

Focusing on the Needs of the Child

An Evaluation of the Family Dispute
Resolution Programme pilot in Private Law
proceedings provided by CAFCASS CYMRU



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1. Background and Context

The drive to promote a perspective of children and young people as active citizens with the capacity to participate in both the public arena of service provision, and in the private arena of the family, is promoted by the United Nations Convention on the Rights of the Child (CRC) (Franklin, 1995). However, as debates about children's rights have over the years tended to develop within a protection/safeguarding framework (Franklin 1986, Lindsay 1992, Jenkins 1995, MCSI 2005,), progress in securing these rights has been described as *'faltering and uneven'* (Franklin 1995). Notwithstanding this, the CRC influenced the Children Act 1989, by creating a new agenda for child care practice (Denny 1998) and providing *'a fresh impetus'* for children to be involved in the decision making processes (Cloke & Davis 1995).

The Children Act was the first piece of legislation in Wales and England that specifically provided for *'the wishes and feelings of children'* to be ascertained, Section 1 (c). The Act was described as *'the most far-reaching reform of child care law'* (Hansard HL vol. 502 col. 488, 1989) and has been interpreted, as a vehicle for empowering children and young people (Smith and Woodhead 1999). However, in many respects, the Act only partially secured the participation rights of children and young people, and this is usually when things go wrong in the lives of children (Willow 1998). While its central principles encourage partnership practice with both parents and young people, Parton (1999) argues that it is primarily concerned with managing risk, focussing practitioners on gathering evidence and making defensible decisions. While it is important to protect and safeguard children from risk and harm there is a growing recognition of the further need to pro actively engage and promote the rights of children (MCSI 2005).

Since its establishment the Welsh Assembly Government has promoted a rights-based approach to supporting children and young people (WAG 2007). The Assembly has produced seven core aims for children and young people, based upon the CRC articles. These principles underpin all the Assembly Government's work with children and young people, and provide a common framework for planning for children and young people throughout Wales, at national and local level (UK Government 2007).

The Children and Family Court Advisory and Support Service (CAFCASS) was established in April 2001. It is a professional organisation that provides expert independent advice to Courts in relation to the interests of children involved in Family proceedings. CAFCASS brought together three former services; the Family Court Welfare Services; the Guardian ad Litem and Reporting Officer Service, and the Children's Division of the Official Solicitor's Office. In April 2005 responsibility for the service in Wales (CAFCASS CYMRU) was transferred to the Welsh Assembly Government.

In line with the Welsh Assembly desire to incorporate the rights and wishes of children into the decision-making process, CAFCASS CYMRU is formally committed to ensuring that the voice of the child is properly heard in all proceedings. The purpose of the pilot Family Dispute Resolution Programme (FDRP) developed by CAFCASS CYMRU is to focus parents' attention upon the

needs of their children, and enable children to have a voice within the dispute resolution process. CAFCASS CYMRU have highlighted how some mediation and dispute resolution arrangements have tended to focus upon the views of the adults and the parent's perspective of children's needs and wishes rather than those of the children. CAFCASS CYMRU encourage adults to give proper attention to the feelings and wishes of children when making arrangements for future parenting and promotes processes which are more conducive to securing a better relationship for the child with both parents (post separation). To this end, the Family Dispute Resolution Programme (FDRP) was developed as a pilot intervention, which actively incorporates the views of children and seeks to educate and encourage adults involved in disputes to work together and concentrate upon the needs and rights of the child. The programme also aims to allow children's views to be placed clearly in the family context and to avoid the dangers of children being used inappropriately as primary decision makers within parental disputes.

The aim of the pilot intervention was to provide a Private Law Resolution programme taking referrals from Caernarfon and Llangefni County Courts. The pilot programme aimed to offer parents prior to the first directions appointment a short programme that would improve their ability to communicate with one another in respect of their children, and to help them reach agreement over the issues in dispute. The scheme includes elements of education regarding the impact of separation upon children and general advice to help children exercise their right to maintain a relationship with both parents (when safe to do so). For a detailed breakdown of the process see the 'CAFCASS FDRP Process Flowchart'.

Although quicker to complete than a Welfare Report, the FDRP was not designed as a substitute for a Welfare Report but a complementary service to engage parents in dispute outside of the court process. In contrast to the FDRP that seeks to engage and enable parents and children to reach an agreement, the Welfare Report involves a thorough investigative independent assessment of the family to enable the court to make a decision.

2. Literature Review – Family Dispute Resolution

Introduction

This literature review is a selective review on the subject of family dispute resolution in the United Kingdom, with a particular focus on mediation. Recent material derived mainly from United Kingdom sources was obtained from the following databases using search terms such as “family dispute resolution”, “family crisis” “family mediation”, “divorce mediation” and “family crisis resolution”:

- Blackwell-synergy.com
- Ingenta connect
- Pub med
- Ovid online
- Web of knowledge

In addition to these databases, search terms were also entered into the World Wide Web, and literature accessed via relevant references of literature obtained via literature searches. Further published literature was obtained from Dr Greg Mantle, Reader in Social Work at Anglia Ruskin University who has specialist research interest in family dispute and mediation work. He was able to advise further on other authorities with published material on family dispute resolution. In order to assist the aims of the overall enquiry and data analysis, information has been assembled under the following key themes:

- i. Background and key definitions
- ii. The role of mediation
- iii. Divorce and separation
- iv. Legislation and family dispute – what about the children?
- v. An international perspective
- vi. What helps children?

Background and Key Definitions

Family breakdown can be seen as a process that dismantles the family unit. A myriad of reasons may exist for the occurrence of family breakdown; including divorce, separation and other intra-family conflicts. Inherent in the dismantling of a family unit may be the requirement by a court for dispute resolution between family members.

Around 10% of separated parents require court assistance due to being unable to make their own arrangements for child contact (Blackwell and Dawe 2003). Traditionally within the legal framework, family dispute resolution was a direct consequence or by-product of litigation. According to McWhinney (1988:33), litigation in terms of family dispute resolution was seen as detrimental as it *'enhances the conflict by formalising a contest between the disputants'*, resulting in one party winning and another losing. McWhinney further points out that the need to minimise the psychological and emotional costs of conflict litigation together with the recognition that offspring require a constant relationship with

both parents, has in recent decades led to British policy interest in methods of harmonious resolution of disputes.

Internationally, the United Nations Convention on the Rights of the Child (UNCRC 1989, Article 12) requires that states recognise that a child may be capable of forming his or her own views and that the child has 'the right to express those views freely in all matters affecting the child' (Mantle et al 2006:501). Furthermore, on January 21 1998, the Committee of Ministers of the Council of Europe adopted Recommendation Number (98) 1 at the 616th meeting of the Ministers' Deputies. The recommendation, entitled *Family Mediation in Europe* urged the use of mediation in the resolution of family disputes.

In the UK, the unified Children and Family Court Advisory and Support Service (CAFCASS) was proposed by the Department of Health, Home Office, Lord Chancellor's Department and Welsh Office in their 1998 joint report *Support Services in Family Proceedings – Future Organisation of Court Welfare Services*. The report states (p12) that CAFCASS was intended to replace services provided by the Probation Service via Family Court Welfare, the Guardian ad Litem and Reporting Officer (GALRO) (formerly organised through local panels mostly via local authorities), and the Children's Division of the Official Solicitor.

In April 2001, the responsibility for service delivery in private law proceedings was removed from the Probation Service and placed with CAFCASS. This also included mediation provision for families requiring dispute resolution. The Criminal Justice and Court Services Act 2000 (Chapter 43, part 12 (1)) indicates that the duties of CAFCASS in terms of family proceedings are to: a) safeguard and promote the welfare of the children; b) give advice to any court about any application made to it in such proceedings; c) make provision for the children to be represented in such proceedings; and d) provide information, advice and other support for the children and their families'. CAFCASS aims to provide court assistance in family proceedings and '*exists to ensure children and young people are put first in family proceedings; that their voices are properly heard; and the decisions made about them by courts are in their best interests; and that they and their families are supported throughout the process*' (CAFCASS 2003:4). The Children's Act 2004 (England & Wales) provided the legal framework for the Government to improve children's lives through the 'Every Child Matters' agenda. It also set out the powers and duties of CAFCASS CYMRU and enabled responsibility for CAFCASS in Wales to be devolved to the National Assembly for Wales. CAFCASS CYMRU, a separate organisation from CAFCASS in England, was formally established on 1st April 2005.

Depending on the individual nature of Family Court proceedings, CAFCASS CYMRU officers are required to fulfil a range of functions including: Children and Family Reporter (in private law proceedings); Children's Guardian; Reporting Officer (in adoption proceedings); Parental Order Reporter (in cases involving children born by surrogacy); Guardian Ad Litem (when a child becomes a party to proceedings; and Litigation Friend (where a child brings a civil claim).

