

# Separating families: Experiences of separation and support

## Authors

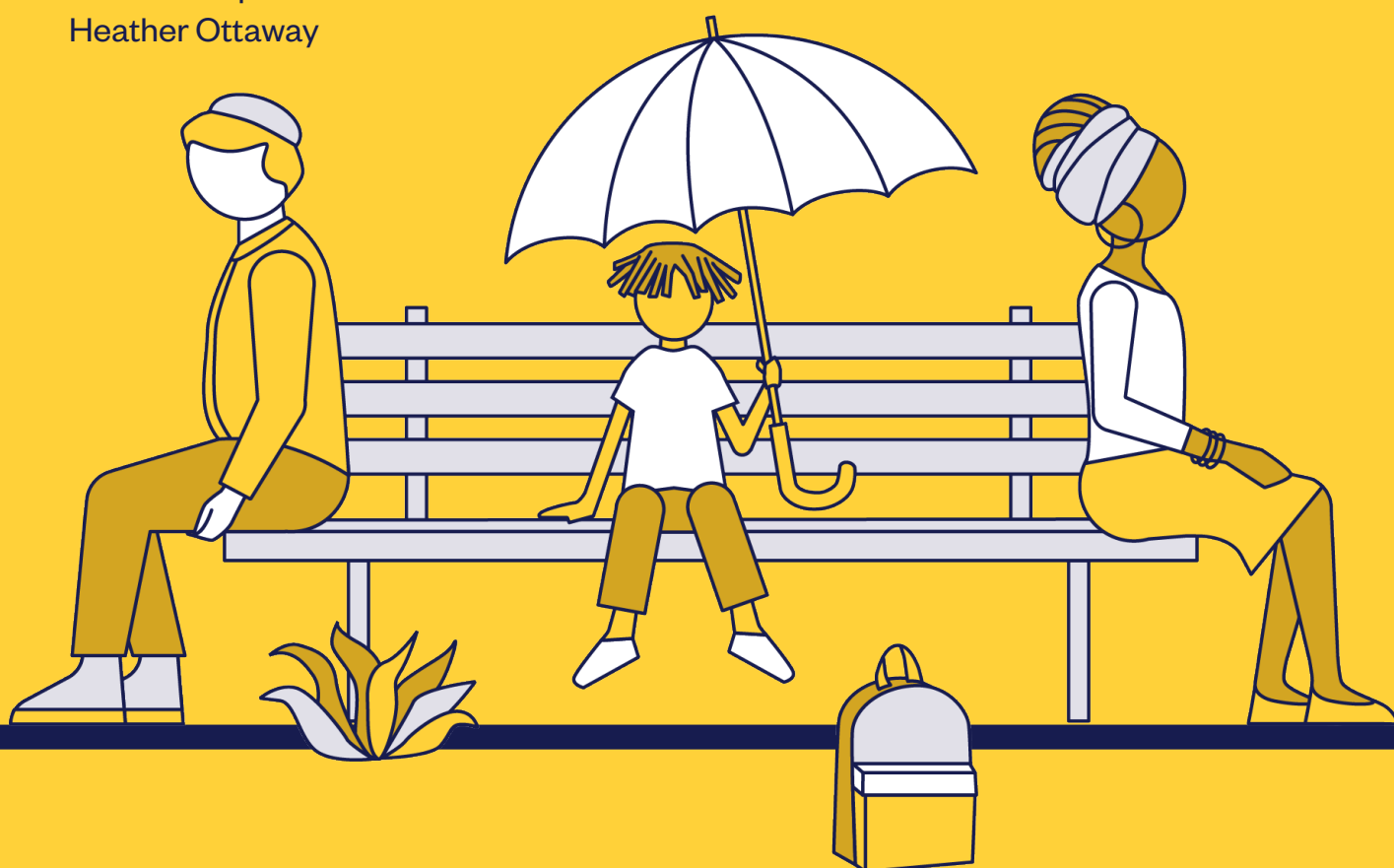
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**This report by a team of researchers from the University of Bristol explores both parents' and children's experiences of parental separation. Through a series of video reflections and in-depth interviews, the team spoke to families who had and had not used the family courts with the aim of better understanding the challenges they faced and the type of support that helped.**

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## Disclaimer

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# Foreword

Every year many thousands of parents decide to end their relationship as a couple and begin the journey of trying to forge a way forward as a family. There is a significant body of evidence that explains the impact parental separation can have on children – but less is known about the process of separation, how this is experienced by different family members, or the kind of support that parents and children find useful.

In the context of concern about the number of parents seeking to resolve their issues in the family court, it is important to understand the process of separation from families' perspectives. In inviting the University of Bristol to undertake this research, our aim was to inform ongoing debates about how to better support families who separate – both in and out of court.

We wanted to hear from children and their parents on their terms rather than asking them to comment on any options the current system might present for them. We also wanted to hear from those with a range of experience, reflecting the fact that families approach separation in different ways and the majority do not use the family court at all.

The research is a helpful reminder that the process of separation is not a once-only event but a continuous one, and that the negotiation required to manage family life is a lifelong obligation. By exploring what support parents seek and why, the study offers some useful reflections about what will be necessary to better meet parents' needs, both in and out of court.

Lisa Harker

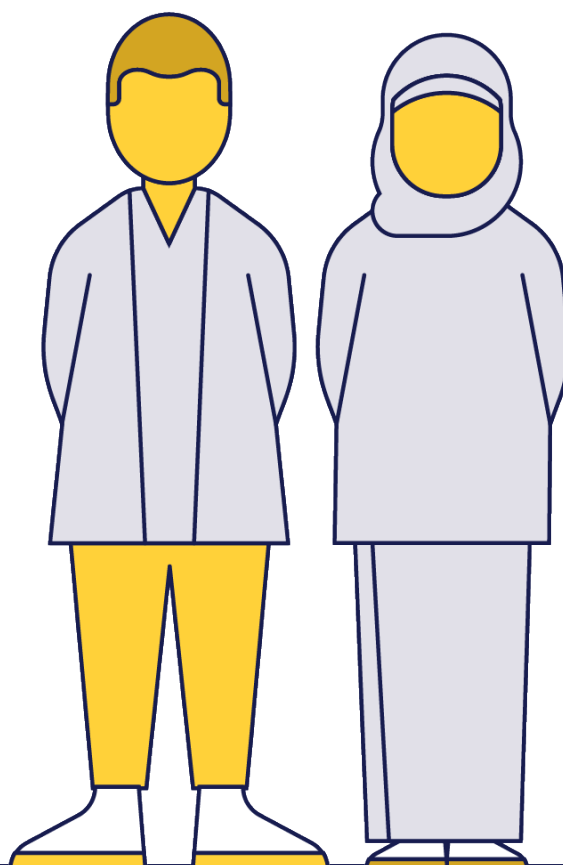
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# Executive summary

This report provides evidence from parents and their children about their experiences when the parents separated. It adds to the programme of evidence developed by the Nuffield Family Justice Observatory to increase understanding of private law proceedings in Wales and England (Cusworth et al. 2020, 2021a, 2021b). Although some parents use the family courts, many manage the process of separation without using the courts at all, and in this report, we explore the types of support that families drew on without the need to make applications to the family courts.

The evidence in this report is based on in-depth qualitative data from 42 mothers, fathers and children. The study took place across Wales and south-west England. Participants used video reflections, prompted craft activities and online interviews to explain the decisions they made during the separation, the challenges they faced and the support they received.

Based on a thematic analysis of this data, we offer insights into what parents and children found valuable in managing and adjusting to the separation, as well as their reasons for using, or deciding not to use, the family courts.



## Key findings

### Separation is a process, not a single event

- Parents experienced separation as a process rather than a single event. The families in this study described a wide range of difficulties prior to separation and had exhausted attempts to resolve them before deciding to separate. The decision to separate therefore came after a considerable amount of emotional and relational effort had been used.
- Legal formalisation rarely marked the end of the relationship, whereas living apart, and managing the ongoing emotional and financial aspects, were more salient in parents' experiences. When children's needs or parents' circumstances changed, these markers of the separation required further negotiation.
- For children, the separation was never complete and evolved according to changing circumstances, such as a parent moving house or starting a new relationship, each of which had implications for the other parent. Children's wishes and feelings also changed over time as they got older and they sometimes desired to spend more or less time with each parent.

### Resources make a difference to the separation process

- Experiences of separation were significantly shaped by access to resources. Those with access to supportive, informed and well-resourced networks received good levels of support from friends and family, including getting advice or practical help, financial support, or help finding new accommodation from their wider family.
- Those with more material resources had increased options for managing the separation. For example, being able to access appropriate housing quickly or being able to pay for legal advice. As a result, they were better able to navigate the practical and emotional challenges of separation.
- Those without access to such resources struggled much more in protecting their children from the impact of separation. For example, the availability of suitable

housing for the parent moving out had consequences for the quality of the time they spent with their children.

- Emotional and relational resources were also key to being able to negotiate with ex-partners. When parents found it hard to manage their distress, conflict and tension could become entrenched, making it more difficult to manage the separation.

## **Children and young people want to have their voices heard in the separation**

- The separation of parents affected children both emotionally and practically in their everyday lives. It was an upsetting time, and many found out about their parents' separation in ways that did not help their understanding, contributing further to their distress.
- Children and young people told us they had little information or participation in decisions that affected them. Some older children felt they had not been listened to in relation to court decisions about who they would spend time with, which left them feeling distressed.
- Parents aimed to prioritise and protect children through the separation process. They gave examples of how they had attempted to suppress negative emotions towards their ex-partner for the sake of their children, and to resolve disagreements so relationships could be maintained. However, some reflected on how difficult this was while in emotional distress, and there were differences between some parents' understanding of the impact on children and what children told us themselves.

## Parents' expectations of support are not always matched by their experiences

- Parents described experiences of receiving counselling, going to mediation, using solicitors, and going to court – including working with Cafcass and Cafcass Cymru.
- Parents appreciated the emotional support they received from counselling, which they valued as a space to process their feelings about the separation. Although there were examples of parents receiving clear information and signposting from mediation, it was more common that mediation was a frustrating and sometimes distressing experience because the information was not clear or realistic, or the mediator was not effectively able to identify and manage the power dynamic between the parents.
- When seeking formal advice and guidance, some had good experiences with solicitors – but there were significant barriers to access these because of the cost and unavailability of legal aid. In addition, parents tried to avoid this route because of concerns about potential repercussions in the relationship.
- Parents commonly treated court as a 'last resort' rather than a means of offering an easy route to dispute resolution. They said that they avoided it, if possible, because of the expense, stress or likelihood of increased conflict in the relationship.
- Only a small number of our participants had experience of the court, but although some valued the court orders, most described the process in negative terms. Parents felt it was an alien and intimidating environment with unfamiliar processes. Similarly, children who had experienced court did not feel they had been listened to or believed – although when they felt their Cafcass guardian had listened, their experience was more positive.



## Reflections and recommendations

- Parents and children valued support that was characterised as accessible, informative, realistic and emotionally aware. The development of new systems of support for families who are separating should consider how well these criteria are met.
- Who got what support was quite haphazard, and when parents had few resources to draw on, this made separating even more challenging which impacted negatively on the children. Policy developments should consider how a 'safety net' of support can be developed for separating families that includes authoritative information, legal advice and emotional support. Housing support has particular implications for children's arrangements and should not be overlooked.
- Parents worked to protect their children from the distress of the separation, but this did not always match up with what children said they needed in terms of information and involvement in making decisions. More thought needs to be given about how parents are supported to help their children through the process by hearing their wishes and feelings, as well as providing them with age-appropriate information.
- The findings concerning mediation suggest we need to think more carefully about the binary model of court or mediation. Parents had mixed experiences of mediation, sometimes related to misplaced expectations, but more concerningly about the way mediation did not address unequal power dynamics in the relationship or domestic abuse that had not been screened effectively. Further efforts to divert families from court could include development of offers beyond mediation, which focus more on advice, guidance and emotional support for parents and their children.
- Court was commonly treated by parents as a last resort rather than as a preferred means of resolving disputes. Even though parents appreciated the granting of court orders, the experience of the process was felt to be more negative by parents and children alike. The language and court processes could be reviewed to make a more positive experience and children could be heard earlier in the process to feel their views have helped to influence decisions.

