least) or how they helped or upset you?
**The next questions are about the person or people you saw from the Family Court (you might know them as a Children and Family Reporter, a CAFCASS Family Court Adviser, a CAFCASS officer, or a Children’s Guardian)**

Where did you meet? (please tick as many as apply)
- In your own home
- In their office
- In the court room with the judge
- Somewhere else in the court building
- Don’t remember where
- Don’t remember any meeting
- Somewhere else (please say where) ........................

Did he or she explain what was changing in your family, and what might happen?
- Really well
- Quite well
- Didn’t really tell me what was happening
- Told me, but I didn’t understand

Did he or she spend enough time with you? (just tick one answer)
- Yes, a lot of time
- No, not enough time
- Not sure
- Can’t remember

Did your CAFCASS worker help to make things better for you? (just tick one answer)
- Yes, a lot
- Yes, a little
- No, not really
- No, made things worse

In what ways did your CAFCASS worker help you? (please tick as many as you want; give two ticks if the help was really good)
- By helping me to say what I wanted
- By helping other people listen to me
- By helping my family talk to each other
- By helping me to live with the people I wanted
- By helping me to see the special people in my life
- By helping me to feel safe
- My CAFCASS worker did not help me

Anything else you want to say about your CAFCASS worker?
**Children don't always go to the Family Court - but sometimes they do.**

Did you go to court? Tick as many as apply:
- Yes, to look around
- Yes, to talk to the Judge
- Yes, to talk to someone else from the Court
- Yes, but I didn't really want to
- No, but I would have liked to go to court
- No, but I would have liked to see the judge
- No, and I didn't want to

If you did go to the Court Hearing with the Judge, did you understand what was happening? (just tick one answer)
- Yes
- Yes, some of it
- No

Is there anything else you can tell us about being at the Court? Or about how you felt?

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**Other Help**

Can you tell us who has been there to support and help you, during or after your parents’ separation? (Tick as many as you want; if they have been really helpful please give them two ticks!)
- My Mum
- My Dad
- My brother / sister
- Grandparents
- My friends
- My friends’ parents
- Teachers
- Other people at school (maybe year head, counselor, school nurse, mentor etc.)
- Adult(s) in a club or team I belong to
- My doctor or another health person
- Someone else
- Website, online or telephone helpline
- No-one

Anything you want to add about people or things which have been helpful, or who you would like to have helped?
**Contact with family and friends**

Since your Mum and Dad split up, do you see enough of the people you care about and want to see? (please circle your answer. Leave blank if you don't want to see them)

<table>
<thead>
<tr>
<th>Member</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mum</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Dad</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Brothers/sisters who don’t live with me</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>Grandparents and relatives on my Mum’s side</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>Grandparents and relatives on my Dad’s side</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>Friends</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Are the arrangements about seeing your Mum or Dad or other relatives generally OK? (please tick one answer)

<table>
<thead>
<tr>
<th>Answer</th>
<th></th>
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</thead>
<tbody>
<tr>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>Mostly</td>
<td></td>
</tr>
<tr>
<td>No</td>
<td></td>
</tr>
<tr>
<td>Don’t know</td>
<td></td>
</tr>
</tbody>
</table>

**Other Changes**

There may have been other big changes in your life since your parents split up.

Have you had to move school? (Please circle)

<table>
<thead>
<tr>
<th>Answer</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>No</td>
<td></td>
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</tbody>
</table>

If you moved school was it? (please tick)

- Moving up to the next school – mainly still with friends
- Moving to a school in a completely new place
- Didn’t move school

Have you moved house?

<table>
<thead>
<tr>
<th>Answer</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>No</td>
<td></td>
</tr>
<tr>
<td>Yes, but in same area and can still see friends</td>
<td></td>
</tr>
<tr>
<td>Yes to a new area</td>
<td></td>
</tr>
</tbody>
</table>

Anything else you want to say about who you see and hear from, or who you live with?
And finally . . . if you can spare a few more minutes

What things would you like to happen in your life in the future?

Do you have any tips for a child or young person whose parents are splitting up? Anything that worked for you, or would have made things better, and that you think might help them?

It doesn’t matter if there are some blanks – please send us whatever you’ve done.

THANK YOU VERY MUCH FOR YOUR HELP!

Please return the form in the envelope provided. It already has the address on, and you DON’T NEED A STAMP.

Also in the pack there’s a ‘Confidential’ sticker you can use, to seal the flap on the back of the envelope.
Dear Parent,

‘Your Shout Too!’ - Giving children a voice

We are writing to ask if you would let your child help with our important research study. The Universities of East Anglia and Liverpool have been asked to find out about children’s views of the court proceedings when their parents separate or divorce, and we hope that your child might consider taking part.