The Government made it clear (following the publication of the July 2004 Green Paper *Parental Separation: Children's Needs and Parents' Responsibilities*) that it aimed to revise rules in order to give more encouragement to parties to avoid court-imposed decisions and to engage in mediation but without this becoming a

compulsory process. Such encouragement was given in the knowledge that there will always be cases of family dispute where the process of pre-court mediation is not feasible (see Parkinson 1997),

The Role of Mediation

Mediation can be defined, according to Mantle and Critchley (2004) as a specific type of 'alternative dispute resolution' (ADR) furthermore, of being an alternative to adjudication and as something that is inherently different from negotiation and arbitration. Mantle et al (2006) argue that while negotiation and arbitration respectively involve dispute resolution between two parties (negotiation) and the additional involvement of a third party (arbitration) who decides a formal and fixed outcome, mediation by contrast involves a role that assists parties in determining a settlement that is not inflexible nor beyond negotiation.

There are important benefits associated with mediation. Longitudinal research from the US suggests that 'mediation can: (1) settle a large percentage of cases otherwise headed for court; (2) possibly speed settlement, save money, and increase compliance with agreements; (3) clearly increase party satisfaction: and (4) most importantly, lead to remarkably improved relationships between non residential parents and children, as well as between divorced parents' (Emery, Sbarra and Grover 2005:22). (See also Emery et al 2005)

Service developments in terms of offering mediation to families breaking up and in need of crisis resolution have been proposed (Waterhouse and McGhee 2002:285). These involve the establishment of appropriate social work services to families who experience break-up and crisis, better family access to child welfare and education, provision of parenting programmes and direct family support. UK Government policy aims to ensure that the strongest encouragement possible is given to parties regarding mediation or other dispute resolution (see Department for Constitutional Affairs et al 2004, paragraph 65; Department for Constitutional Affairs et al, 2005). However, despite emphasis in the Children Act 1989, Section 1 that the wishes and feelings of children should be ascertained at times of family dispute, relatively little has been implemented in order to assist mediation practitioners to achieve such a goal (Smart 2002).

A Department of Constitutional Affairs study investigating the process and outcomes of in-court conciliation (see Trinder et al, 2006a) aimed to identify the specific and overall effectiveness of three different models of conciliation. Effectiveness was measured by evaluative outcomes such as agreement between parties and satisfaction with agreement and process. The three models of conciliation comprised a low judicial control model with parents attending a one hour appointment with a CAFCASS officer then reporting briefly to a district judge; a high judicial control model with a district judge leading negotiation in a court room with lawyers negotiating; lastly, a mixed judicial control model with the district judge initiating the process in chambers and then parties negotiating with CAFCASS. The study findings indicated that overall *agreement* between parents was 76% with those in the low judicial control area reporting highest levels of agreement and those in the high judicial control areas reporting the lowest levels of agreement. More specifically, satisfaction with the arrangements differed between resident and non-resident parents and overall there continued to be

contact problems with both parents tending to view relationships as poor and that decision-making was rarely shared; similar concerns were alleged about each other's unreliability and poor parenting skills.

Trinder et al (2006a) found that just 62% of parents expressed *satisfaction* with agreements, with non-resident parents and those parents reaching full agreement likely to be more satisfied than resident parents and those reaching only partial or no agreement. Parents further reported uncertainty about how to involve their children in the decision-making process. The authors concluded that while in-court conciliation was effective in enabling agreements to be reached and ensuring contact between parents, the process still had limited impact on more co-parenting factors such as those that enabled effective contact between children and parents. While the authors acknowledged that the standard models adopted appeared to work for standard cases, they noted they would not apply to all cases and indeed expressed some concern about risks caused by any rapid processing and settlements that did not listen effectively to children. Trinder et al (op cit) recommended that '*in-court conciliation does have much to offer as a dispute-resolution process in contact cases. However, in-court conciliation is not suitable for all cases nor is it likely to be sufficient by itself in many cases*' (p12). Models be they in-court or out of court need to reach agreements between parents that assist them to collaborate effectively in the care of children and much depends upon optimising the balance of interests between parties and the quality of the mediation process (see also Walker et al 2004).

A pilot scheme of the Family Resolutions project (Trinder et al 2006b), which aimed to assist parents in proceedings over child contact and to improve parental relationships via a voluntary referral scheme found a low uptake and a high dropout rate. Those parents who completed the scheme were more likely to report improved parental relationships than (a) those that did not complete and (b) those attending in-court conciliation only. Although the target group may be initially difficult to reach via such interventions, the authors suggested that a range of parenting interventions could be developed in order to focus both on children's needs as well as to enable effective co-parenting.

The importance placed on mediation as dispute resolution may however give unintended messages whereby the essential role of the judicial route as a means of conflict resolution may become undermined (Mantle et al 2006). Furthermore, we may note that mediation and its associated agreements whether court or community based may not be achieved or upheld over a period of time (Mantle, 2001a). For example, it has been noted that around one-half of all court-based agreements may not be intact after 6 months (Mantle 2001a). Furthermore, as Parkinson (1997) points out, the process of mediation may itself be challenging due to issues surrounding help-seeking from unfamiliar people, and issues to do with face-to-face liaison with an ex partner. Parkinson calls for the process of mediation to be better explained to people and the anxieties associated with mediation to be allayed as much as possible before the process commences.

There are additional concerns reside around obtaining the wishes and views of children. Carol Smart (2002:307) notes the possibility that ascertaining the views of children may become some kind of tokenistic 'box that needs to be ticked' by courts and professionals rather than an open and genuine exchange of information. Moreover there may be issues over the 'child-friendliness' of the

legal process for example creating time and space for children to think, express themselves and have the chance to change their minds. Greg Mantle (2007) notes that children may be susceptible to 'undue influence' from parents, and that consequently CAFCASS practitioners may have an ethical dilemma in terms of challenging parents who attempt to influence their children while protecting children from tension and further upset.

Divorce and Separation

Divorce and or separation can involve a period of change and the need for psychological adjustment within a family unit. The terms divorce and separation are considered interlinked and will be used interchangeably here. In a longitudinal study looking at marital conflict and divorce, it was found that although both increased the risk of marital instability in offspring, there was a greater effect from divorce in respect of subsequent instability (Hetherington 2003).

It is well documented that children do not wish for their estranged parents to engage in ongoing conflict (Warshak and Santrock 1983, McIntosh 2003). Although divorce may cause psychological and emotional distress for a child, it has been found that the children of parents who later divorce show adjustment difficulties before the divorce has even occurred (Hetherington and Stanley-Hagan 1999). Ongoing conflict after separation between parents can negatively affect the well-being of a child (Stevenson and Black 1995, Rodgers and Pryor 1998). Furthermore, while those children in families with increased marital conflict may exhibit problems in adjustment similar to children of divorced families, the conflict causing the most significant harm to a child is that to which a child is directly exposed, particularly physical violence or conflict that a child feels directly involved in (Davies and Cummings 1994). A review by Hetherington (1999), which looked at the adjustment of children post-divorce concluded that if there was absence of conflict and if a custodial parent provided a parenting environment that was positive, those children from divorced families were likely to be both competent and well adjusted.

As Emery et al (2005) observe, research has consistently shown that although divorce itself is associated with increased risk of a variety of problems (both emotional and behavioural), the majority of children from divorced families appear resilient and do not suffer from severe psychological problems (see also Emery 1999; Emery and Forehand 1994). However, despite the low prevalence of psychological problems within this group of children, even those children who are highly resilient report feelings of significant and enduring 'pain' due to their parents divorce (Emery 2004; Laumann-Billings and Emery 2000). Emery et al (2005:24) have even suggested that 'most empirical researchers have focused on mental health measures, but overlooked children's emotional pain. In contrast, most clinical investigators have emphasised children's pain while missing the backdrop of children's overall successful coping'. Furthermore, research indicates that while children assess their 'loss' with respect to a parent who is divorced, they may also contemplate a sense of gain (Smart et al 2001).

A report that studied the qualitative experience of children coping with divorce found that while most children received no formal support, those most often in

need of support were those least likely to access assistance due to being socially isolated (Highet and Jamieson 2007). Pastoral care from school guidance services were those most likely to be utilised in terms of formal support. However, young people may be distrustful about issues surrounding confidentiality or the ability of such support to assist them fully and it has been suggested that counselling services located in schools should be not only confidential but also independent of school with an open access policy (see Highet and Jaimeson 2007). Those children who were deemed most vulnerable in coping with divorce were children with sparse informal support networks and children with low self-esteem.

Parental separation initiates multiple changes in the lives of children and there are a number of factors, which will influence the way that children are affected by related stress in the long and short term (including manner and cause of parental separation, parental adjustment, financial and emotional resources). Multiple stressors increase the likelihood of psychological risk, although for most children crisis responses will decrease over a one to two year period (Kelly and Emery 2003).

Legislation and Family Dispute – what about the children?

In terms of Article 12 of the United Nations Convention on the Rights of the Child (UNCRC), if children and young people can participate in family disputes in a way that is meaningful, then they may require information, support, and encouragement to be their own advocate or sometimes have appropriate representation (Bradshaw, 2005). Following divorce or separation most parents decide their own arrangements in terms of whom the child will reside with, contact and other relevant issues (Department for Constitutional Affairs et al, 2004). In the UK, The Children Act 1989 (Section 1(c)) requires that in light of a child's age and understanding, their wishes and feelings should be ascertained. However, consulting with a child in mediation seems to be an aspect of practice that is not well developed (Mantle 2001). Assumptions are often made regarding the child's ability based on chronological age (Mantle et al 2006) whereas children may or may not have sufficient understanding depending upon the medium by which this is imparted and the child-sensitive capacities of those involved.