# Introduction



This research is about the experiences of families when parents separate. It provides evidence, in the words of children and their parents, of family life before the separation, how they made arrangements after deciding to separate, and any support they received, including from mediation services and the court.

The questions that the study sought to address were:

- What are the experiences of families, where the parents have separated, of private law proceedings?
- What are the experiences of families where the parents have separated but not used the court?
- What support mechanisms do families say have been useful or could be improved?

## Numbers of separating families and legal background

Parental separation affects thousands of families in the UK. Following an analysis of the UK Household Longitudinal Survey, Bryson et al. (2017) estimated that around 2% of families with dependent children separate each year. It has been estimated that 1 in 3 British children experiences parental separation during their childhood (Organisation for Economic Co-operation and Development (OECD), n.d.) and that there are currently 2.3 million separated families in Britain, with 3.6 million children in those families (Office for National Statistics (ONS), 2022).

Separating is an emotionally difficult time for any couple, but when the couple have children, there are also several other matters that they must deal with. Parents must make arrangements for the care of their children, and for financial matters such as who will pay for the children's clothes, housing payments and weekly bills. If the parents are married, they will also decide whether or not to get divorced. For a variety of reasons, some parents decide to obtain a legally binding arrangement that requires a court order, and there are separate legal processes for dealing with childcare and financial arrangements.

The vast majority of separating and divorcing couples make these arrangements without using the court processes. The court is used for financial settlement by only a third of divorcing couples, with only

12%–15% going to a contested hearing (Ministry of Justice (MoJ) 2022a). In relation to child arrangements, it is more challenging to calculate the proportion of separating families who apply to the family court because this includes unmarried as well as divorcing couples. Different estimates have relied on different sources of data and methods (see Cusworth et al. (2021a) for an overview and discussion of some of the methodological issues). A number of survey or cohort studies have consistently found that around 9%–10% of separated families have made use of the family court (Blackwell and Dawe 2003; Lader 2008; Peacey and Hunt 2008; Goisis et al. 2016).

More recently, there has been considerable debate around the proportion of separating families that are turning to the family court. In 2019, the President of the Family Division drew on estimates by Williams (2019) that a third of separating families were using the courts (McFarlane 2019). However, these calculations did not take into account that around a third of private law cases return to court, and that around 1 in 10 applications involves grandparents or other family members, thus not necessarily representing separating families (Cusworth et al. 2021a). Once these factors are considered, the estimate of the proportion of separating families using the court is likely to be substantially lower than a third.

While the estimate that a third of separating families apply to the family court is likely to be an overestimate, it is widely acknowledged that further work is needed to establish robust and up-to-date estimates and the proportion of these families that make a private law application each year (Bryson et al. 2017; Williams 2019; Cusworth et al. 2021a).

## Impact on and experiences of children

Irrespective of whether parents use the court or not, children experience parental separation as a significant life event characterised by transition and adjustment to new family circumstances. Although the majority of children who have experienced parental separation are emotionally well-adjusted (Kelly and Emery 2003), Dunn and Deater-Deckard (2001) reported that children who had described their relationships with their parents as high in conflict, or had felt criticism or negativity from them, had more difficulty adjusting to family life post-separation. They also reported that some children missed a non-resident parent greatly and wanted to see them (or even talk about them) more, while others felt let down or disappointed with the quality of the contact that they had, and wanted non-resident parents to make more effort. Children have also described post-separation life as living in two worlds (Johnsen et al. 2018), often struggling with feelings of divided loyalties and loss, wishing for stability and negotiating the adjustment of different family dynamics (Hayes and Birnbaum 2020; Birnbaum and Saini 2012).

Importantly, parental separation itself does not necessarily harm children but rather it is the quality of the co-parenting relationship that is consistently found to be most closely associated with child maladjustment following divorce or separation (Amato 2010; Hetherington and Stanley-Hagan 1999; Feinberg 2003; Emery 2011). Factors such as having a lack of control over their lives, painful memories and a sense of loss have been noted as difficult for children, but could be viewed as an opportunity for resilience-building if matched with the right support that helps children adjust to post-separation life (Kelly and Emery 2003). For many children the source of confusion and distress around family separation is related to the failure of parents to explain divorce-related decisions to them (Dunn et al. 2001), leaving children to ‘fill in the gaps’ in isolation. As such children report a need to have their questions fully answered, and feel that it is important that there is someone they feel they can talk openly with about their parents’ separation (Cashmore 2011).

In comparison to the general population, children affected by parental separation are more likely to be impacted across a range of social, emotional, education, health and well-being domains (Amato 2010). For example, longitudinal research across four countries (England, Germany, Sweden and the Netherlands) found that adolescents in intact families had better emotional and psychological well-being than separated families (Fallesen and Gahler 2020). Further, a meta-analysis of 54 studies relating to divorce and its long-term mental health effects reported that adults affected by parental divorce (that occurred when they were a child) had a higher risk of developing mental health conditions such as anxiety and depression (Auersperg et al. 2019). This is also reflected in a recent analysis of Welsh population data in which Griffiths et al. (2022) found that young people involved in private law proceedings were 60% more likely to have depression and 30% more likely to have anxiety than young people in the general population.

However, the evidence of harm related to parental separation can be difficult to interpret because separation does not happen in isolation from other features in families' lives. Approximately half the private law applications for child arrangement orders include details of domestic abuse (MoJ 2020) and we know that growing up in a household where there is abuse is considered an adverse childhood experience, associated with poorer outcomes in later life (Felitti et al. 1998). There is also a substantial body of evidence that links the experience of parental conflict with poorer outcomes for children (Harold et al. 2016; Acquah et al. 2017). For those children, parental separation may result in living in a safer environment with more stable and consistent routines.

Similarly, although children of separated parents are generally found to have poorer educational outcomes than those in the general population, Brand et al. (2019) found that between a third and two-thirds of this could be explained by the decline in the family income. Most children spend most time with their mothers after parental separation and there is a well established literature on the financial penalties of being a single mother (Harkness 2022), and the fact that only a third of child maintenance arrangements in Britain are paid in full (National Audit Office (NAO) 2022). So although parental separation is not without risk to children, if other factors such as parental conflict and financial resources are taken into account, it is not necessarily the case that children will be harmed by the separation itself (Pryor and Rodgers 2001).

## The importance of support for children and parents who are separating

While the challenge of family separation is acknowledged for many children, so too is the potential for good quality support to ameliorate some of the impact of difficulties and negative effects (Harold et al. 2016). Parents who have good support, parenting skills, and who are socio-economically better off pre-separation, have better relationships and, particularly for fathers, more contact with children post-separation, helping to mediate the difficulties children experience through the loss of a parental relationship (Haux and Platt 2015). Even where parental conflict is high in a separation, when families are well supported through the separation process, children are more likely to cope better with the transition to a different family life. For children, good peer relationships and a trusted supportive adult outside of the family have been shown to be protective factors against poor outcomes due to parental conflict (Stutzman et al. 2011). For parents, interventions that address conflict at the level of the couple have been shown to provide positive effects for children and young people (Cowan and Cowan 2002). However, most families do not have prior experience of – or knowledge about – the implications when parents separate and are therefore in need of high quality information and advice at a point of heightened emotional distress (JUSTICE 2022).

The system context of family separation therefore plays an important role in providing advice and pathways for resolution in ways that are effective but minimally intrusive in family life (Barlow et al. 2014). Because of concerns about the rising numbers of applications to the family court found by Cusworth et al. in Wales (2020, 2021b) and England (2021), there is interest in the promotion of alternative forms of resolution for families to access (McFarlane 2022).

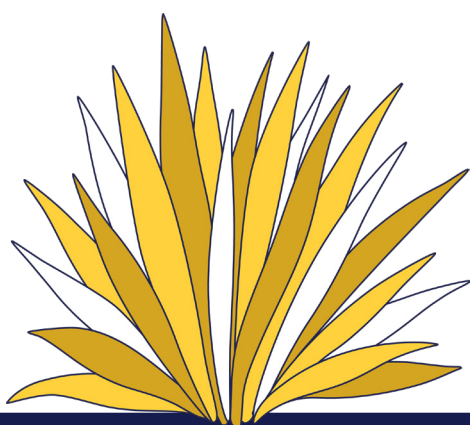
## The system context of family separation

### Family support services

Potential support for families where the parents are separating, is governed under the Children Act 1989 in England and the Children Act 2004 in Wales. In both nations, the provision of support for families usually consists of emotional support, advice and parenting programmes developed to support parents who are at risk of separating or who have already separated. However, the provision of community-based support services remains a matter for locally managed commissioning arrangements, which results in a varied picture of support in both England and Wales.

For example, the Reducing Parental Conflict programme is piloting parenting programmes for parents experiencing conflict either before or after separation, but is only available in 31 local authorities in England and has not been funded in Wales (Department for Work and Pensions (DWP) 2022).

In Wales, parents may be referred to the Working Together for Children programme, although this is not always widely known by the family courts (Maxwell et al. 2020). The NEST/NYTH Framework (NHS Wales Health Collaborative 2021) is based on local regions organising child-focused services around the principles of being nurturing, empowering, safe and trusted, and provides opportunities to identify gaps and address provision for children and their families. The ‘whole-school approach to mental health’ (Welsh



Government 2021) also provides opportunities for children in Wales who have been affected by parental separation to receive support.

Other forms of support available in local areas include contact centres and emotional support and advice, which is often delivered by non-statutory organisations that are focused on providing specialist advice to specific groups of families such as lone parents (Gingerbread) and those who have been affected by domestic abuse (Womankind).

## Legal advice and legal aid

One option available to families where the parents are separating is legal advice. However, since the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (LASPO) removed legal aid for all private family law matters in England and Wales, legal aid is only now available in limited circumstances, for example, in cases where domestic abuse has taken place. There has been considerable research focusing on the implications of the removal of legal aid to participants' access to legal advice, including the push towards mediation, the response of the legal profession, and the support available in court by non-lawyers (Maclean and Eekelaar 2019).

### Mediation

Mediation has been preferred by government policy as a key route for resolving private family disputes and is considered to be 'less adversarial' than the solicitor route (MoJ 2011). This policy focus on mediation can also be seen with the introduction of compulsory mediation, information and assessment meetings (MIAMs) for all applicants who want to make a private family law court application (Children and Families Act 2014, s10) and the piloted introduction of government vouchers for mediation (MoJ 2021). Unfortunately, the anticipated growth in mediation following the implementation of LASPO did not materialise with both the number of publicly funded MIAMs and mediation starts falling sharply (MoJ 2022b, Tables 7.1 and 7.2) This has been attributed to the removal of legal aid equating to the removal of the main 'signposts' for mediation with the consequent effect that this has reduced couples' awareness of mediation and therefore reduced take-up (Public Accounts Committee 2015; Cusworth et al. 2021a).

### The courts

As set out above, it is the minority of families who use the family courts following separation. However, concern has been raised over a number of years about the increase in the number of applications to the family courts and the system's inability to deal with these (Family Solutions Group 2020) leading to widespread delay (Private Law Working Group 2020). This has been exacerbated further by the pandemic. For example, the time taken for a private law Children Act case to reach a final order in the second quarter of 2022 (April to June) reached a record high of 46 weeks, up by 6 weeks from the same



period in 2021 (MoJ 2022a, Table 9). The increasing delays have added to longstanding concerns that the law and the courts should be a place of last resort, rather than an option of first resort (MoJ 2011).

Another factor in the pressure experienced by the courts has been attributed to the increased numbers of parents representing themselves as litigants in person following the cuts to legal aid expenditure. Between April and June 2022, both parties only had legal representation in 19% of all private law family cases (MoJ 2022a, Table 10) with 39% of all cases having no legal representation. However, the presence of litigants in person in court brings with it a range of issues and difficulties. For example, research on the problems faced by those without representation in private family law cases has found that they struggle with a range of technical pre-court and court tasks due to the challenging and complex nature of the pre-court and court processes (Trinder et al. 2014).