First of all, we must stress that this research cannot affect your present arrangements in any way. That is not the reason we are asking questions, and we are certainly not trying to interfere. We think it is really important that children feel they are listened to and taken seriously, and that they understand how people make decisions on their behalf. We hope our findings will help children and their families in the future.

As a parent you have helped your child through the difficult changes in his or her life. We hope that you will feel that this is an opportunity for your child to ‘have a say’, and we are asking you to pass on the enclosed pack to your son or daughter. The pack contains a short questionnaire for your child to fill in, with a leaflet which explains to your child what the research project is about, and also a Freepost envelope. The pack is unsealed, so that you can see the contents before you decide whether you wish to pass it on.

The following page answers some of the questions you may have about the research. However a couple of key points are:

- We don’t want any names - all questionnaires will be returned anonymously.
- It won’t be possible to identify any individual child from the range of views or experiences expressed.

We do hope that you will pass on the pack to your child, and encourage him or her to fill it in, and share their views with us. If you have any queries you can telephone Sue Bailey on 01603 593557, or email us via s.e.bailey@uea.ac.uk.

With best wishes,

Judith Timms, June Thoburn and Sue Bailey

If your son or daughter doesn’t want to take part, that is OK. However, we do hope that you will agree that this is an opportunity for young people to share their views, and to have ‘Their Shout Too’. So please pass on the pack. Thanks.
Some queries you may have

1. How did you get my name?
We don’t have your name. Instead the Children and Family Court Advisory and Support Service (CAFCASS) have kindly agreed to help us by sending out the surveys, on our behalf, to a large number of children aged 11 and over with whom CAFCASS recently had contact. CAFCASS fully support this research project; what children say about their views and experiences will help shape the service they offer.

2. I have more than one child over the age of 11. Which one should fill in the form?
Whoever would like to. If you have two or more children in that age range, you might receive a survey for each of them. They could have different views from each other, so it would be really good if each child fills in his or her own form. If you have another child who would like to participate and receive a pack, call Sue Bailey on 01603 593557, and she will arrange it.

3. Should I help my child fill in the form?
It is important that your child completes the survey on his/her own, and gives his/her own point of view. However, your son or daughter might like a bit of help from you to understand a question. If there is a particular question your child doesn’t want to answer, that is fine; he or she should just move on to the next.

4. What does my child do with the completed questionnaire?
In your child’s pack is an envelope for the questionnaire to be returned. It is already addressed to a researcher at the University of East Anglia, which is in Norwich. It is a Freepost address, so the envelope DOESN’T NEED A STAMP.

5. What will you do with the answers from all the questionnaires?
Many of the questions just need a “yes” or “no” type of answer, or a tick from a list of possible answers. These answers will be analysed by computer, and general results produced, from the whole set of children who answered. Other questions have a blank space for the young people to write fuller answers, if they choose to do so. These comments will again be taken together, and general themes found. Different children are likely to have quite varying views and experiences, and account will be taken of the range of answers. Also the researcher will be looking to see if children of different ages, or boys and girls, tend to have different views.

6. Will anyone recognise my own child?
No. Since we are not asking your child to put their name on the questionnaire, the researchers will not know the name of anyone who replies. And because CAFCASS sent out the letters, the researchers won’t even know the names of anyone to whom the survey was sent. When the study is written up, everyone’s answers will be taken together. IT WON’T BE POSSIBLE TO IDENTIFY ANY INDIVIDUAL CHILD FROM THE RANGE OF VIEWS OR EXPERIENCES EXPRESSED.
7. Who will benefit from this research?
It will be children in the future who will directly benefit. We are keen to learn from what children tell us in this survey, and it will help people develop their services, and the support they can give, to children whose parents are separating.

8. Can I see the results of the research?
Because the forms are sent back anonymously (which is very important) the researchers won’t be able to send any of the children who took part, or their parent, a copy of the report. However, we will put a copy of the report on the university department’s website, and CAFCASS will also publicise the findings online.
Appendix 5 Tips given by respondents to other young people facing parental separation

1. You are the most important person. It’s your future. Always talk – don’t just bottle it up
   
   “Don’t bottle your feelings up – let them out!”
   “You tell them how it is!”
   “Say what you’ve got to say, don’t worry about it hurting anyone.”
   “You have the right to live where you like and no one can tell you otherwise.”