There is little known about the situation of those children whose non-married parents separate (O'Quigley, 2000). Also, the assumption of benefits for children from contact with their non resident parent as well as benefit of contact enforced by a court that does not stem from court conflict are both assumptions which should not be generalised as absolute 'fact' (see Fortin, Ritchie and Buchanan 2006). In terms of satisfaction, court-based resolutions are known to provide the least satisfactory experience for parents but it does not follow automatically that children's outcomes will also be negative (Blackwell and Dawe 2003).

More generally social workers are thought to be increasingly demoralised, due to the increasing technical and legal proceduralisation of their work with children and families (Gupta and Blewett 2006), and this may indirectly impact upon their work with clients. Indeed, it has been identified in inquiries and reviews that

failures have in part occurred because 'the analysis of the problem and the nature of the recommendations are not at the most useful level, since they mainly focus on bureaucratic, instead of human factors' (Reder and Duncan 2004:102).

An International Perspective

An international review of divorce mediation in Europe was carried out by Martin Casals (2005:1125). Predictably, a varied terrain was noted on a continuum ranging from no formal mediation structure to advanced mediation. Countries that had advanced mediation practices included Spain where various statutes concerning mediation comply with the Council of Europe recommendation number R98 (1). This recommendation refers to the establishment of a public centre, which organises mediation and participation of professional bodies; it outlines principles and procedures of family mediation and specific sanctions to be incurred by mediators not obeying the law. In Norway, the Marriage Act 1991 (S26) makes mediation compulsory for spouses with children under the age of 16 and must (unless exceptional circumstances obtain) be initiated before a case can come before a county governor or court (Utrecht Law School 2007)

In Sweden, mediation involves 'cooperation talks' which aim to enable parents to find a common point of view under guidance from professionals regarding the custody and access of their children (Jänträ-Jareborg et al 2005). It is further noted that 90% of parents separating in Sweden are able to solve residence and contact issues either alone or with help from the above 'cooperation talks' or via family counselling. In the USA, lawyers have traditionally represented clients regarding marriage dissolution and provided full-service representation. They undertake a situation analysis and provide advice to a client about how to proceed, with the latter's role being passive (Garfield, 2002). However, there has been a recent trend towards mediation, especially for those families who are unable to afford legal representation.

What Helps Children?

Research by O'Quigley (2000) regarding children's views on mediation concluded that the system is not satisfactory, as professionals still tend to ascertain children's wishes and feelings via their parents. In addition, the views of those children who deviate from a presumed state of a wishing to maintain contact with both parents may be ignored. Divorced or separated parents may themselves need better access to advice and information for example, they may know little about the divorce process or how to arrange post-divorce parenting. It is particularly at the early stages of separation that parties may have a reduced ability to communicate with their ex partner in order to make sensible decisions and arrangements (see Cockett and Tripp 1994).

Children are likely to feel better if they are made aware that they still have an important place within the lives of both of their separated parents (Hight and Jamieson 2007). Such relationships may deteriorate when for example parents find new partners or have other children, but are likely to recover if children are made to feel that they are still a part of their parents' lives. However, levels of distress and suffering experienced by divorcing parents may result in them being

unable to provide support and reassurance required by their children (Rodgers and Pryor 1998). It has been argued that parents experiencing a corrosive dispute may well be unable to represent their children's requirements objectively (Mantle, 2001b). This is recognised by the Family Law Act 1996 (Lord Chancellor's Department, 1995).

Parents may also avoid discussing a situation with their child for fear of increasing domestic conflict and risk of harm with the other party. That said, while children may not be aware of all the events and plans at the time of divorce, they are likely to be well attuned to the moods and feelings of parents (see Richards and Stark 2000). The most difficult aspect for children undergoing parental divorce or separation is a lack of control over their lives. As Smart (2002) points out, although 'keeping a child in the dark' regarding a divorce may be done for the best of motives by parents it is unlikely to be a sensible option if children's wishes are to be heard. Likewise, in the public context of family dispute resolution, we can note that children's voices are not well heard due to limited institutional and professional capacities for allowing them to make a full contribution to divorce outcomes (Mantle, 2001b).

Summary of Literature Review

- i. Parental conflict has psychological implications for the wellbeing of children. Effective methods of dispute resolution are required to lessen the negative consequences of family dispute.
- ii. The effectiveness in terms of cost and outcome, of mediation in the longer term compared to a judicial approach remains unproven.
- iii. The use of mediation by parents in a family crisis may be an 'unknown' option to the general public. Parents require information and explanation regarding processes and procedures in order to allay fears and misunderstandings.
- iv. The process of mediation is not able to resolve all family disputes reaching court.
- v. Families and children who are most in need may be the ones least likely to receive mediation support.
- vi. Mediation appears to be taken-up successfully in various countries.
- vii. Absence of conflict in family dispute may result in outcomes that are more favourable. It is therefore important to reach the most effective outcomes via a method involving the least conflict.
- viii. There needs to be effective methods of ascertaining the views and wishes of children during periods of family crisis. Such methods may be inappropriate if they rely solely on the views of parents or allow parents undue influence.
- ix. Some parents going through divorce/separation may be incapable of effective involvement in mediation. It may be essential to ascertain the voice of the child via a third party.

- x. Children have a right to a relationship with their parents but the premise that children should be encouraged to see both parents post divorce/separation may not always be in the best interests of the child.
- xi. Methods of mediation involving lower judicial authority may be more satisfactory than methods involving higher judicial authority.
- xii. Although there may be a requirement for additional family mediation and support services, there may be recruitment and retention issues, which can impede the evaluation of such schemes.
- xiii. Although mediation can assist in the short-term decisions making process, its impact over the longer term in helping parents to communicate more effectively about their children is unclear.
- xiv. Some parents see resolution of conflict via traditional judicial methods as unsatisfactory due to the adversarial nature of the process.
- xv. A fully functioning service for children and families, which can resolve crisis adequately, is likely to require redistributed or increased resources.

3. The Family Dispute Resolution Programme

The Purpose

The Family Dispute Resolution Programme (FDRP) is an additional service provided by CAFCASS CYMRU, which extends the existing in-court dispute resolution scheme. The programme offers parents, prior to the first directions appointment, the opportunity to improve their ability to communicate with one another more effectively concerning their children and to reach agreement over issues that are in dispute. The programme incorporates elements of education regarding the impact of separation upon the children and the provision of advice. The scheme involves children being seen separately and their views being incorporated into the plans being made by the parents for the care of their children.

In-Court dispute resolution has been taking place in North Wales for a number of years. The FDRP is different in that more time is offered to parents in order to address issues of communication and co-operation between parents in conflict, over arrangements of care for their child/children. The justification for CAFCASS CYMRU to establish the FDRP was:

- Welfare Report investigations and the Court proceedings which accompany them often resulted in parental positions becoming further entrenched.
- The views of the children needed to be incorporated in arrangements and their needs properly met following separation, together with their need to be protected from harm, including emotional harm resulting from parental disputes.
- Parents needed to be assisted to find ways of helping their children through the trauma they experience as a result of family break-up.
- It was important to pro-actively support children to maintain a relationship with both parents and extended family (where safe) in accordance with the principles of the United Nations Convention on the Rights of the Child.
- In comparison to a Welfare Report, the Family Dispute Resolution Programme enabled a swifter resolution for children who were not having a relationship with one or other parent.
- The programme provided an opportunity for parents to reach a workable child-focused agreement.

The Process

Following an application to the Court a referral is made to the Family Dispute Resolution Programme. An initial paperwork Risk Assessment is undertaken by CAFCASS CYMRU via the information made available from the court documentation submitted by the parties and statutory checks being undertaken with the police and Social Services Departments. Once these have been

completed, the parents are sent an Information Pack about the scheme and offered an appointment to meet together with a Family Court Advisor. If a case is considered unsuitable for the Programme, the Court is informed so the matter can be listed for early Directions Hearing. Indicators that the matter was not suitable for the Family Dispute Resolution Programme would include concerns regarding domestic abuse, child protection, mental health, or substance misuse.

The Family Dispute Resolution programme is not a substitute for a Section 7 Report under the Children Act 1989 (i.e. a full Welfare Report). Welfare Reports are clearly differentiated from the Family Dispute Resolution Programme by the fact that they involve a detailed assessment of the family and cover all aspects of the Welfare Checklist, Section 1 of the Children Act 1989. They are reserved for situations in which factors affecting the child's welfare have been identified. Although this process can lead to agreement, it is necessarily intrusive and again in line with the President of the Family Division's Private Law programme, should only be used as a proportionate response to complex situations where particular issues require investigation.

The Sessions

Parents attend four sessions with the Family Court Advisor, of which one session includes the parents bringing their child/children to meet with the Family Court Advisor so that the child's needs can be effectively addressed. The first session provides an educative/information session, in which the parents are encouraged to explore the impact of separation on their children and focus on improving their listening and communication skills. The second session encourages parents to look at problem solving strategies in relation to making parenting plans in relation to their child/children. The third session involves the Family Court Advisor meeting separately with the children. The fourth session aims at working with the parents to formulate an agreement that incorporates the wishes of the children.