It has been suggested that some of the delays in the family courts are due to families using up resources in the family courts with disputes that could be resolved elsewhere. For example, in *Re B (A Child) (Unnecessary Private Law Applications)* [2020], the judge criticised the parties' 'unnecessary, high-conflict private law litigation' (para 6) in 'already over-filled' family courts (para 3). The President of the Family Division raised similar concerns about the courts being viewed as a couple's first option (rather than last resort), saying that: 'My feeling is that about 20% of the families who come to court to have a dispute about their children resolved would be better served by, at least first of all, trying to sort it out themselves in other ways' (Baksi 2022, p. 15).

## Children's role in family separation: participation and voice

The rationale for children's participation in family separation is based on the recognition of children as experts of their own experiences (James, Jenks and Prout 1998), and deserving of their rights to be involved in decisions that affect them (UN Convention on the Rights of the Child (UNCRC) 1989). Participating in decisions can provide validation of feelings, experiences and wishes that in turn support children's sense of agency and well-being (Butler et al. 2002; Berrick et al. 2018). In addition, children have been found to be more accepting of an outcome if they feel they were part of the decision-making process, even where the outcome is not the one they wanted (Cashmore 2002).

When parents separate, there are no statutory processes to involve children, and several studies have found that children have very little communication about the separation from their parents (Roe 2021). If the parents use the family court, then the court may (but is not required to) appoint a family court adviser to: ascertain and represent the child's wishes and feelings; assess what will be in the child's best interests; and make



recommendations according to their assessment of the child's welfare. Family court advisers in England are employed by the Children and Family Court Advisory Support Service (Cafcass), and in Wales by Cafcass Cymru where this has been a devolved matter under the Children Act 2004. In most cases, advisers will conduct only initial safeguarding checks and speak to the adults before the first hearing, rather than the children participating directly. In a review of 45 studies of children's experiences of private law proceedings, Roe (2021) found that children wanted to be more involved in decisions, and frequently felt that they had not been heard by the court, although there are individual instances of good judicial practice such as in *Re A (Letter to a Young Person)*, (Rev 1) [2017], which demonstrated ways in which children can be meaningfully included, and heard, in decisions that concern them.

Research in the UK, USA and Norway suggests that children would like to participate more in family court proceedings and for their views to be heard directly. When this does not happen, children feel their views are considered unimportant or not to matter (Cashmore 2011; Tisdall and Morrison 2012; Morrison et al. 2020). They also wanted sufficient preparation to help understand the legal process and the language used (Quas et al. 2009) and enough time to process information given before asking, or being asked, questions (Thomas and O'Kane 1998). The MoJ (2020) report into the assessment of harm of children and parents in private law proceedings considered submissions from a wide range of children's organisations and family groups, which were nearly unanimous in supporting the recommendation to enhance children's voice in proceedings and to find ways of achieving this. The JUSTICE report, *Improving Access to Justice for Separating Families*, has called for a child-centred system of family justice, making the case for children to be included in many more aspects of proceedings (JUSTICE 2022).

## Piloting reform

In summary, while there has been recognition about the impact of parental separation on children, and the importance of supporting families through the process, there is growing concern that families have limited options for support and a belief that too many of them are using the family courts as a first port of call. There is consensus of the importance of finding ways to better support families before reaching court so that they can manage the separation process without engaging in adversarial proceedings (where this would be safe and appropriate for the families involved), including routes that centre on engaging with and listening to their children. It was in the context of challenges to pressures of the family justice system, and the concerns about how the family courts respond to victims of domestic abuse, that the MoJ developed two 'pathfinders' to develop and test an alternative approach to private law proceedings (MoJ 2020). These projects are based in Dorset and North Wales and include a range of changes to standard court proceedings that will include the children (for example by speaking to them before the first hearing) as well as a deliberate attempt to engage wider support services in the community.

## About our study group

The evidence in this report is based on in-depth qualitative data from 42 people – 16 mothers, 14 fathers and 12 children from Wales and south-west England:

- Dorset – eight mothers, one father, eight children/young people from either an urban or semi-rural location
- North Wales – five mothers and one father from either rural or semi-rural locations
- an additional site in south-west England – three mothers, seven fathers and four children/young people from either urban or semi-rural locations
- an additional site in south-east Wales – five fathers from urban or semi-rural areas.<sup>1</sup>

Of the adults, five mothers and eight fathers had been married before separating. Only two of the mothers in the sample had been involved in court proceedings, compared with five fathers.

Of the children and young people who took part, four were the children of parent participants who had used the court process, and four were the children of parents who had not used the court. The remaining four children or young people did not have parents who participated and as we did not ask this question directly of children, we do not know whether their parents used court or not. The children and young people ranged from 6–23 years old, with 3 participants aged 6–11, 5 participants aged 12–16, and 4 participants aged 17–23.

In terms of ethnicity, we asked participants to self-identify, and the majority (32) were White British with 6 identifying as Black British, 1 as Welsh, 1 as Jewish, 1 South African and 1 as East European. All children had parents who were in heterosexual relationships.

Participants used video reflections, prompted craft activities and online interviews to explain the decisions they had made during their separation, the challenges they faced and the support they received.

This qualitative study involves a relatively small number of participants compared to the thousands of entries captured in large administrative data sets used in quantitative research. The sample is not intended to be representative, and given the small number of people involved, it cannot be assumed that the experiences of these families represent those of all families in similar situations. However, this type of in-depth research does allow us to explore the ‘how’ and ‘why’ things happened. It allows for common themes to be explored in a way that enhances understanding about people’s experiences.

See Appendix A for further detail on the study methods.

<sup>1</sup> In total, we recruited 72 participants, including 11 children and young people from Wales, all of whom received data packs and with whom we kept in touch regularly over the period of data collection. However, we were not successful in retrieving data from children in the Welsh sites and our understanding of children's experiences is based on parents' accounts.

# Findings

## Separation as process

Rather than referring to the separation as a single event, participants described different 'markers of separation', which could be legal, physical, financial or emotional. Importantly, these markers of separation took place at different times so as a result, one of the challenges for participants, and the study, was defining when the separation took place. Thinking of separation as a process rather than a single event was more useful in terms of understanding how separation worked for family members.



It is noteworthy that difficulties in the relationship did not quickly lead to parents separating. Instead, participants provided many examples of the attempts that they made to try to resolve difficulties over a significant period of time.

*We'd have arguments and then discuss our feelings and then it would feel alright, but then it just wasn't. It was like underlying tension I suppose, that's never resolved. (Erin, mother)*

*But for me, the whole reasoning was because of her cheating on me, and I just couldn't take it anymore. Enough was enough. (Max, father)*

A legal separation of the partners occurred only when the individuals had previously been married or were in a civil partnership (although other legal arrangements can also be used as markers, such as legally formalising arrangements for children). Perhaps surprisingly, legal separation was not commonly commented on by respondents as a key marker indicating separation or even an important confirmation point.

A physical marker of separation with the couple no longer living together was the most common reference point for confirmation of separation. Even so, for some couples there had been several episodes of leaving, returning and eventually leaving permanently, so that the final physical separation was only evident in retrospect. For others, circumstances meant that although they defined themselves as 'separated' there had been extensive periods of ongoing co-residence after the relationship had ended. Therefore, lack of co-residence was neither a necessary nor sufficient condition to indicate separation.

*After we separated the first time, we got together again because he promised me he'd never do that again. I got pregnant and I believed he had changed in that moment, but no. (Aga, mother)*

*We lived in the same house for a couple of years knowing that we... well, it was more than a couple of years because even after we got divorced, we still had to sell the house. So, we were really in the house for three years, sort of, living separately. (Tom, father)*

Ongoing changes in relation to the physical aspect of separation were even more commonplace for children. Changes sometimes took place because children were better able to express their agency further into the separation, or because their preferences for where they lived changed over time. There were also alterations due to legal arrangements.

*The court order has been a gradual staggered approach, so that [Name] can get used to it. So, month-on-month, it's increased slowly, over the space of a year. So, from April last year to April this year, he's gone from seeing him a couple of hours in a weekend, to spending two nights there. (Belinda, mother)*

*[T]he girls don't want to be with me all the time. They just want a bit of visitation. They'll vote with their feet. (Luke, father)*

Finally, living arrangements for children also changed due to other changes in parents' circumstances. Most commonly these included changes in housing circumstances and new partnerships. For example, a temporary and difficult housing situation for one parent immediately after separation that did not allow children to stay overnight at one parent's house could be resolved as more permanent accommodation was arranged. While a new partnership could involve children living with an additional adult (and sometimes other children), the converse was also true that beginning a new relationship might also mean that children spent less time living with that parent, as one mother noted of her ex-partner.

*[D]epending on where he is in his life and his mood is, the level of interaction he wants with the kids. So, I always say to him, "I can tell when you are dating because you really don't want to see them so much and then when you are not dating and maybe you are a little bit lonely..." he wants them more. (Louise, mother)*

Financial separation was complex when ex-partners had assets in common to dismantle, such as selling a property, and this could mean that the separation took months or even years to complete. Tensions arose when there were disagreements – or 'challenging conversations' as described by one mother – about how financial arrangements should be made or how much a non-resident parent was expected to contribute. Some parents (both resident and non-resident) used online tools like the Child Maintenance Calculator (<https://www.gov.uk/calculate-child-maintenance>) to help work out how much the non-resident parent should contribute. For those struggling the most, the ability to rely on state support, via universal credit, was mentioned as essential as easing some of the difficulties caused by the separation.

*And it was trying to sort the money out as well, that was a difficult thing because obviously I had had one wage coming in, so I had to get universal credit to help support me, or I wouldn't be able to stay in the house. (Mia, mother)*

A sense of an emotional separation was mentioned frequently by interviewees as key to feeling the separation was complete. However, this varied between individuals (within and across couples). For some, a particular incident provoked a clear break, such as infidelity or abuse, for others it was a gradual process over a long period of time. Some couples

entered a period of 'confusion' where they were unsure if they were separating for good, or having a temporary break. Many participants described feelings for their ex-partner as lasting for long periods, and seeing them after separation became very challenging.

*But going through that was extremely difficult, just mentally, physically, emotionally – sorry, not physically, emotionally. I was in tears many nights.*

(Dylan, father)

*We don't do things together. We tried to at the start, but I couldn't do it because I wasn't myself. I shut down. And I didn't want the kids to see me like that. Even though I was trying to do it for the greater good, I couldn't do it. I couldn't get past that kind of barrier.* (Zoe, mother)

The different dimensions of separation, which sometimes coincided for participants and were sometimes experienced at different time-points, mean that it is useful to think about separation as a process unique to each family rather than a fixed event. In turn, this could have ramifications for responding to family separation and developing support offered to parents and children.

## Resources for separating

In relation to managing the separation process and the kinds of things that were helpful, participants reported three main types of resource:

- material resources, such as possessions or financial reserves
- network resources, such as social networks
- relational resources – skills or characteristics that could be drawn on in negotiating relationships with partners.

### Material resources

The more material resources participants had, the more options they had to manage the separation. For example, we heard about situations where a father owned a separate property and was able to move there. For others, finding money to pay rent on a new property, so that children could remain in their family home with the resident parent, was manageable. In another relationship, a couple was able to arrange the purchase of an additional home as part of the preparations for moving out.

*I was very fortunate that I could take on the home and my ex was able to take some of the equity out of the property that I was able to provide to her and purchase a home herself. So she was able to purchase a house even before we told the children that we were separating. (David, father)*

This was in stark contrast to families who could not afford to buy separate homes or could only rent accommodation that was unsuitable for children to visit (such as houseshares). One set of parents was forced to continue living in the same house for years, which led to a very difficult experience for their children.

*And their whole separation kind of caused a lot of conflict within the house. Whilst they were still living under the same roof, which would have been two or three years. (Tracy, 18 years)*

Material resources were also a concern of participants for the future implications of the separation. In particular, fathers were more likely to be aware of the potential implications of pensions being a part of a settlement, whether seeking advice about an ex-partner making a claim on a pension or understanding that a work pension would be valuable enough to forfeit some of the equity from a house sale.