2. Talk about it. Share your problems
   
   “Talk to someone about how you are feeling.”
   “Talk to friends.”
   “Talk about it to people who you trust.”
   “Talk to people who are close to you, for example friends, close teachers or family.”
   “It is so much better to share your problems with people close to you.”
   “Get loads of support.”
   “Don’t be afraid to cry – trying to hold it in makes it worse.”

3. Talk to your mum and/or dad
   
   “Tell your mum/dad what you want – don’t be afraid.”
   “Talk to both parents about how you feel and how their split has made you feel.”
   “Make sure you say what you want – even if you don’t think they will like it.”
   “DON’T do what your parents want you to do. Do what YOU want.”
   “Remember – never blame yourself. Your parents splitting up is never your fault.”

4. Talk to CAFCASS...
   
   “Be open with the CAFCASS officer. Don’t be shy or embarrassed.”
   “Say what you feel and don’t be frightened.”
   “Tell the CAFCASS worker the whole truth; don’t lie or hide things; they need to know everything in order to help you.”
   “Just say what you think is right and what you want, not what other people want.”
   “Be honest about how you feel, and don’t be afraid to ask questions.”
   “Say what you need to say, and don’t hide things – OTHERWISE IT DOESN’T GET SORTED!”
5. Quick tips

“Play loud music!”
“Buy a new pad to scribble on when you get angry.”
“Try and go out when things get tough.”
“Always count on your friends to cheer you up.”

6. The longer view

“Try and ignore it and don’t let it interfere with your free time or studies.”
“Get on with school work. It’s not the end of the world.”
“Keep smiling; it’s not as bad as you think.”
“Keep trying and you will get what you want.”
“Things get better as time goes on.”
“Carry on with your life.”

Good luck!
Appendix 6 Family Proceedings Rules 1991 (Rule 9.5) and the president of the family division’s practice direction of April 2005

Rule 9.5 allows the court to appoint a guardian for the child if it appears to the court that the child ought to be separately represented. The use of rule 9.5 has increased over the last two years as a result of the increased awareness on the part of both the judiciary and family justice professionals of the previously largely invisible group of children whose interests were overlooked as a result of the historically different approach to private- and public-law children. However, the total number of children represented under this rule is still only 1,141 – a very small proportion of the quarter of a million children who experience parental separation annually.

In April 2004, the president of the family division issued a practice direction on the use of rule 9.5, offering the following guidance regarding the circumstances in which it would be judged appropriate for the child to be represented under this rule.

1. The proper conduct and disposal of proceedings concerning a child, which are not specified proceedings within the meaning of section 41 of the Children Act 1989, may require the child to be made a party. Rule 9.5 of the Family Proceedings Rules 1991 (FPR) provides for the appointment of a guardian ad litem (a guardian) for a child party unless the child is of sufficient understanding and can participate as a party in the proceedings without a guardian, as permitted by FPR rule 9.2A.

2. Making the child a party to the proceedings is a step that will be taken only in cases which involve an issue of significant difficulty and consequently will occur in only a minority of cases. Before taking the decision to make the child a party, consideration should be given to whether an alternative route might be preferable, such as asking an officer of the Children and Family Court Advisory and Support Service to carry out further work or by making a referral to social services or possibly by obtaining expert evidence.

The decision to make the child a party will always be exclusively that of the judge, made in the light of the facts and circumstances of the particular case. The following are offered, solely by way of guidance, as circumstances which may justify the making of an order:

1. Where a CAFCASS officer has notified the court that in his opinion the child should be made a party (see FPR rule 4.11B [6]).

2. Where the child has a standpoint or interests which are inconsistent with or incapable of being represented by any of the adult parties.

3. Where there is an intractable dispute over residence or contact, including where all contact has ceased, or where there is irrational but implacable hostility to contact or where the child may be suffering harm associated with the contact dispute.

4. Where the views and wishes of the child cannot be adequately met by a report to the court.

5. Where an older child is opposing a proposed course of action.

6. Where there are complex medical or mental health issues to be determined or there are other unusually complex issues that necessitate separate representation of the child.
7. Where there are international complications outside child abduction, in particular where it may be necessary for there to be discussions with overseas authorities or a foreign court.

8. Where there are serious allegations of physical, sexual or other abuse in relation to the child or there are allegations of domestic violence not capable of being resolved with the help of a CAFCASS officer.

9. Where the proceedings concern more than one child and the welfare of the children is in conflict or one child is in a particularly disadvantaged position.

10. Where there is a contested issue about blood testing.

The practice direction has been perceived as extremely helpful in giving guidance to courts in some of the most complex and intractable cases in the family justice system.

A further practice direction issued by the president of the family division in February 2005 stipulated that decisions to make children parties should be made at circuit judge level.
Your shout too!