Ascertaining the Wishes of the Children and Meeting their Needs

Incorporating the wishes and feelings of the child within the decision-making process is regarded as an integral part of the FDR programme. CAF/CASS CYMRU is committed to ensuring that the voice of the child is properly heard in all proceedings. In dispute resolution there is a sometimes a risk that the process concentrates too heavily upon the wishes and feelings of the adults rather than those of the children. The FDRP therefore refocuses the process so that the needs of the child become paramount. Whenever safe to do so the FDRP assists the child to secure a quality relationship with both parents post separation. The FDRP is a process, which seeks to incorporate the views of the children, outside the stressful environment of the Court. The programme also allows the children's views to be placed in the family context, thereby avoiding the dangers of children being used inappropriately as primary decision makers within parental conflict. The programme is offered to parents prior to the first Directions Hearing.

CAF/CASS CYMRU receives all the relevant paperwork concerning applications to the Court at the earliest possible stage, i.e. day of receipt in order to initiate the statutory enquiries with the Police and Social Services Departments, to avoid

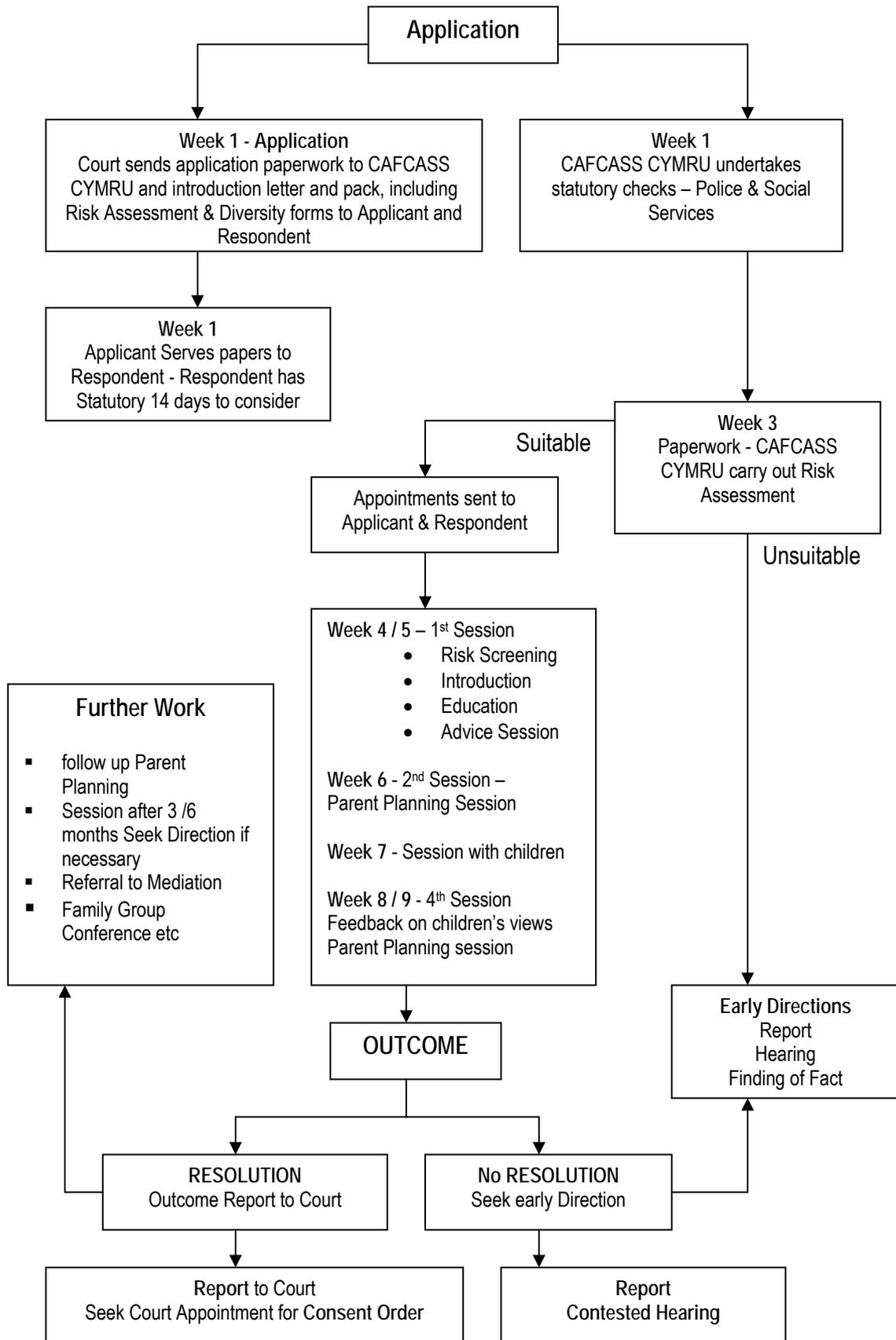
delay. For matters before a Circuit Judge where the possibility of referral to the Family Dispute Resolution Programme is being considered then direct communication with CAFCASS CYMRU about a referral helps to avoid delay.

Closure

At the end of the FDRP if an agreement is reached, the details are communicated to the Court in the form of a brief report. Appropriate orders can then be made at the first directions hearing. If no agreement is reached, the report provided will define the outstanding issues and recommend ways in which these could be addressed. This may include a recommendation for a full Welfare Report. If this is the case, the timescale for completion of this report will be suggested. As far as possible, the aim is to avoid further delay (beyond what would have been a three month adjournment for the preparation of a welfare report).

If it becomes apparent during the process that the matter needs to return to Court, then the Family Court Advisor would request an early Directions hearing. In some cases, further work may be appropriate and consideration is then given to referring the family to a Family Group Conferencing Service, with which CAFCASS CYMRU has links.

CAFCASS FDRP Process Flowchart



4. The Evaluation Methods

The aim of this evaluation is to provide an in-depth process and outcome evaluation of the CAF/CASS CYMRU Family Dispute Resolution Programme operating in North West Wales. While findings from the outcome evaluation indicate levels and patterns of programme use and chart progress towards identified goals, the process evaluation explores how the programme is perceived from the perspectives of those involved in service delivery and receipt. Ethical approval for the study was granted by the NEWI Research Ethics Committee. All research protocol (information and research tools) was available in Welsh and English (see appendix). Interviews were conducted in English or Welsh depending upon interviewee preference.

As part of the outcome evaluation, CAF/CASS data were collected on all referrals to the programme for the period following implementation. In addition, a short postal questionnaire (Appendix 5.1) was sent to all parents participating in the pilot in order to (a) assess perceived levels of satisfaction with the scheme (b) recruit parents and children for in-depth interview. Data from the self-completion questionnaires were subjected to both quantitative (closed ended responses) and qualitative (open-ended responses) analysis. The analysis of outcome data has been used to show levels and patterns of programme uptake and map outcomes.

The process evaluation comprised in-depth audio digitally recorded qualitative interviews with a range of individuals involved in: a) setting up the programme, b) delivering of the programme, c) referring to the programme, and d) parents and children using the programme.

Parental Questionnaires

- In April 2007, 87 bilingual questionnaires were sent to parents who had been involved in the family dispute resolution programme.
- A second wave of 67 (reminder) questionnaires was sent 2 weeks later (May 2007) to the non-responders.
- By July 2007 the total number of completed questionnaires returned was 46.
- In terms of gender, 22 male and 24 female parents completed questionnaires.
- Among the returned questionnaires, applicants (the person who made the application to court to bring the dispute to the attention of a judge) were predominantly male (19 out of 24 applicants), while respondents (the person who has to respond to the court application) were predominantly female (18 out of 20 respondents).
- Two parents did not specify whether they were a respondent or an applicant.

- Of the 46 responses, eight participants (11%) completed the questionnaire in Welsh demonstrating the importance of bilingual provision when conducting research in Wales.
- Although the response rate was in excess of 50%, we acknowledge that the views/experiences of the parents who responded could differ from those of the non-contacts.
- It has not been possible within the confines of this study to examine why some parents did not respond to the questionnaires.

Parent Interviews

Of parents returning the self-completion questionnaire, 25 parents provided contact details in order for the research team to contact them regarding an in-depth interview. Four (16%) of these parents were Welsh speakers.

Of the 25 parents who responded, 22 were contacted for interview. Of the remaining three, two were excluded because they were involved in the same dispute and one questionnaire arrived too late for the person to be interviewed. Of the 22 potential participants, fourteen interviews were completed. Some parents had limited availability (because, for example, they were out of the country, or had childcare and/or work commitments). In these cases alternative methods (including telephone interviews and self-completion email questionnaires) were offered (see appendix 5.2).

Some parents subsequently declined to be interviewed after having initially agreeing in the questionnaire to be contacted by the research team. There are several reasons why this might occur. Some parents, upon reflection, may understandably decide not to revisit a process associated with emotional and/or physical upheaval in their lives. It may also be the case that parents were sensitive to the gender of the research team member making initial contact with them, possibly preferring an interviewer of the same sex. It might however simply reflect issues of convenience and time. Perhaps any future study with parents in dispute might usefully offer parents the option of how they would prefer to engage in the research process by offering preferences for face-to-face meeting, email or telephone contact, as well as the gender of the researcher.