In contrast, when mothers spoke to us about their financial settlements, pensions were not present in any of them, echoing other research on pensions in divorce (Woodward and Sefton 2014). One participant declined to claim part of her ex-spouse's pension against the advice of her solicitor because she did not want to be tied to her ex-spouse in any way in 30 years' time. This sentiment was echoed by another mother who reflected on the wisdom of this advice in the interview.

*I'm annoyed with myself that I didn't question enough things at the time, like I say, about his pension and stuff like that. (Louise, mother)*

A number of parents received child maintenance payments. Overall, while this was often an important financial resource, where relationships between ex-partners were difficult, communication was weak, and finances were tight, it was both a source of contention and conflict, as well as the necessary means to help with living costs. Participants who spoke about receiving child maintenance payments were nearly all mothers – though one father explained that for a period of time, he was both making payments (for one child) and receiving them (for a different child). In arrangements that were negotiated between couples and by the Child Maintenance Service (CMS), mothers gave us examples of monitoring the payments because fathers had failed to make them on occasion, had fallen into debt, or were 'a bit funny' about making payments through direct pay. Some mothers and one father told us about their perceptions that their ex-partner would find ways to reduce their liability for maintenance contributions. Another example was of a mother who thought the father was falsely claiming benefits, which would reduce his



payments. And in another, a father told us that he believed his ex-partner had taken on parental responsibility of her new partner's child as a means of reducing child maintenance payments to him.

Some mothers told us they were concerned about repercussions in the relationship if they used the CMS. One mother was waiting to hear the outcome of her application, but was fearful that her ex-partner would become violent towards her if he did not like the CMS's decision. Other mothers told us that they did not want to cause arguments with their ex-partner by contacting the CMS, and in another example, a mother said that her ex-partner had threatened to drop all contact with her if she approached the CMS. One source of disagreement was the extent to which each parent agreed that the payments should cover 'everything' related to the upbringing of a child, or whether a basic amount should be decided upon, and 'extras' negotiated on a case-by-case basis.

This highlights the way in which calculating what is needed and 'fair' is difficult when economic calculations are made in the context of dynamic and often conflict-laden interpersonal relationships of separating couples.

## Network resources

When participants had strong social networks, they were able to draw on a wide range of resources. This was most commonly provided by family networks. Several participants described being able to live at their parents' homes after moving out, even if this was not an ideal living arrangement. Some participants were also able to borrow money from their parents, or had social networks that could provide valuable information, such as technical legal or financial knowledge.

*I was very lucky because I had a friend who had a solicitor who was able to give me extremely good advice. (Mark, father)*

*I had massive amount of support from my parents. I've already said that they helped finance the solicitors. I paid for some of it myself at the time, and some went on credit cards, but they generally lent me the money. (Tom, father)*

## Relational and emotional resources

Although many participants felt that separating was the right thing to do, it was experienced as an upsetting and unsettling time for all concerned. It was common for participants to describe themselves and their ex-partners having different positions in relation to the separation, with one partner usually the instigator and the other wanting to continue the relationship. Sometimes, participants felt hurt, angry and betrayed by their partner's behaviour, which meant they did not yet feel emotionally ready or able to sit down and negotiate arrangements.



*So, it was really hard, the first part. It was a lot of angry messages back and forth. Yes, lots of tears, really emotional. I found it really hard to accept that it was real.*  
(Cerys, mother)

When it was possible, participants drew on a range of relational and emotional resources to support their navigation through the separation process. Some participants talked about the importance of remaining calm and civil in contact with ex-partners, and ‘venting’ at other (uninvolved) people where tensions rose. One father talked about their ex-partner having good communication skills as part of their job, while a mother described her ex-partner as very practical – factors that helped to make negotiations less fraught. However, where one or both partners were not able to manage difficult emotions arising from the separation, this entrenched conflict in the negotiations. We heard examples of situations where negotiations provoked further arguments and hurt, where parents communicated only through text message, and on some occasions, participants felt the conflict was so overwhelming, they pulled back from communicating entirely.

*That’s why I withdrew in terms of any communication with her because I never sent an abusive text to her, ever, or anything like that, but the temptation was there. And she abused me so much on my phone.* (Luke, father)

Clearly, parents’ capacity to manage this part of the separation has implications for the success of eventual arrangements, and there are ongoing challenges for children whose parents do not have the emotional or relational resources to draw on.

## Interaction between resources

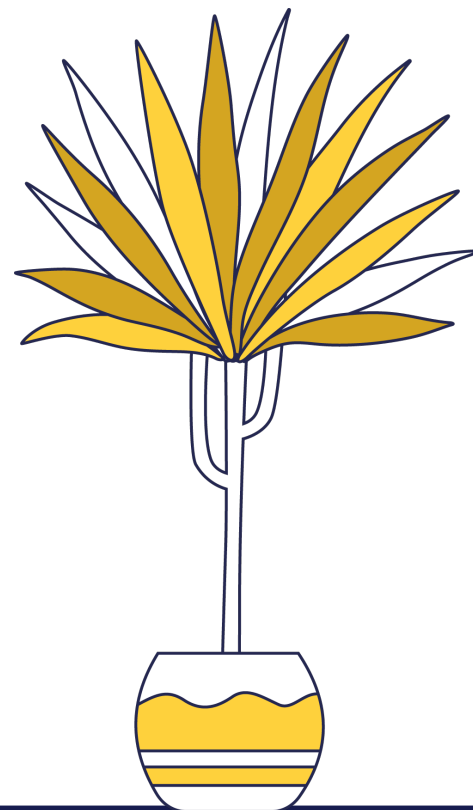
The availability of resources, or lack of them, interacted in different ways for different participants and had consequences for their lives. The most obvious example of this was the availability of suitable housing for an ex-partner who moved out of the house (in our sample, usually the father). If this was not suitable, and we found several examples of this, then there might be consequences for the ways in which the separation would be managed. Here, one mother explained why her child’s time with the father had to continue at her house because of concerns about his new flatmate.

*Well, where he moved into was a lad that I also knew, and I knew he had problems, like he was drinking and things like that. So, there was no way that I was letting my daughter go to his house.* (Freya, mother)

In this example, the unavailability of appropriate housing meant that the child had time with her father only at the mother’s house – and this had consequences for the mother and the child. The mother felt she had to leave the house during this time, that she could

not properly move on from the relationship because she saw her ex-partner in her home a lot, and worried that their daughter would think that they might get back together. The lack of access to material resources, most significantly in relation to secure housing, also pushed participants towards a more precarious lifestyle where emotional resources were depleted. Despite having successfully held down a management job, after separation, one mother described being unable to secure stable housing, being a victim of her partner's gambling and violence, having little to no support system, and then getting a joint tenancy on a council flat with her mother – who she had a volatile relationship with, adding further stress and tension.

In relation to resources, housing appears to be a significant factor in ensuring the least harmful separation for parents and children. Suitable housing (or lack of it) impacts emotional/relational and social/network resources and thus, the ability to navigate the separation more easily, carry less stress, avoid tensions with ex-partners and strengthen parent-child relationships.



## Children and young people in the family separation

### Experiencing the separation

Children's social worlds are significantly constructed by their experiences of family, so family separation was experienced by our participants as a major change. Children talked to us about how the fabric of their everyday lives had altered: what they did on a weekend, who picked them up from school, how they got to and from friends' houses – and how many sweets they got to eat. Alongside these everyday changes, many children also talked to us about: having to find a new role in the family unit; dealing with feelings of loss, anger or helplessness; and for many, watching their parents struggling with emotional or practical aspects of the separation. Both these practical and emotional adjustments that children had to make as a result of family separation are in line with findings from other research involving children and young people (Hayes and Birnbaum 2020; Birnbaum and Saini 2012).

Upon finding out about, or in the early period of their parents' separation, most of the children and young people expressed some sense of loss or sadness at the collapse of their family as they had known it.

*I think I knew that it wouldn't be the same. I think I said in my video, I spent the whole of the next day, like, crying. (Laura, 16 years)*

Our youngest participant explained that she had read a book about parents splitting up. In it the child's father had moved into a flat upstairs, so that they could see him whenever they wanted to. This was what our participant also wished for – to be able to call up to her dad from the balcony below. When it became clear that this living arrangement was not what was planned, she was sad and disappointed.

*Because we were moving house and I was a little bit sad and I got the book under the stairs and I wish I had a balcony to go upstairs and then see him whenever I wanted. (Millie, 6 years)*

A component part of this sense of loss or sadness from across the age range of our children and young people was expressed as a yearning to return to pre-separation family life. There was a sense that children wanted things to go 'back to how they were' and to become complete again, or avoid the feeling of 'living in two worlds' as per Johnsen et al. (2018). For example, Josie, whose parents had separated when she was in her late teens, stated that she was 'so upset, all I wanted was my parents to be back together', while Elijah stated, 'I wanted him to come home back to us'. Other participants spoke about missing the presence of their parent in the everyday activities and routines that had shaped children's lives up to the point of separation.

*The house that I knew wasn't – you know, my dad wasn't there anymore. I couldn't just call on him all day every day when I felt like, really, when I go home from school, he's not going to be there. (Rhiannon, 17 years)*

However, while most children and young people recalled some loss or sadness, the strength of feeling differed. As Pryor and Rodgers (2001) noted, separation may be difficult, but it is not necessarily damaging for all children. For example, Nathan stated it was 'quite upsetting, in the moment' but that he had adjusted quickly, and rather pragmatically recalled how his friend's mother dying had helped him get some perspective, since he could still be in contact with both his parents. Others expressed mixed emotions or were ambivalent about the separation.

*I'm not sure if I actually did feel anything about it, because it wasn't really a big deal to me...I think my brother might have been upset, but I'm not really sure how I felt. (Joe, 13 years)*

Linked to this, some children also talked of memories of conflict or tension between their parents pre-separation. In line with evidence that parental conflict can have a negative impact on children (Harold et al. 2016), in these cases the separation elicited a sense of relief from children.

*But I did kind of think 'oh finally!'. But this has taken so long, and I thought it would be great for them to get away from each other. (Tracy, 18 years)*

*I felt sad and heartbroken but now there's no more arguing or anything and I'm happier here with my mom, which is good. (Daisy, 13 years)*

Another key aspect of children and young people's experiences of separation was that they were aware of the difficulties that their parents were experiencing. For example, several children reflected that their parent's state of mind post-separation had improved since some time had passed after the separation.

*Daddy's happier. I think. I don't really know, but OK. Yeah, I think he might be...I think he is happier. (Elijah, 9 years)*

*They're obviously much happier, having their own houses. (Phil, 18 years)*

In some cases, witnessing their parents' distress before, during and just after the separation had very negative consequences for young people, with long-lasting effects. Some discussed how carrying this extra layer of emotion, almost vicariously, led to not being able to concentrate at school, suffering with anxiety or depression, or feeling out of control.

*It wasn't until a few months later that I realised that she'd met someone else, and it completely crushed my dad. It was so hard to see them both like that, and I think combined with the pandemic, I felt out of control with my home life.*  
(Tracy, 18 years)

*[I]t was hard, like, constantly having to pick between them, whose side to be on, who was suicidal that day...it was, kind of, like, I'm looking out for everybody else, but nobody could see that I was there desperately unhappy.* (Josie, 23 years)

All of this data suggests that children are an inextricable part of their parents' separation and that their experiences cannot be decoupled entirely from those of their parents. This has important ramifications when considering how best to support children through separation such that supporting parents will benefit children and help reduce any negative consequences for them.

## Parents prioritising and protecting the child

The overwhelming majority of parents expressed the importance of their child's well-being, and a desire to prioritise their children in – or protect them from – the separation. Many parents expressed this in the language of wanting to 'put the children first', wanting to do what is 'best for the children' or putting the child's needs 'over your own'. This was the case for both mothers and fathers.

*[B]ut the things that were important to me, after we separated, was how it impacted the girls, how I didn't want it to impact them too much.* (Cerys, mother)

*I want to put the children first. So if that means to sacrifice my own life at the moment, that's fine with me. I'm more than fine with that.* (Sasha, father)

In some instances, putting this into action was acknowledged as a difficult task due to painful emotions, tensions or conflict with ex-partners. Some discussed this more in relation to the period of time shortly after the separation, when feelings were most intense. There was a recognition that they needed to make a significant effort to navigate their conflict or hurt for the good of their child, whether this was maintaining a civil mode of communication, or facilitating contact with the other parent.

*And I think I just got to a point where I just thought I can't do this to my kids anymore...she loved her dad as much as I hated him or, you know, I was bitter towards him, but at the end of the day I love this little girl and this little girl loves her dad.* (Andrea, mother)

Other parents reflected on the ongoing nature of negotiation and compromise required for the sake of their children. One father stated that while he and his ex-partner had settled into a fairly good pattern of communication and co-parenting after some years, 'It's not all sunshine and roses...there's going to be tension'. Other examples, more often from mothers, included responding to an ex-partner in a more positive way than they instinctively wanted to, or not reacting to circumstances that were perceived to be unfair.

*I think I'm kinder to him than I need to be, so when I have talked about the experience I'm probably being a lot more forgiving than I should be... I take his crap and I let him do whatever he needs to do because at the end of the day what's important to me is their relationship with him and that they actually have one. (Cerys, mother)*

There were two instances where children had little to no contact with their father or mother due to safeguarding concerns and the involvement of children's social care. In these cases, the resident parent kept the figure of the other parent alive for their children where there was no relationship or attempted to facilitate at least some contact via messaging services.

*[I]t's important for her to know that she has a daddy, although he doesn't have any part in her life. (Kaya, mother)*

*I set them up a Facebook Messenger so it always kept a communication door open. (Ivan, father)*

While our data suggests that parents recognised that children were affected by difficult emotions arising from the separation and that they wanted to protect, support and prioritise their children's well-being, in some accounts there was a sense of minimisation or misunderstanding about the extent to which children understood, heard or were affected by aspects of the separation. For example, some parents reported the idea that hearing arguments or experiencing a 'matter-of-fact' mode of communication would be unproblematic for children.

*Whilst they don't see us hanging out as friends, they just see quite matter-of-fact interactions... So I think the kids believe that this kind of interaction is normal. (Zoe, mother)*

*Of course, they've seen us argue, but nothing particularly bad. Or I've tried to keep it from them as much as possible. (Freya, mother)*

Other ways of minimising the effects of the separation were to draw comparisons between pre-and post-separation life, suggesting that for the children, the difference felt would be minimal.

*...because he was very rarely here in the evenings, or, if he did come home late, they'd be in bed, it wasn't a massive shock to them when he moved out. He was rarely here anyway, so for him to then not be here at all wasn't a big shock.*  
(Freya, mother)

One parent decided that it would be better to erase the figure of the child's father from her reality altogether in order to save her daughter from knowing the details of the separation and any hurt this might cause.

*[M]y friend asked me, "Aga what will you say to your daughter when she grows up? Where is her dad?" I said to her, "I will say to my daughter 'He's dead'." It's better to say he is dead than that she feels disappointed that he was cheating on her mum.* (Aga, mother)

While parents said children were their central concern, the extent to which they were actually protected or prioritised in the process was to some extent tempered by parents' own emotional readiness or ability to do so.

## Children's involvement in the separation

In terms of finding out about the separation, children reported different things. Many said they were not 'really sure' or could not 'really remember' being told. Some of the interviews happened years after the separation had taken place and it was hard for them to recall exactly what had been said, and when. Two children could give clear accounts of when they had been told, both in ways that had been planned and had allowed them to ask questions.

*My mum just sat me down and said they're not in love anymore. They're not in love anymore, they're not going to be together.* (Rhiannon, 17 years)

However, Rhiannon also reflected that because her mum and dad did not tell her together, she needed confirmation from her dad before she could fully process what was happening and accept that things would be ok. For others, there were memories of finding out – which is not the same thing as being told. A range of circumstances surrounded children's awareness of their parents' separation, and often these had led to some confusion and little opportunity to ask questions.

*Then she found more messages, and just was throwing his suitcase and things down the stairs. And that's how my little sister found out.* (Laura, 16 years)

*I did get told one day, "Oh, we are getting a divorce." But it was so casual that it was almost like nothing.* (Rosie, 19 years)



*I didn't think they told me, but it was very obvious... One day, we woke up, whatever, he was acting strange, but me and my brother didn't think of it... But I was at school, so I don't know what happened. And then he obviously didn't come – well, no, he tried to come, I think, in the evening, but our mum wouldn't let him in. The police were here. (Joe, 13 years)*

Children expressed some dissatisfaction about how they were involved in court-mandated processes. Consistent with the findings from other research (Roe 2021), the small number of children in this study who experienced court processes felt that their voices and views were not being prioritised. For example, one young person provided an account of how they were made to see a therapist due to the fact that they were insistent that they did not want any further contact with their father. The process of this was traumatic and nobody listened to the child's repeated insistence that they did not want to go.

*I think the worst part of that was when they made me go to the therapist. They made me sit in a room with him (my dad), even though I'd said I didn't want to see him. This lady made me say to his face, "I hate you, I don't want to see you", to prove that I wouldn't see him. And I was like, "Why are you doing this to me? I'm a child". That was probably the most traumatic thing. (Laura, 16 years)*

On the other hand, where another young person was the subject of a child arrangements dispute, she reported that the Cafcass family court adviser had listened and understood her perspective, which felt empowering and reassuring.

Some children and young people also expressed that post-separation contact arrangements had been decided for them and not with them. One young woman described trying to communicate with her father that the constant switching between her parents' houses had been too much for her. This resulted in her becoming unwell at the time, and then after the arrangement changed (which her mother had to make a court application for), she retained a sense of resentment towards her father for not listening to her.

*It was, like, twice a week after school, and one day at the weekend. And it was just a lot. Like, we didn't know if we were coming or going. I was getting ill and things, because of it...I feel very angry with him. Because he wouldn't listen to what I said... Like, for me, it would have been so much better if people had just listened to me. (Laura, 16 years)*

*I remember having to sit round his girlfriend's and being forced to play with her kid. (Becky, 12 years)*



Other young people expressed a similar sense of disempowerment and lack of knowledge in relation to where they would live or even who they would live with.

*So to just move there, it was just on a Tuesday, and I was just going to school on that day. And I just left like I do for school. And I came back and it was really weird.* (Tracy, 18 years)

*And when [my mum] moved out, she didn't actually tell me. And she took my brother with her. I remember my sister knew, my dad knew, but no one had actually told me.* (Rosie, 19 years)

A small minority of young people discussed having a clearer involvement in decisions that were made about them, or more effective communication about what was happening and why. Where children felt they had been involved, and their awareness respected, they were happier with the separation process and the adjustment to post-separation life.

*I think that my mum dealt with it really well. Because she always treated me in a way that meant she understood that I understood... I think that parents need to be mindful of the fact that their children understand, in most cases, what's going on.* (Laura, 16 years)

Some young people reflected on what could have better for them, and for other children and young people affected by family separation. For some this was as simple as acknowledging the situation and its difficulties rather than trying to gloss over it or shield the child from view. One young person stated, 'Don't act like nothing has happened, because that's not good'. While another discussed the onus being on parents to 'know about what the child feels when it happens' (i.e. by asking them) and suggested making a calm and relaxing place to talk about it, like over the child's favourite meal. In other cases, participants asked very clearly that children should be listened to throughout the process.

*And instead of doubting me and constantly questioning and trying to enforce that what they're saying is right, believe them. And then give them opportunities, like let them know that, if they change their mind in the future, that's okay.* (Becky, 12 years)

Based on the children and young people's experiences, and the reflections of parents in the previous section, there is something of a mismatch between parents' near universal desire to protect and prioritise their children, and what children observed and experienced. Children and young people clearly expressed that being involved, communicated with, and having their wishes taken into account in decisions about them, was very important – but many did not feel that this had been facilitated.

## Support mechanisms

Participants were asked about the types of support they had accessed, providing their perspectives on what had been most beneficial or unhelpful. The terms ‘support’ and ‘services’ were left open to participants to define. All of the participants drew on different forms of support and advice at different points in the separation process. Some interviewees were unsure of the status of formal services, highlighting the complexity of official support provision in this area.

Types of support mentioned included informal support (friends, family and informal support groups) and formal support mechanisms (provided by those with some professional status). Formal support included a wide range of professionals and institutions such as court services and Cafcass or Cafcass Cymru; non-court legal services (solicitors); other services (e.g. mediation, counselling, Citizens Advice); and education-based support (teachers and other school-based professionals).

Informal support from friends and family included parents and in-laws (of the separating couples), siblings, and friends (mentioned by both parents and children). Family and friends were described as providing a range of emotional and practical support. They were overwhelmingly mentioned positively because of the extent of their support but also their ability to be available when needed, ‘on demand’. Examples were given of a huge range of financial and practical help: giving money to pay for legal or other services; providing short-term housing; and other forms of practical support such as childcare, transport or, prosaically as in the quotation below, helping to assemble a child’s present.

*I checked with my dad, “Is it okay that I can move in with you?” and he was like, “Yes, there’s a room” ... I’m very, very lucky that I had my dad and he had given me a place rent-free to save a bit more towards a deposit. (Erin, mother)*

*I was living with my friend. She’s the best lady in the world, she helped me quite a lot, she never lets me down. (Aga, mother)*

*Randomly on Christmas Eve, they [my parents] turned up at the door because they knew I needed to build a drum kit, and even though I had not asked, they just turned up to help me. (Zoe, mother)*

Emotional support ranged from offering advice, building resilience, or just not feeling lonely or forgotten. ‘Being there’ could simply mean having someone who they could talk to, sometimes with someone who had been through a similar experience and therefore understood the problems they faced and options available to them, to more direct advice – such as finding a job or specific suggestions about how to approach negotiations with ex-partners.

*I've got a massive family. So, they were my main support, emotionally and physically. I had them, and I still do have them... I had my sisters and my parents to support me as well to reassure me that the decisions that I was making were good decisions. (Cerys, mother)*

*I kind of found that support, in the end, with a friend closer, at work, on my doorstep, as such. We would go for walks and we both had children, so we could take the kids out, we could talk and walk and all of that. (Hannah, mother)*

*So my friends were my massive support network. I don't come from a family of divorcees or single parents, so having my friends' input really, really helped me. They came round, even when I didn't want to see them, and they'd be here. They delivered flowers for me and the girls on Valentine's Day. They never forgot us. They included me and the girls in everything. I've got a big group of friends and my friends were amazing. (Louise, mother)*

Some participants explicitly mentioned that the value of close relationships with friends and family was that they could offer challenge to their perspective in a balanced and supportive way.

*My mum is very straight talking, so she knew what to say to me and if I were being stupid she would also tell me I was being stupid but make me think about my consequences and what I was doing. My mum has been with me through thick and thin, so I like how straight talking she is to me. If I'm in the wrong, she'll tell me I'm in the wrong. (Andrea, mother)*

Children also spoke about family members and friends offering them emotional support and that people who had been through a similar experience could understand the emotional and practical difficulties that they encountered. Similar to adults, though more frequently, they also mentioned both their friends and parents as sometimes not fully understanding or recognising the impact on them of the separation.

*[H]aving a parent with mental health problems, being able to relate to somebody who's in a very similar situation, I think has been the only thing that has truly helped. Everybody else can say, "Oh, that's terrible", "Oh, I feel really bad for you", but having somebody who actually experienced it was invaluable. (Josie, 23 years)*

*[O]ur Uncle [Name], he came down every single weekend...Especially when I stopped seeing my dad, he would come down every weekend and take me out, and we'd go swimming, or we'd go out and take photos, or we'd go out for lunch, or we'd bake cakes. Things like that. He was brilliant. And I still talk to him basically every day. I used to phone him up on my way to school, every single morning, at like 8:00 in the morning. (Laura, 16 years)*

## Formal support

Formal support mechanisms were diverse and included professionals (for example, Cafcass and Cafcass Cymru family court advisers), those who were formally optional but often felt to be necessary to some degree (e.g. those with some form of legal expertise), to those sought out by individuals (e.g. private counsellors). Some involved all or a combination of family members together (such as family mediation), others were used by only one member. Some were provided by the state in some form, for example via legal aid, though most had to be financed to some degree by family members. Participants had a range of views about what they were able to access and the inability of services to deliver the forms of support they felt would have been helpful.