	Parents	(Applicants)	(Respondents)
Male	7	7	0
Female	7	1	6
Total	14	8	6

Of the fourteen completed interviews, seven participants were female and seven were male. Eight of the parents were applicants and six of the parents were respondents. Of the fourteen completed interviews, three (21%) were completed in the Welsh language. All interviews were digitally recorded and transcribed.

Children Interviews

Engaging and including children in the evaluation was an important principle of an evaluation that was concerned to evaluate a process that promoted the voice and needs of the child. In order to incorporate their experience of the FDRP it was decided to interview children aged between 7 and 14 years. We ensured we had a bilingual researcher who was suitably qualified and experienced in engaging with children. However, not surprisingly few parents gave their consent for their children to be involved in the research process. The main reason was that either the children were considered too young or in some cases, the children had not been involved in the CAFCASS CYMRU FDRP process. Seven out of the 46 parents who completed the questionnaires agreed for their children to be interviewed. However recruiting children to the study proved problematic. First, in some cases, those parents, indicating that they were happy for a researcher to speak to their children, were not the parent who had custody/residence of the children. In other words, they were not in a position to grant permission, without first securing the consent of the other parent. In other cases, the initial agreement was rescinded when parents reconsidered their decision, and possibly thought that the experience may initiate unhappy memories for their children.

Despite these issues, four interviews were successfully conducted with children aged between 8 and 12 years. Out of these four children, three were boys and one was a girl, and all were completed in English. All interviews were digitally recorded and transcribed.

Interviews with Professionals

A purposive sample of key professionals (excluding solicitors) involved in the day-to-day operation and management of the programme were identified and offered semi structured interviews. Everyone invited to take part participated in the process. Solicitors, who were felt to be more difficult to 'pin-down', and from whom a wider range of views was needed, were offered an open invitation to attend a focus group. Letters were sent to 41 solicitors' offices in North West Wales inviting them to participate in a focus group with a free buffet lunch in close proximity to the Llangefni Family Court Day on the 12th July. The letter also included a web link to complete an online questionnaire (appendix 5.3) for anyone unable to attend. The initial response from solicitors was poor but in the end eight solicitors contributed to the evaluation process (seven were involved in the focus group while one solicitor completed the online questionnaire). In total 20 professionals engaged in the research process. All interviews were digitally recorded and transcribed. This includes:

- Circuit Judge (1)
- District Judge (1)
- Solicitors (8)
- Court Managers (2)
- CAFCASS Project Manager (1)
- CAFCASS Managers (3)
- CAFCASS FDRP Practitioners (2)

- CAFCASS Administrators (2)

In order to protect anonymity, the comments of parents, children and professionals who engaged in the evaluation, providing rich data for this report have been coded as follows:

- The **46 parents** who completed and returned the postal questionnaires have been coded PQ1 - PQ46
- The **14 parents** (users of the FDRP) who engaged in digitally recorded semi structured interviews have been coded U1 - U14
- The **4 children** who engaged in digitally recorded informal semi structured interviews have been coded C1 - C4
- The **20 professionals** who engaged in digitally recorded semi structured interviews/focus groups have been coded P1 - P20

5. Data Set Analysis

This is an analysis of the data held by CAFCASS CYMRU North West Wales for the period January 2006 – May 2007. For a detailed overview of the process and outcome, please see CAFCASS CYMRU FDRP Statistical Flowchart.

Referrals

Parents are referred to the CAFCASS CYMRU FDRP if they meet the following criteria:

- Parents are prepared to meet together and involve their child/children
- Parents have signed the consent form and understand the objectives of the scheme
- The issues in dispute (and any areas of agreement) are identified

The total number of referrals to the CAFCASS CYMRU FDRP (Family Dispute Resolution Programme) during this period was 107. Of these, 64 were from Caernarfon County Court and 43 from Llangefni County Court. Cases are not referred to the CAFCASS CYMRU FDRP if they indicate any of the following circumstances:

- Unresolved allegations of domestic violence
- Child protection issues
- Significant history of social care involvement
- Mental health issues

Eligibility

Following risk assessment, 80 cases were deemed suitable for the programme, 25 unsuitable and two cases were pending a decision. Of the 80 deemed suitable, 64 (80%) parties were willing to engage in the pilot programme and 16 refused. The reasons that were noted at the time when parties refused to take part in the pilot consisted of issues such as domestic violence/intimidation, unwillingness to participate or that an agreement was reached outside the process. The reasons that the 25 cases were deemed unsuitable included issues such as domestic abuse (8), children protection (8), mental health (3), drug/alcohol abuse (2), current social service involvement (2), complex issues/welfare report needed (2) and harassment order being in place (1). Two of the 25 cases had more than one of these issues identified.

Language

Whenever possible provision was made to enable parents to engage in the process in their first language. In seven cases the FDRP took place in Welsh when both parents were first language Welsh speakers (14 parents). When one party was not fluent in Welsh the process was by agreement conducted in English.

Drop out and Completion

Of the 64 parties willing to engage in the pilot programme, 53 cases have been concluded and 11 are still running. Of the 53 concluded cases, 34 (64%) were able to reach an agreement or resolution of some kind and 19 (36%) were not able to reach an agreement. As there is no follow-up, figures are not available on how many of these agreements have broken down post completion. However, CAF/CASS CYMRU is aware of three cases where agreements have subsequently broken down.

Welfare Reports

When parents in dispute have exhausted out of court attempts such as the FDRP to help them reach an agreement in respect of their children the judge will normally request a court welfare report. It is also the responsibility of CAF/CASS CYMRU to compile this report. This lengthy process normally involves meetings with the child/children, the parents and other people who are significant in the child's life, as well as other relevant professionals. The report which is submitted to the court seeks to assess what is in the best interests of the children and.

In total 36 of the original 107 cases that were initially referred to CAF/CASS CYMRU for the FDRP resulted in a Welfare Report. Of this total, 15 were identified as unsuitable for FDRP at the Risk Assessment stage and a further seven resulted in a Welfare Report following the refusal of parties to take part in the CAF/CASS CYMRU FDRP. Of the 53 cases that completed the FDRP 14 (26%) resulted in a Welfare Report because they were unable to resolve issues through the FDRP.

Children

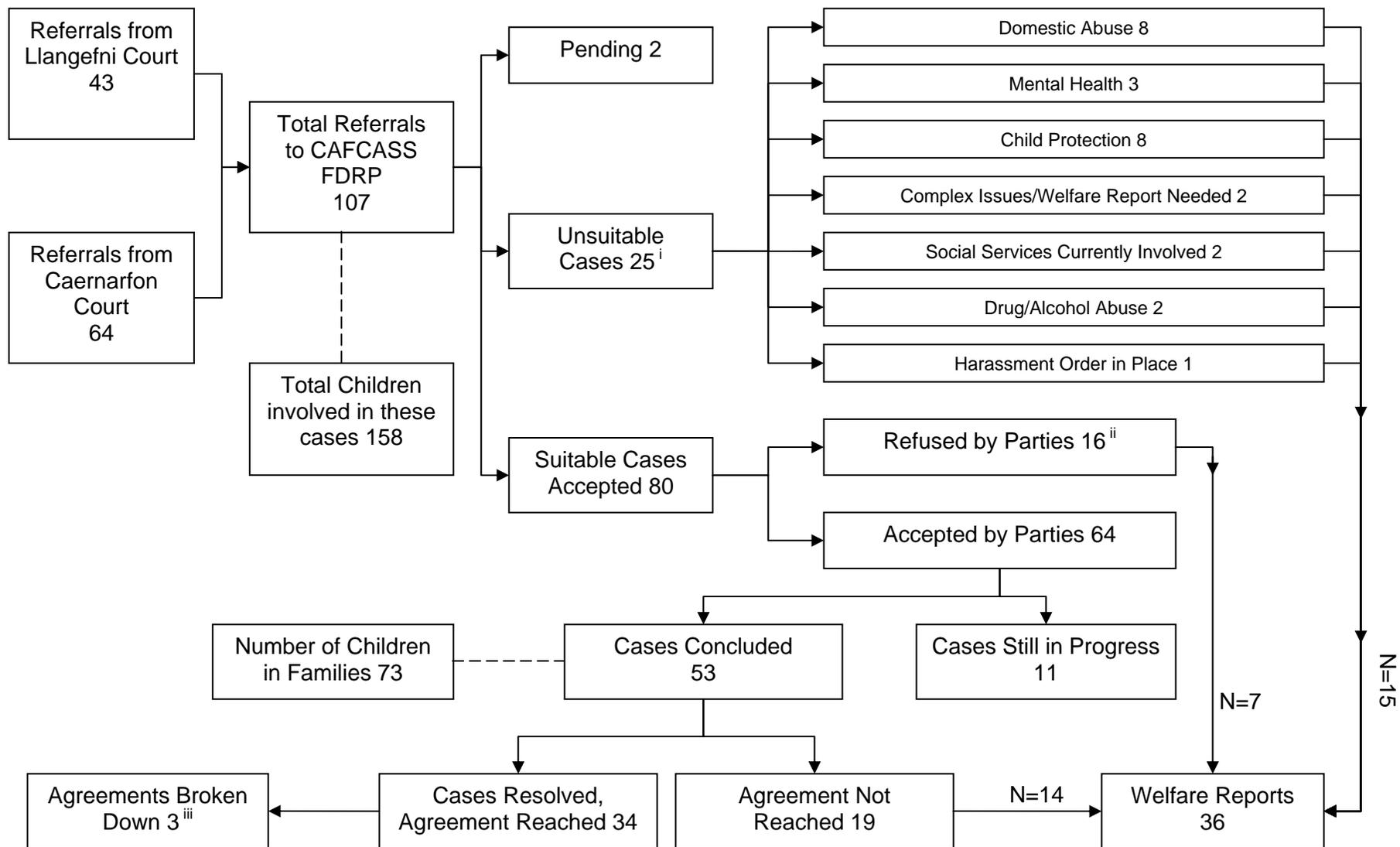
The total number of families referred to the CAF/CASS CYMRU FDRP was 107 - this included 158 children. Within the 80 suitable cases accepted by CAF/CASS CYMRU, 116 children were involved. The 16 cases, where parties refused to take part, involved 25 children and the 64 cases, which were finally worked by CAF/CASS CYMRU, related to 91 children. Of the 53 cases that were concluded by CAF/CASS CYMRU, either reaching a resolution or being referred on for further help, 73 children were involved in the cases within those families.