## Mediation

A total of eight parent participants (six fathers and two mothers) had used mediation, although participants were not always able to distinguish between an initial MIAM and mediation itself, which suggested some confusion around the process. Where mediation was informative and provided focused support to ex-couples, it was deemed to be a good means of support. In one father's case the information provided about the level of child maintenance payment payable was considered to be useful.

*Then when we went to mediation after that. They explained to her what the child maintenance was likely to be. (Owen, father)*

In another case, the process of agreeing a financial settlement through mediation helped to 'solidify' it a little more in the parties' minds than if they had not gone through the process, and another described mediation as a way to help people 'fill in a spreadsheet' of the financial aspects of a separation. However, there were more negative comments towards mediation than those that were positive. First, the process of mediation itself was often seen as problematic because of the necessity of having an ex-partner present during the mediation. Those participants either felt it was intimidating or simply emotionally challenging given the relationship context.

*It was very horrible. I didn't want to be in a room with him... I just felt like it was the worst hour of my life. I was sat in a room where I was shaking with fear... I was completely on edge the whole time. (Belinda, mother)*

Second, a background of domestic abuse meant that participants felt strongly that mediation was always going to be inappropriate, and in other cases parties felt the mediation just did not fit with the reality of the dynamics in their relationship.

*And the whole 'mediation' thing – once there's been a domestic dispute, they should just shove that to the side. I don't want to look at him after coming into our space and misbehaving. (Kaya, mother)*

Third, others in the sample suggested that the point at which mediation happened did not coincide with a stage in the separation process where they were able to manage it successfully – a point echoed in research by Hunter and Barlow (2020). Furthermore, participants were sceptical about the arrangements that mediation produced. Either they doubted that mediation arrangements would be adhered to, felt that arrangements were forced on them, or were irritated that the mediator was not proposing viable solutions. Some participants, who viewed mediation as having some authority, mentioned it as a threat that could be used.

*[W]e had this mediator through the court and she forced [Name] to start seeing her dad. (Louise, mother)*

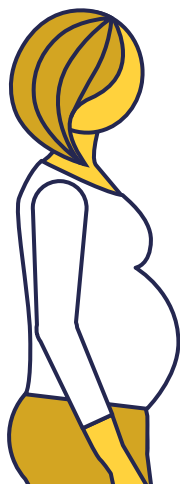
*I did threaten him with mediation. (Andrea, mother)*

Finally, there were some participants in the sample who wanted mediation to provide individualised advice and guidance. Previous literature has also identified the particular issues with mediation in a post-LASPO family justice system in which family members going through separation require and want more focused advice and guidance (Hitchings and Miles 2016; Blakey 2020). However, this is not what mediation typically can offer. This approach to mediation is based on the mediator's role as a neutral third-party facilitator, which did not meet the individual needs of family members in our sample.

*The mediators I found a little bit more frustrating because they are trying to impartially get you two to agree and kind of get you to talk a little bit more. Whereas, I found sometimes that I almost wanted her to tell him what he was asking for wasn't realistic. (Zoe, mother)*

*I mean, you're dealing with people in high-stress situations. Your first skill has got to be in diplomacy. The first skill has got to be in listening to both sides. He tried probably, but he wasn't very good at it. There we are. (Luke, father)*

For some this mismatch between the hope of what mediation can provide versus the reality may just be a failure in the initial information about what mediation is. It may also be a reflection of the fact that, in the absence of other options, separating families might look to mediation to meet their needs because in a post-LASPO world there is nothing else available to them that has some associated funding – and when it fails to meet specific needs, those involved end up disappointed.



### Counselling

Those who mentioned counselling viewed it as a positive experience, allowing them to express their feelings to someone who was impartial, to make sense of their emotions, and to get some guidance and practical strategies about how to process their emotions or alter unhelpful behaviours or patterns of thinking. There were some less positive views of counselling around not being able to just vent frustrations, and instead having more directive advice, typical of some cognitive behavioural therapy programmes, about how to develop coping skills. Others felt that they were not given enough guidance or direction and, in relation to couples counselling, that their (ex-) partner did not engage. There were several participants who wanted to use counselling services, but were unable to, and the main reason for this was the expense and limited availability outside of privately funded providers, making it inaccessible for some.

*It's just a good place to go just to let off steam, to talk out loud about something to someone who's going to guide you around your feelings and your thoughts. And, yeah, in the end it just helps to make sense of a lot of stuff. (Cerys, mother)*

*It's great because it's someone completely neutral and you don't owe them anything. And if you feel like you go back on something you say it doesn't matter because you don't feel judged by them at all. (Erin, mother)*

While our participants expressed different views about the 'support' they had accessed, the term is perhaps a misnomer – or at least misleading. The support mechanisms of mediation and counselling, for example, were designed to provide a service – either one or a combination of information, advice or action. Sometimes it was exactly support that our participants were looking for from these services but there appears to be a gap for people who lack strong network resources and are unable to fill that gap with services such as mediation or counselling.

## Experiences of the court

### Court as a last resort

It has been argued that separating parents are too quick to turn to court as a source of resolution for disagreements and that this tendency is a major reason for the backlog of cases (Baksi 2022; Family Solutions Group 2020). Unusually, this study included those who had and had not used courts, and so provided a range of perspectives. Notably, those who did not go to court viewed it as unnecessary, especially where they were able to sit down to negotiate with their ex-partners, while others saw it as a last resort to be used only in extremes. Others discussed that court would be ‘too stressful’, as ‘costing too much’ to be a viable option, or had personal experiences from their own pasts that they wanted to avoid, notably their own parents’ messy divorces. The extent to which participants wanted to avoid court was seen in examples where ‘going to court’ was used to exert leverage in negotiations, as a general threat to the ex-partner, or as a threat used in the heat of the moment. One mother summed up the position that many participants took with regards to the prospect of beginning court proceedings as ‘the worst option’. The reticence to use the formal court process is emphasised in the following exchange.

Cerys: Yes I can really understand why people go down the legal route because at times that’s how I felt like I could only deal with it.

Interviewer: Can I ask why you decided not to?

Cerys: Because I didn’t want it to get too messy for the children I suppose and maybe financially I couldn’t justify it. I think because of my support network I –if I didn’t have them to fall back on then I probably would have needed to go down that route because they will have then supported me with most decisions. (Cerys, mother)

This quote not only highlights two of the negative thoughts that some of our participants associated with going to court, but also demonstrates the importance of support, particularly the notion of having someone on your side and being there to validate decisions being taken during the separation process.

For those who had used courts, it was similarly described as the only option because of the extent of the difficulties they were experiencing in reaching agreements. In these cases, while clarity was provided for participants in terms of the certainty imbued in a court order, the overall experiences of court were of a place that was intimidating and confusing. For those who had been party to divorce proceedings, financial or childcare disputes, participants indicated that court was not the ‘first option’ they had considered or attempted, but instead, they had tried other means to try to settle their dispute which included mediation. Other participants suggested that they would try to avoid going back



for further orders as it would 'create tension all over again' between the parties and for their children. Participants also noted how the route to court was not straightforward, with processes and procedures in place to safeguard against court being used as a 'first port of call'. In particular, participants noted the many hurdles that had been placed in the way of beginning a court application, including being assessed for mediation and the large amount of form filling and evidence needed to obtain legal aid.

*Another thing I disagree with is the fact that you need to have mediation. What mediation? He wouldn't even take the day off for the 20-week [pregnancy] scan. Where is he going to take a day off to mediate? ... All a load of nonsense, but then you go see the solicitor and then you have to go see another load of solicitors because you have to go for mediation. Or in my case, seeing that there was domestic violence, you don't have to have mediation, but you still have to go and sit there for an hour and complete the paperwork. For that, you get legal aid, so what's the point? It's all just one big mess. They're either going to give it or not. It just goes in circles... (Kaya, mother)*

### Experiences of the court process

In our sample, 7 of our 30 adult participants experienced the court process, and all suggested that going to court did provide some clarity, which then enabled them to pursue certain arrangements. Overall, there was an appreciation of the usefulness of the orders and the power of the court to grant them. However, this is distinct from the process of obtaining the order, which received more critical commentary from the participants.

In terms of the sample's experiences of the court process, the participants provided examples of the court being 'scary', as well as a 'stressful' and 'unhappy' environment. This was not only in the court hearing itself, but in the waiting area beforehand, with participants reflecting on the difficulty of sitting across from their ex-partner in the waiting room for a period of time. The court experience was found to be 'intimidating' for some of our participants as it contains such unfamiliar processes. Those who represented themselves (litigants in person), often due to the prohibitive costs of solicitors, suggested that their needs were not being met. For example, one participant discussed difficulties in 'deciphering' legal language. These findings echo other research around litigants in person, which found that many litigants in person struggle with a range of technical tasks, including understanding and completing forms and that their 'main support needs were for information about process and procedure, emotional support, practical support and tailored legal advice' (Trinder et al. 2014, p.79). In contrast, for represented parties, the inability to speak directly to the judge and having to rely on their solicitor or barrister to speak on their behalf felt unfamiliar, unsettling and disempowering.



*[I]t just felt a bit pompous and a bit alien, like a lot of language and a lot of the stuff you go through. You know, you can't talk to your solicitor or the judge. You have to wait until you leave the room and then you can talk to your solicitor, but I'm not allowed to speak to the judge, only my solicitor can, and things like that. All just a bit pompous, a bit out of date, almost. (Louise, mother)*

One of the key themes emerging from our data relating to participants' experiences of court was participants' sense of powerlessness, and not being in control of the situation, processes or outcome. This powerlessness could also be seen in one participant's panic at attempts to understand what was being asked of her in relation to completing a Scott Schedule.<sup>2</sup> Another struggled to rectify court administrative errors. The following quote highlights the frustration and anxiety for one of the study's participants, a litigant in person, in trying to get hold of someone at the court to rectify mistakes in correspondence.

*Then, the most recent letter that I've received was, they said the guardian report was coming out this week. The court hearing was supposed to be on 25th, and then mine and the ex's statements are supposed to be on 30th. So, I emailed and said, "Why are the statements in after the hearing? It doesn't make sense. You're supposed to discuss that and that together. ... Then, they've come back and changed it. But it's like I've had to send two emails to court, and I've had to do a phone call, to get a confirmation of what's happening. (Belinda, mother)*

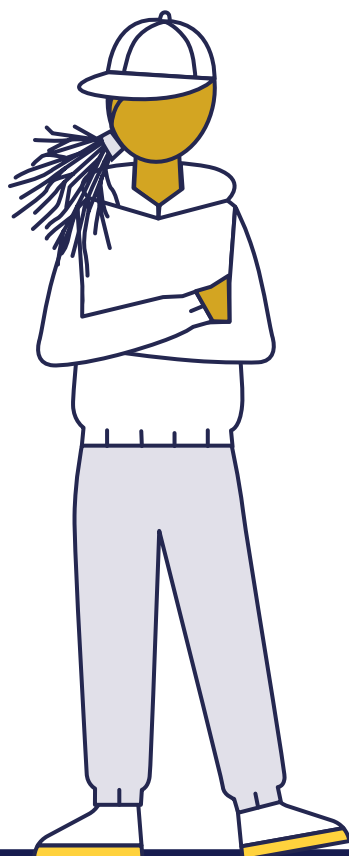
While our sample of parents who experienced court was small, all of these experiences of court were double-edged. The clarity and certainty for these participants was a welcome intervention in what had often been stressful and contentious disputes up to that point, but there was room for improvement in the court experience. Further, the majority of couples avoided court and most had clear reasoning for this, viewing court as the last resort or a serious escalation that was best avoided.

<sup>2</sup> In family court proceedings this usually concerns where the court is being asked to make a finding of fact, and comprises a list of allegations, responses of the other party to allegations, and evidence relating to the allegation.

# Discussion

The experiences of families reported in this study adds further evidence to what we know about the needs of mothers, fathers and children when parents separate. It adds to a body of research commissioned by Nuffield Family Justice Observatory by providing in-depth, qualitative evidence of the separation process, parental reasoning, and what was valued about available forms of support. It complements existing quantitative evidence about the characteristics of parents who attend the family court in Wales and England (Cusworth et al. 2020, 2021a, 2021b) by considering the reasons why parents did (or did not) go to court, and their wider experiences including the experiences of children affected by parental separation.

Parents reported that where possible, they tried to use their own resources to manage the separation process, including talking to people in their own communities such as teachers, friends, extended family and acquaintances. They were valued for their advice, financial and housing support, but also by 'being there', both in the sense of being



accessible when participants needed them, and by validating their emotions. This is especially significant as the nature of separation means that different support services and needs occur at various points over an extended period of time. This echoes the findings of Harknett and Hartnett (2011) who characterised the networks of separated mothers as a 'safety net', but which were weaker for those affected by disadvantage. When participants in our study did not have a sufficiently strong safety net, they sought out formal support, which was valued when it was accessible, informative, realistic and emotionally aware. Parents sometimes felt that it was difficult to know where to get all their support needs met, and so put together a patchwork of support. For example, parents got emotional support from counselling services, which are not set up to offer advice and information about financial arrangements. The lack of easily available information also led to heightened and sometimes misplaced expectations about what services such as solicitors, mediators and the courts, could and should provide.

Parents wanted to prioritise children, but sometimes found it difficult to achieve this while managing their own distress. Children told us that they did not always know why their parents were separating and found out in ways that were unhelpful, echoing Smart's (2006) work that the way that divorcing parents managed the process that made a significant difference to how children experienced it. Sometimes parents expressed an uncertainty about the best ways and times to explain the separation to their children, and to know how best to support them. This suggests that some parents may find it helpful to have further information about supporting their children through the separation process, though it may operate best when it can be integrated with other support services. It may also be positive for children, especially older children and young adults, to be able to access information directly themselves in order to understand and communicate their own needs.

Participants in the study had a mixed experience of mediation. We do not seek to generalise from the small numbers in our sample, but our findings do echo those of previous studies in this area where concerns were raised about situations of domestic abuse where mediation should not be recommended (Barlow et al. 2017; Hitchings and Miles 2016). This was also the case for some participants in our study where there did not appear to have been effective screening for domestic abuse to assess whether mediation was appropriate. In addition, our findings revealed concerns from some parents who felt that the meetings had not taken account of power dynamics in the relationship, leaving them dissatisfied with the process. Mediation has been emphasised as a preferred form of dispute resolution and as a mandatory step in the legal process, through the MIAM (Children and Families Act 2014, s.10). Our findings suggest that either further development of the mediation service is required to improve the experience of families or, other forms of service need to be prioritised that can address other support needs.

Our study included families who had decided not to use formal legal support through solicitors or the family courts, and we were therefore able to understand their reasons for not pursuing this – whether for financial settlements or for child arrangements orders. Our finding that parents avoided using these routes if possible provides contrasting evidence to the view that parents use the court as a first port of call (McFarlane 2022). We would need survey-level data to establish how many parents this represents, but our findings help us understand the reasons that some parents had for avoiding legal routes, namely their concern about the repercussions for their relationship and the prohibitive costs that would be involved. Our findings also highlight the difficulties for parents representing themselves as litigants in person because of the unavailability of legal aid and their unfamiliarity with the court process, supporting findings from previous studies in this area (Trinder et al. 2014). Parents who did not use formal legal advice tried to gain advice and support from other sources, but their experiences were varied.

The family court has a clear remit to hear the wishes and views of children – but in our study, the experience of the small number of children who had been involved in court hearings was that they felt their views had not been heard sufficiently. One possible explanation is that most court hearings get resolved at the first hearing and a child does not get contacted directly in that meeting. Indeed, when children in our study had met a family court advisor from Cafcass or Cafcass Cymru, they did feel that they had been heard, and there are current developments to meet all children before the first hearing through the recommendations of the JUSTICE report (2022) and the pathfinders that have been piloted in Dorset and North Wales.

The study findings are not generalisable across the whole population and in particular the number of children interviewed from different families is relatively small and covers a large age range. It is also important to note that the findings represent parents who have not gone to court. This provides a useful addition and counterbalance to much previous work but does mean information on court processes themselves is more limited. The data could be supported by further survey evidence about families who use non-court services and the effectiveness of those in managing demand on court time. Although we did capture views from a diverse range of parents, especially across class backgrounds and current occupations, there remain gaps in our sample, especially with respect to minoritised groups, which could be addressed in future research.

# Recommendations



The findings from this study raise a number of implications for practitioners, policymakers and researchers in family justice to consider. Our proposal is based on an understanding of service provision that provides the characteristics that parents and children valued in their experience: being easily accessible, informative, realistic and emotionally aware. We also note that initiatives to improve advice, support and ultimately outcomes for separating parents and their children are likely to be limited for those who do not have adequate material resources – that is, there is a limit to what can be improved through existing service provision. Nevertheless, we offer examples of what improved services might look like in the sections below.

## Information and advice

Parents searched online for information about the separation process, but found it hard to find reliable sources. There remains a clear need for a single website for separating families that provides authoritative legal information and guidance about the different options for separation, and links to other sources of useful information such as the child maintenance calculator, individual support services, and support services for children.

Information should be provided in plain English and in child-friendly formats, so that children and young people affected by parental separation can be informed about the separation process and how they can have their wishes and feelings heard.

## Family support for separated families

We recommend making tailored professional advice and guidance accessible and affordable to parents and children in community locations. A one-stop-shop model may be useful to provide reliable information that sets out the options for post-separation arrangements including in relation to finances, and children's living arrangements, based on their specific circumstances.

Different family members require different support at different times, so information and advice should be offered to people on an individual basis, and children should be enabled to access this without the requirement for parents to attend with them.

More thought needs to be given to how support can enable parents to meet the needs of their children on separation, especially around hearing their wishes and feelings and providing them with the information they need. Parents and children described being in emotionally and often financially challenging circumstances. Support service professionals need to start from a principle that parents are not deficient in their support for their children but may require additional resources to deliver a positive experience for their children.

At a policy level we need to think about what services are in place to provide a separation 'safety net' for those who will not otherwise have the resources they need to navigate separation without harm to themselves and their children. There is a particular issue around housing and the implications for other domains of family life and relationships if housing needs cannot be adequately met. In responding to the needs of separating families, the impact for housing policy should not be overlooked.

## Counselling

Given the extent to which counselling was often found valuable, clinical commissioning groups should consider extending the availability of counselling services for parents who are separating and their children. These services could be co-located with information and advice services based in community venues. Extending the range of counselling support in schools, such as in the Welsh whole-school approach to mental health model, would enable children to receive important support in a non-stigmatising setting.

## Mediation

Policy developments need to move away from a binary model of court or mediation. Further work needs to be undertaken to develop accessible models that provide advice and guidance to the families that want it instead of, or in addition to, mediation. Any efforts to divert families from court should also include development of offers beyond mediation, which focus more on advice, guidance and emotional support.

Some parents in our study had a frustrating experience of mediation because they felt it did not give realistic expectations for negotiated outcomes. For these parents, mediation could include more overt legal advice to inform parents about what arrangements are likely to be realistic. Linked to the recommendation for accessible information, information about what mediation is and how it works should be made more widely available to parents so they can know what to expect from the mediation process.

There is a real and pressing need to strengthen the processes for screening for domestic abuse in mediation services and we support the recommendations of the JUSTICE report in this regard (2022). We also recommend discussing with each partner concerns about how power dynamics may emerge in mediation and use that as an additional basis for screening or ensure it is expertly managed during the mediation process.

## Court services

For families who use the court, court services could review the language and processes so that it is experienced more positively by parents and children.

Parents could be better informed and supported through the court process, and the provision of a family liaison officer would be one way of achieving this. This would be particularly helpful to parents who are representing themselves as litigants in person. Similarly, the recommendation for a case progression officer who could respond to any

queries that a parent has, provide guidance to them about the next hearing and what paperwork is required, may help to make the process more helpful for families and efficient for the court.

The children in our study wanted to have their voices heard more effectively in court, and given that most child arrangements are settled by the first hearing, we support the innovation in the pathfinder sites to speak to children directly before the first hearing. This would be one way of demonstrating a presumption of child participation in court processes.

## Implications for research

To further our understanding of parental separation and an effective family justice system, a number of areas for further research would be helpful:

- survey data of the numbers of families where the parents separate
- understanding the support needs of families in minoritised communities where parents have separated to understand if there are significant differences in experiences and support needs
- further research on the relationship between counselling, mediation and legal advice.





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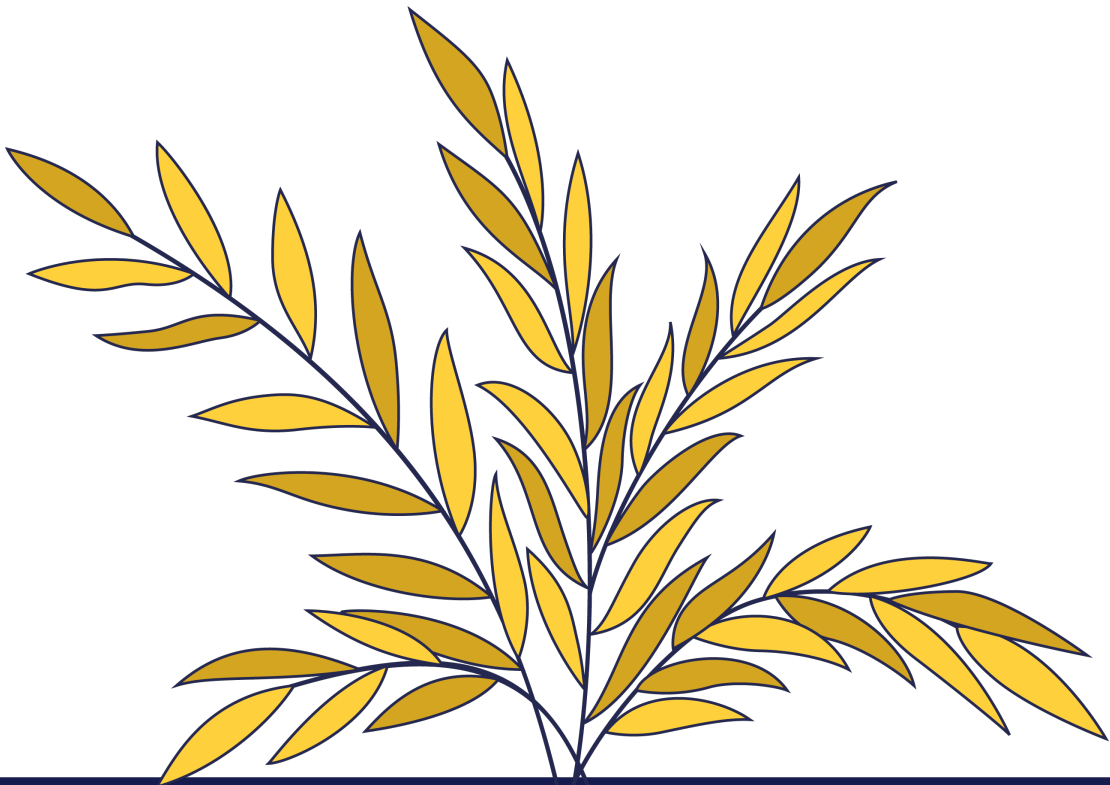
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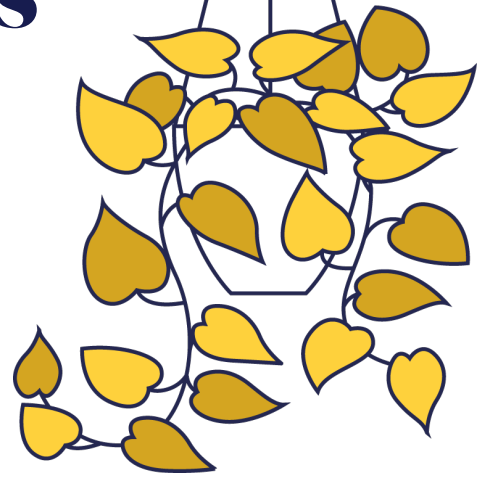
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# Appendix A:

## Study methods



The questions that the study sought to address were:

- What are the experiences of families, where the parents have separated, of private law proceedings?
- What are the experiences of families where the parents have separated but not used the court?
- What support mechanisms do families say have been useful or could be improved?