Time and cost

Although a standard allowance of four sessions is allocated for each family the time spent varies according to the different demands and complexities of each case. An internal assessment of the average time devoted to each case found that: two CAF/CASS CYMRU workers per family dispute provide four sessions that last on average 1 hour 45 minutes each. Writing up minutes and conclusions of each session takes on average 30 minutes. The report writing and risk assessment process takes on average 2 hours, not including the extra time spent on telephone calls, arranging appointments and in some cases travelling to and from appointments. Administration time includes processing referrals from the Courts and police/agency checks, which takes approximately 1 hour per referral, in addition to this is time spent on phone calls typing/formatting letters/session outcomes/reports, entering information and updating database and collating statistics. The process from start to finish per case is normally completed within

10 weeks. In contrast, the time taken to complete a Court Welfare Report is normally in excess of 3 months, although the two processes are very different. It is widely accepted that resolving family disputes through 'out of court' arrangements are '*cheaper, quicker and according to academic research, less acrimonious than those settled through the courts*' (National Audit Office England, 2007 p.4). Despite this the take up of the current national family mediation scheme (referral is a requirement for legal aid eligibility) is poor with only 20% of those who receive legal aid opting for the programme (ibid p.5). CAF/CASS CYMRU identified 80 suitable cases and managed to engage 64 (80%) in the FDRP.

CAFCASS CYMRU FDRP Statistical Flowchart January 2006 – May 2007



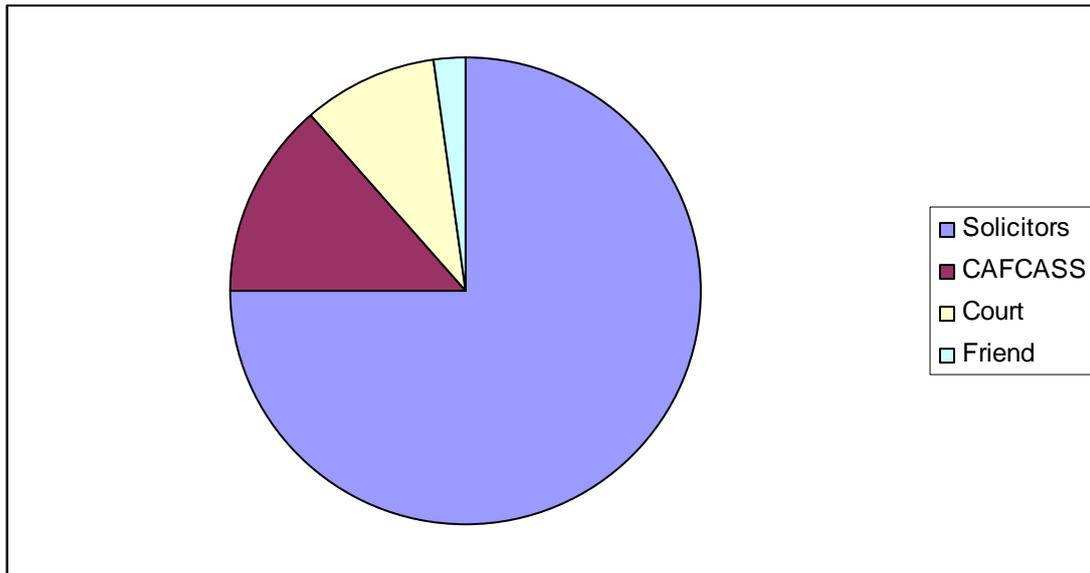
ⁱ Two cases had multiple issues relating to unsuitability. ⁱⁱ Reasons refused by parties; violence/intimidation, unwilling to participate, agreement reached outside process.

ⁱⁱⁱ Only 3 cases that CAFCASS know of – exact figures not known.

6. Findings: Parental Questionnaires

Awareness of FDRP

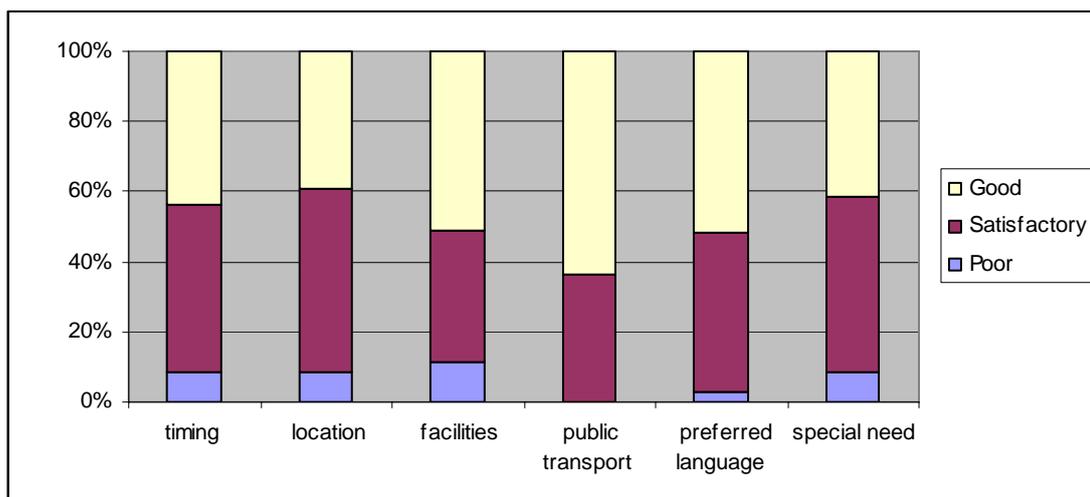
The vast majority of parents heard about FDRP through the legal process - mainly via their solicitors (33), other ways of hearing about the programme include CAFCASS CYMRU (6), Court (4) Friend (1) n=44. This suggests that the scheme has the support of a good number of solicitors.



Equal Opportunities & Diversity

Parents were asked about their perceptions of the service they received, in terms of practicalities such as timing, rooms, location, language, disability, public transport. Responses to these questions were largely positive:

	Poor	Satis.	Good	N/A
The timing of the appointments	4	22	20	0
The location of the appointments	4	24	18	0
The rooms and facilities	5	17	23	1
Public transport to and from the appointment	0	4	7	35
Accommodating your preferred language	1	16	18	11
Accommodating any disability or special need	1	6	5	34



Generally, the feedback was positive in all areas with few parents rating service provision as poor. The close links that Llandudno Junction has with the train as well as the bus service meant that public transport links received the highest rating overall. However, this still raised challenges given the rural context of the area as one parent explained *'The venues sometimes had to travel 25 miles to them and I needed childcare while I attended'* (PQ 6). While good efforts were made to provide a service in Welsh this was not always possible as one parent explained *'No interviews in Welsh- only one of the women speaks Welsh'* (PQ 43). While it is important for first language Welsh speakers to be able to access the FDRP in their national language, the growing immigrant population in North Wales places further demands upon CAF/CASS to also consider the needs of foreign nationals who live and work in Wales but who may not be fluent in Welsh or English.