In order to understand the experiences of family members, we used a qualitative research design that enabled participants to tell us their stories in their own words. In doing so, we aimed to complement existing quantitative research in this area such as the Cusworth et al. (2020, 2021) and Harding and Newnham (2015) studies of the characteristics of families who have used the family courts both in England and in Wales.

Where possible, we wanted to include the perspectives of different members of the same family to reflect the different positions on family separation in family networks. We drew on ethnographic methods that emphasise the exploration of people's lives in their own contexts (Atkinson and Coffey 2002).

In order to give participants time to prepare their thoughts and control over how and when to share their experiences, we sent them digital cameras so they could make a series of video reflections about the separation process. On completion of the video reflections, we arranged to collect the cameras by courier.

A researcher viewed the video recordings to prepare any additional questions to explore and an interview was then conducted on Microsoft Teams. The use of video diaries has been supported as affording participants a greater depth of reflection in sharing their experiences (Danielsson and Berge 2020) but may result in varying amounts of data and depth, so are best combined with additional methods to pursue topics in further detail (Zundel et al. 2018).

Because we invited participants to tell us about past experiences, we asked them to produce video reflections rather than video diaries. We provided prompts about four areas of their experiences of parental separation:

- all about me – living together before the separation
- the process of separating – decisions we made, what was important, challenges
- support while separating – solicitors, support services, friends and family
- looking ahead – arrangements, life in the future, making things better for others.

Participants were given freedom to decide how they used the cameras and whether to film themselves or objects, and how long to spend on each recording. Most participants used the cameras in their homes, although there were examples of recordings that were made while in the car or out walking the dog, although we were clear that participants should not film other people. Sending digital cameras to participants meant that they had control over how they used them and at what times and days were most convenient to them, but also had to manage the time commitment on top of busy work and parenting commitments, school holidays, family illnesses and bereavements. We kept in touch with participants each week to provide encouragement and support, address any difficulties with the cameras, and make arrangements for collecting the camera afterwards.

In addition to the camera packs, children who took part in the study were also offered a craft pack with a set of activities. The focus of each of the activities mirrored the reflections from the video pack, but were based on worksheets that had scope for writing in answers to thought bubbles, or drawing pictures of their hopes for the future. The craft packs included coloured pens and pencils, stickers and pebbles, which were linked to the activities, but which children could use as they wished. Children (or their parent if they were supporting them) were encouraged to take photos of their finished activities, or to film themselves doing the activities and reflecting while they did this, so that the camera could still be the basis of the data. Images of any completed craft activities were saved, transcribed and analysed.

The study took place during the COVID-19 pandemic, with data collection taking place between July 2021 and September 2022, which coincided with widespread restrictions on travel and research in England and Wales. Using digital cameras and online interviews made it possible to involve participants without additional disruption to the data collection process.

## Recruitment

We initially sought to recruit families in Dorset and North Wales to match the two pathfinder court areas that are developing and testing an alternative approach to private law proceedings (MoJ 2020). We sent information about the study through local networks of court services and local organisations (including educational, youth, religious, community, health and voluntary organisations) in Dorset and North Wales, and set up a project website and Facebook page. We also worked with an established social research agency, Qa Research (<https://www.qaresearch.co.uk/>), which helped us to recruit a wider range of participants in North Wales and Dorset. To enable us to recruit a more balanced sample we then worked with Qa Research in two additional larger areas in south-west England and south-east Wales. This dual approach to recruitment enhanced the balance of our sample to include a fairly equal balance of: mothers and fathers; those who had used court and those who had not; and those from urban, rural and semi-rural locations.

In total, we recruited 72 participants, including 11 children and young people from Wales, all of whom received data packs and with whom we kept in touch regularly over the period of data collection. However, we were not successful in retrieving data from children in the Welsh sites and our understanding of children's experiences is based on parents' accounts.

In total we collected data from 42 participants across the four areas – 16 mothers, 14 fathers and 12 children. In each area this comprised:

- Dorset – eight mothers, one father, eight children/young people from either an urban or semi-rural location
- North Wales – five mothers and one father from either rural or semi-rural locations
- an additional site in south-west England – three mothers, seven fathers and four children/young people from either urban or semi-rural locations
- an additional site in south-east Wales – five fathers from urban or semi-rural areas.

The children and young people ranged from 6–23 years old, with 3 participants aged 6–11; 5 participants aged 12–16 and 4 participants aged 17–23.

In terms of ethnicity, we asked participants to self-identify, and the majority (32) were White British with 6 identifying as Black British, 1 as Welsh, 1 as Jewish, 1 South African and 1 as East European. All children had parents who were in heterosexual relationships.

Five mothers and eight fathers had been married before separating. Only two of the mothers in the sample had been involved in court proceedings, compared with five fathers. Of the children and young people who took part, four were the children of parent

participants who had used the court process, and four were the children of parents who had not used the court. The remaining four children or young people did not have parents who participated and as we did not ask this question directly of children, we do not know whether their parents used court or not. We did not ask people to describe or classify their economic background, but as discussed in the findings section, resource was a significant factor for many participants with each participant mentioning resources in some way. Many talked about financial insecurity or worrying about money in relation to the separation, particularly around housing, whereas a significant minority reported financial stability.

## Ethics and consent

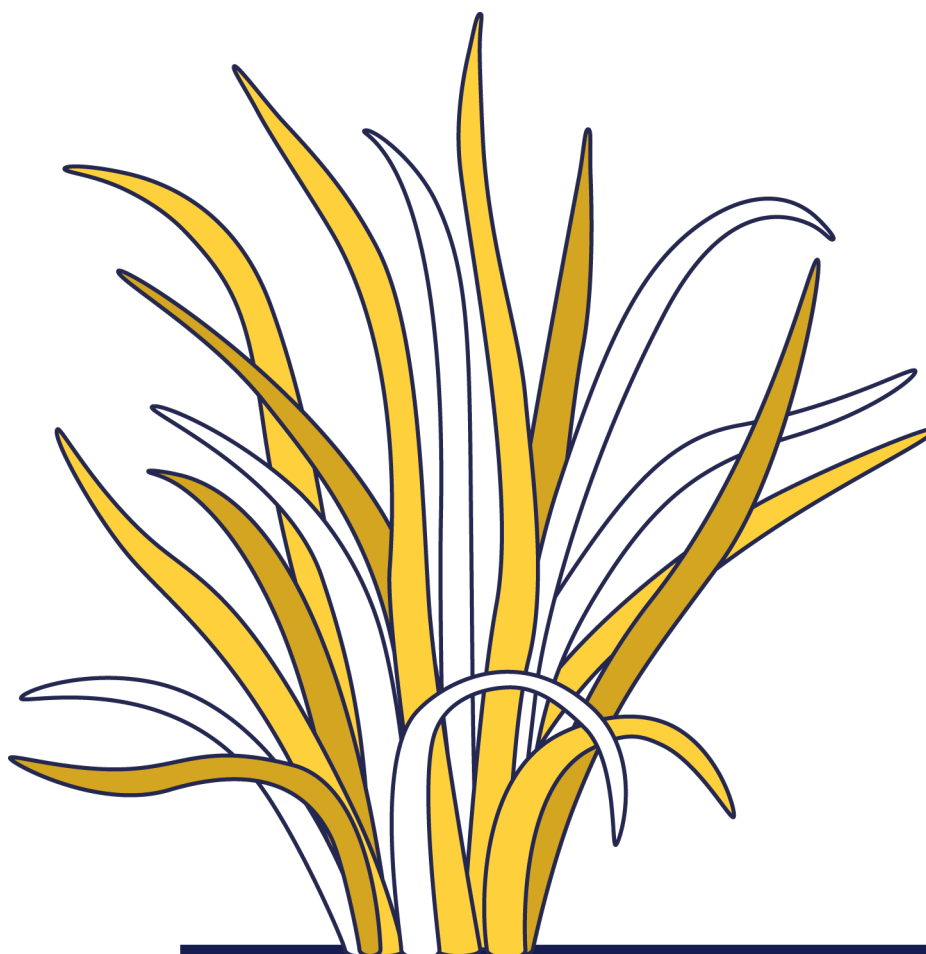
Ethical approval was granted by the University of Bristol School of Policy Studies Research Ethics Committee. Participants expressing an interest were first called by a member of the team and then provided with participant information sheets (including child or young person versions and Welsh language versions, as appropriate) and a link to an online consent form. Children under 16 were required to have consent given for them by the parent they lived with 'most of the time'. We were sensitive to the possibility that there might be ongoing disagreements and conflict between parents, so although there may be formal points of separation, for example when a divorce is finalised, or a partner moves out of the house, we allowed participants to define for themselves whether they felt their separation was complete. Participants were included if their separation was 'complete' within the last five years so that the experience was recent enough for them to recall relevant details. If both ex-partners wished to take part, we ensured that different researchers managed the data collection process for each person, viewing the camera data and conducting the interviews.

It was also crucial to remain sensitive to the feelings and emotions children may have felt taking part in the project. As a consequence, the researchers who undertook the children and young person interviews had experience of collecting data with children. Some of the children took part independently, but if they wanted their parent to be present, then we encouraged the parent to help with setting up the activity and monitoring their child's emotions. However, we made it clear to the parent that they should not suggest things or steer the direction of the child's responses or activity. An additional ethical consideration was that the child might be moving between houses and talk about the project with their other parent, which may have been problematic where conflict between parents was ongoing. When the parent the child lived with most of the time consented for their child, we also included a letter from the research team addressed to the other parent that provided information about the project, inviting their own interest and providing an opportunity to ask us questions.

If it appeared that a participant was getting upset or feeling uncomfortable during the interviews, the researcher would pause and check to see if they wanted to carry on or not, or to move to a different topic. We also prepared a list of possible support agencies.

## Analysis

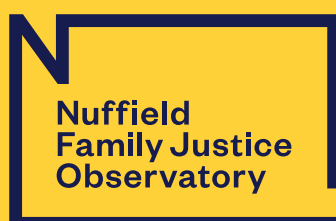
All video files and interviews were transcribed and anonymised before being compiled for analysis on a shared project file using NVivo software. The team undertook a thematic analysis of the data whereby transcripts were coded individually and then shared, compared and refined during three full-day data analysis sessions. From here, themes were developed according to prominent trends, similarities and differences in experiences, which are presented in this report. Transcripts from each of the videos, children's activities and interviews were analysed and contributed to the development of themes. Visual analysis of the children's creative data was not undertaken as there were not enough to develop robust themes from this type of data.



# Nuffield Family Justice Observatory

Nuffield Family Justice Observatory (Nuffield FJO) aims to support the best possible decisions for children by improving the use of data and research evidence in the family justice system in England and Wales. Covering both public and private law, Nuffield FJO provides accessible analysis and research for professionals working in the family courts.

Nuffield FJO was established by the Nuffield Foundation, an independent charitable trust with a mission to advance social well-being. The Foundation funds research that informs social policy, primarily in education, welfare, and justice. It also funds student programmes for young people to develop skills and confidence in quantitative and scientific methods. The Nuffield Foundation is the founder and co-funder of the Ada Lovelace Institute and the Nuffield Council on Bioethics.



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