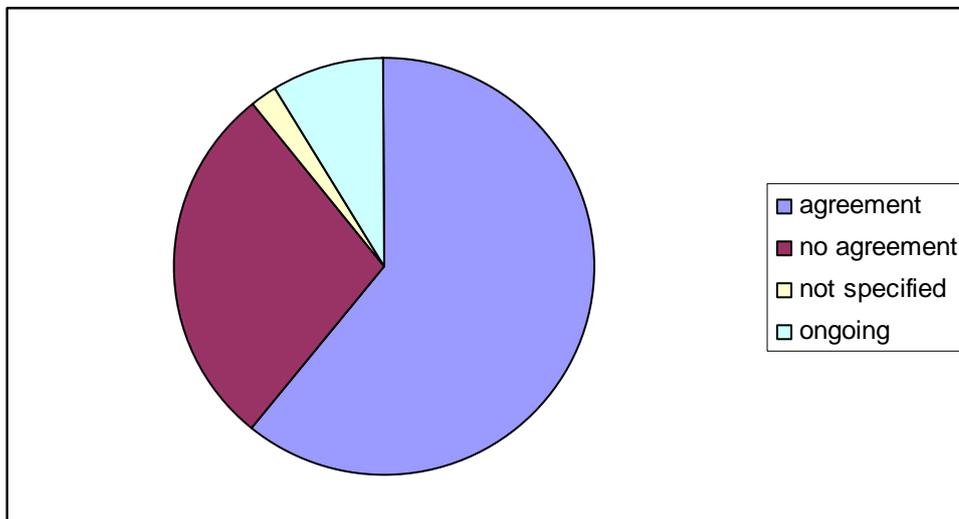
Five parents had mentioned the room or facilities being poor although this appears to be an issue of not having enough rooms available as parent PQ40 explained: *'Making sure the appropriate room is available for meetings (we were in IT room which wasn't suitable)'*

Dispute Issue and Progress

Contact with children was identified by parents as the main issue of the dispute, followed by issues of residence. Whereas some dispute resolution schemes engage exclusively with issues of contact (Trinder et al 2006b) this indicates clearly the broader range of issues covered by the CAF/CASS CYMRU FDRP including residence, holidays and name change. The breakdown responses on the question of dispute were as follows:

Identified Issue in Dispute	No.
Contact	29
Contact & Residence	10
Residence	3
Contact & Holiday arrangements	1
Contact & Name Change	1
Not specified	2

In terms of effectiveness of the 46 responses, 28 parents (61%) stated that they had been successful in reaching an agreement by the end of the FDRP process. This sample is therefore not dissimilar from the CAFCASS internal dataset in terms of agreements, which indicated that 64% of parents reached agreement. These figures compare favourably with other pilot schemes run in Brighton, Inner London and Sunderland, which produced agreements in around 37% of cases (Trinder et al 2006b).



Thirteen parents (28%) reported that they had been unable to reach agreement, four (9%) described the process as ongoing and one parents did not specify. When asked whether the agreement was still in place, of the 28 who had previously reached agreement 20 (71%) confirmed the agreement was still in place. This figure still represents 43% of parents managing to reach and stick with an agreement as a result of attending the CAFCASS CYMRU FDRP. Six parental questionnaires (21% of those who had reached an agreement) said the agreement had subsequently broken down and two (7%) did not specify. Asked about whether their expectations had been met by the FDRP 30 said they had (65%), 13 (28%) said they had not and three (7%) did not specify.

When asked whether they would use the FDRP again should the need arise 30 (65%) said they would, 13 (28%) said they would not use the service again and three did not specify (7%). The decision not to use the FDRP appeared to be

related to frustrated outcomes. That is, of the 13 who said they would not use the service, 6 (46%) had failed to reach agreement and of the five who did reach agreement two agreements had subsequently broken down. In comparison with the 30 who would use the service again, only 5 (16%) had failed to reach agreement. Interestingly, the breakdown in respect of applicants and respondents was not clear as 12 (40%) of the 30 parents who said they would use the service again were respondents, compared to six (46%) respondents amongst the 13 parents who said they would not use the service again. This would suggest that reaching agreement was widely seen by both respondent as well as the applicant as associated with a positive outcome.

A key feature of the FDRP is the focus upon the rights and wishes of the child/children and their active involvement in the dispute resolution process. Parents were asked what they thought about involving their children. Of those who expressed an opinion twenty-seven (84%) approved of involving children compared to five (16%) parents who disapproved.

Feedback from Parents

Parents were asked to provide feedback on the programme. Although overall feedback was mostly positive, the majority of parents provided both positive and negative feedback on different aspects of the programme and they offered suggestions for changes.

Positive Feedback

Forty-three (93%) parents provided positive feedback on aspects of the programme. Of these, 14 highlighted their appreciation of CAFCASS CYMRU to provide a safe and controlled environment within which parents in dispute could meet and communicate constructively in order to address the issues in dispute. These perceptions are illustrated by the following extracts:

Having the opportunity to clear matters up and discuss them with a mediator present rather than the whole situation ending in 'sour' disagreement. (PQ37)

In fact they achieved far more than I ever expected obtain without a court ruling. It was excellent, well balanced and undertaken in a controlled environment (PQ 11)

Gave us both chance to air our opinions and have someone else listen to see where we were going wrong (PQ26)

Been able to discuss things with my Ex without the arguing and "point scoring" (PQ6)

It gave alternative ideas about communication between myself and ex. [The staff] were excellent (PQ40)

Another key theme identified by seven parents in the questionnaires was the way in which the programme incorporated the rights, wishes and feelings of the child/children. The following comments illustrate the appreciation for a child centred focus:

the women's ability to give the child's side first and to emphasise the need for responsibility by both parents, (PQ20)

'...keeping to the issue at hand and what was really important to my child' (PQ6)

The wishes of the children were taken into consideration (PQ33)

The fact that the children could say what they wanted and both parents' views could be expressed and issues resolved. (PQ25)

To be able to discuss problems, as parents, in front of a third person. For our child's views to be taken into consideration. (PQ16)

Seven parents commented upon the fairness, friendliness and helpfulness of the way the CAFCASS CYMRU staff managed the process:

The mediators were very friendly and easy to talk to. (PQ 7)

I think that [the counsellors] were incredibly patient and fair - my exhusband is a challenging subject and they did well to help us reach an agreement. I was very doubtful at the outset. (PQ 35)

Having independent and impartial voice (PQ 34)

It gave alternative ideas about communication between myself and ex. [The two CAFCASS workers] were excellent (PQ40)

Understanding of situations by staff, general approach and helpfulness. (PQ42)

Five parents highlighted the relative speed and minimal cost of the process without having to go through a lengthy court process:

Resolving issues without the need for solicitors and barristers' involvement (PQ 3)

Being able to solve the problem without going to court. (PQ 4)

it was cheaper than solicitors. (PQ 11)

Five parents spoke positively about the progress that had been achieved in terms of clear tangible outcomes:

Got to see children very quickly without waiting for court. (PQ 12)

allowing me to see the children again after 4 months of unexplained stopping of contact. (PQ 22)

I got my daughter back (PQ 24)

Bearing in mind that at least 20 of the parents who completed the questionnaires were respondents who had been confronted by their ex-partner's court application to address an issue that they were in dispute about it was perhaps surprising that nearly all the parents felt able to identify some positive aspects of the programme. The comments from parents also suggested some shared common themes: a) an opportunity for well managed constructive dialogue; b) a focus upon incorporating the rights and wishes of the child; c) the skills and values of the CAFCASS CYMRU practitioners; d) the opportunity to deal with the dispute outside of court saving time and money; and e) achieving positive outcomes in respect of parent child relationships.

Negative feedback

Thirty-two out of forty-six parents described aspects of the FDRP that they perceived as negative. In contrast to the positive comments above, the negative comments were disparate and did not so easily lend themselves to being clustered in shared themes.

Perhaps unsurprisingly, six parents were unhappy with the outcome:

Didn't get to the bottom of why my ex-partner didn't want me to see children and I had to go back to court again. (PQ 12)

No achievement but it's not CAFCASS' fault. (PQ 30)

I felt intimidated because I had to do what I had not intended to do. I had to give in because my ex-partner was not prepared to give in (PQ 19)

It was forced on us, when clearly, no resolution was going to be possible from the outset. (PQ45)

Five parents expressed concern because they felt the process was not sufficiently balanced or neutral:

I did feel that the employees were not neutral and did take sides (PQ 9)

I was made to feel I had to change my whole life around to accommodate the respondent's request. She had no objection to my contact with the children but she refused for me to have more contact and the CAFCASS officer sided with her. (PQ 21)

The two female mediators were sympathetic towards my ex partner, however they were not taking into consideration for my situation. They had been in consultation with my ex partner prior to my arrival and had already formed an opinion of me. (PQ 22)

I felt that one member of staff had taken sides before the discussion began (PQ 29)

The time limited process of the FDRP which encourages and seeks to enable parents to seek solutions to protect the rights and wishes of the child/children is not always what parents caught up in an entrenched dispute expect. Five parents expressed a degree of frustration and unease at not being given time in the FDRP to explain their background circumstances and for their situation to be aired and understood:

Getting the impression at times that the workers offered suggestions to resolve the problem without listening attentively to the circumstances (PQ4)

I felt that the problems between me and my ex husband weren't known about or understood. I had a bare 5 minutes to talk to the social workers about my concerns regarding my ex husband (PQ33)

As I was classed as the respondent I didn't feel I was given the opportunity to talk about how I felt about the situation. I know it is designed to

ultimately benefit the children but I would have liked to put my views across. However I am happy that the children are happy now and that is the most important part. (PQ 35)

Linked to this, four parents felt that the FDRP did not allow sufficient time and more time should be allocated from the outset:

Length of time to progress (PQ 2)

Maybe longer? (PQ 8)

The CAFCASS ladies were very busy, so it took time to get through the program. Court dates had to be changed. (PQ 16)

Criticisms about any service are to be expected and can be constructive for improving service delivery. When a service like the FDRP brings together two separated parents who cannot agree on an important issue concerning their children, and then seeks to move the parents towards an agreement in the best interests of their child/children, it is hardly surprising that some parents express some levels of dissatisfaction. The analysis of the data suggests that most negative feedback from parents centre upon the process and outcomes which are perceived to be against the interest of the parent or biased in favour of the other parent. Some parents felt frustrated that the solution-orientated and time-limited process did not give sufficient attention to listening to their needs, experience or context. Some parents wanted more time to continue the process.

Parent Suggestions for Improvement

Twenty-four parents identified ways in which the programme might be improved. Two key themes emerged. First, parents highlighted the need for more time to be allocated for face-to-face meetings:

More meetings permitted when necessary (PQ 3)

Having an individual interview with both parents before the discussion together- and more in-depth than the current arrangement (PQ 4)

I think each party should be able to talk to the CAFCASS officer independently before parties meet. (PQ 8)

Perhaps a session with each parent individually, rather than a brief safety assessment. (PQ 25)

Perhaps longer sessions. Matters that need to be pinpointed straight away can become distorted when spread over a period of weeks. (PQ 37)

Second, some parents identified a need for follow up meetings in order to review progress and encourage enforcement

Maybe a follow up appointment 6 months later (PQ 8)

There should be follow up procedures because my ex-partner broke the agreement within 1 wk! (PQ 12)

need to give CAFCASS more power to get parents to co-operate" (PQ 14)

Follow up appointments (PQ 18)

Perhaps to contact parents to see if resolution continues. (PQ 26)

To keep their involvement to review adherence and suggest any updates/changes to agreement (PQ 34)

Other suggestions for service improvement were more disparate including greater impartiality "*be more assertive to the applicants wishes ... treating both parties equally*" (PQ 22), more information '*about what will happen*' (PQ 36); changes to the location of meetings to make the service more accessible '*more local meeting areas*' (PQ 36).

7. Findings: Thematic Analysis of Interview Data

Aims of the Programme

From the perspective of professionals involved in the scheme (including judges, court managers, solicitors and CAFCASS CYMRU workers), there are a number of advantages to the programme. First and foremost, professionals highlighted the importance of the centrality of children, and described the key aim of the programme as putting them “*central to the dispute resolution*” (P12). The programme was portrayed by professionals as encouraging parents to take appropriate responsibility for ensuring the needs of children were paramount, rather than focus upon their own needs:

...there's a tendency to see the system within the court as a system where the mother and father need to have their day in court – to put their point of view. But we are not in the business of offering therapy to the parents (P1).

The main reason why I support the scheme is that it makes parents realise very quickly the responsibilities they have to their children and the responsibilities they have to cooperate in order to resolve the problems. That is, the best thing that comes out of it is that they don't come to court, and they don't take sides and that they are not in an arena where they can roam/stray (from the issues) (P2).

As indicated in the above interview extracts, professionals shared the view that family disputes, where possible, and especially where children were involved, should be resolved “*without having to resort to the courts*” (P2), and:

I think that the parents should be solving the problems through discussion. I do not think that the court is the place to discuss these kinds of problems (P1).

For the professionals we talked to, a key defining principle of the programme is that the resolution is reached by the parties involved, rather than imposed from the outside:

If you're writing a welfare report, you're making an assessment .. Dispute resolution is looking at how parents themselves can come up with a solution (P11).

There was a shared understanding among professionals about the effect which family disputes have upon children and the necessity of improving children's experiences. Here, interviewees stressed the importance of moving away from the *"adversarial context" of the courts and placed emphasis on the imperative to "prevent parents going through the court system"* (P10), in an attempt to...:

...deal with arrangements for children not in the usual adversarial way, it is a major problem with the family justice system (P9).

This was important, it was argued, in order to lessen, *"animosity that is often felt between ex-partners that impacts on their children"* (P4). While sensitive to the fact that in some cases the adult's *"personal hurt and anguish is very great"* (P9), professionals described a tendency for *"parties [to] use the child ... especially, for example if the parent had run off with someone else"* (P9).

Positive aspects of the CAF/CASS CYMRU system, described by professionals were reinforced in their accounts by successful outcomes. P9 for example, cited a case that in his/her experience was:

very messy at the beginning - then transferred to CAF/CASS and agreement was made between the parties which led to a successful outcome for the family.

While any cost benefits of the programme were not described as its driving force by service providers, the financial implications associated with, for example, *"not wasting the court's time with financial hearings"* (P9), were also noted by some interviewees.

Solicitors, who play a key role in informing clients about the FDRP, spoke very highly of the programme. In particular, they highlighted the focus upon reaching *... agreement, not just making recommendations at the end of it. So I welcomed it when it came in* (P17). Like other representatives from professional groups, they acknowledged that where disputes involved children, *"it must be better for it to be resolved quickly and by agreement"* (P18). Moreover, solicitors who we talked to were quick to point out that some cases required specialist skills that they lacked:

...when it goes to CAF/CASS there have been problems which we have not been able to resolve for one reason or another and then I think CAF/CASS then has the advantage over us is that they have the training, they have the skill (P18).

The solicitors we talked to perceived themselves as family and child oriented, asserting, *"I don't think any of us are in the business just to make money out of children having problems"* (P19). When asked about the implications of the programme for their workload, they claimed, *"it hasn't taken any work away from*

us" (P14), and that family disputes were "*not a lucrative form of work for us in any event*" (P19)

Benefit from Parents perspective

The most positive accounts of the scheme emerging from the semi-structured interviews were provided by users in cases where (a) they were the applicant, and (b) where a successful outcome was obtained. For applicants to the programme, dispute over contact with children was the key issue that prompted contact with the scheme. Hence, applicants noted for example, "*I had had no contact with either of my children for approximately two months*" (U1) and "[I wanted] *to try and secure better access to my daughter*" (U2). In some cases, applicants who had tried other methods of conciliation such as mediation that had failed were at the outset, more sceptical:

I wasn't keen, to be honest with you ... but I was informed by my solicitor that it (CAFCASS) was a much more effective way of sorting out the problems and that they would be dealt with, that both of us would have a voice, we would both be taken into account and they're working purely for the children (U3).

In some cases applicants said that the child's voice validated their case for securing contact:

The fact that it gave the children the opportunity to speak from their hearts without any pressure...the children clearly stated that they wanted to go to dad. This was important to me because my ex-wife had said so many bad things about me with lots of lies (U14).

In other cases, it was suggested that the child's voice served to impress upon the responding parent, the rights of the child to maintain contact with the 'other':

...it helped my ex- wife to understand that they also needed to see their father, and that it would also be helpful for her to have a break when the children came to me (U13).

While the high costs associated with court cases were cited by some parents, for most interviewees other considerations took precedence. In the following extract, applicant U5 tells how, while the prospect of costs associated with the court system "*are horrendous....I was more concerned about speed*" (U5). Hence, the most important incentive for this parent joining the scheme was an expectation that the dispute would be settled more quickly than going through the courts:

...my solicitor had said that it would take a long time if it went through court and they advised me to go through CAFCASS because it would probably be a quicker turn around and I would see the children quicker, so which was obviously a reason for me to do that.

While cost was not a primary incentive given by the parents we talked to, U2 noted,

I had budgeted for £4000 in the court costs ... basically it cost me just under a £1000 so from my perspective I have saved £3000 (U2).

Perhaps unsurprisingly accounts from interviewees who acting as respondents, tended to be less positive about benefits of the scheme, than those provided by applicants. As one applicant explained:

I know my ex partner did not want to go through the process in any shape or form. I could tell that she resented having to go through it (U2).

However, even where parents did not initiate entry into the programme, and did not achieve the outcome they desired, they agreed to participate in the programme in the interests of their children:

I suppose it helped me put anger to one side and realise it wasn't just about me being with my children it was also about their father still maintaining a relationship with them and that ultimately it doesn't matter what happens in our lives, ...the children are still the focus and I think CAFCASS made me realise that really (U3).

Likewise, respondent parent U8 highlighted specific issues that the process had addressed for her:

It did help because they did help me tell [my ex-husband] that he needed to spend a bit more time with [the child] and get used to him/her (U8).

Certainly, the parents we talked to, irrespective of whether they were applicant or respondent in the case, acknowledged the key role of CAFCASS CYMRU in clarifying the centrality of the children:

... to have someone sit down with her and say they are not your children they are both yours and for you to take them away from, not just their dad but from my whole side of the family, gran and grandad, for someone to explain that and say it is selfish, for the children its not what you want or your ex (U7).

Clarity and Information

According to both users and service providers, solicitors have an important role to play, because *“the solicitors have got to explain to their client”* (P7), and because participation in the scheme may depend *“on the advice they give their clients”* (P3), and in particular *“convincing people in the pilot that this would be separate from what the courts could offer”* (P1). The Solicitors we talked to had attended an information session, introducing them to the programme. While they described the information imparted to them about the programme as sufficient, they noted that, *“if you attended you knew about it but I think perhaps it wasn’t sufficient to perhaps draw people who hadn’t been there”* (P16), and:

Solicitors outside the area have less information about it I think and they don’t know how it works ...there’s a need to ensure that if it’s referred to CAFCASS there’s something coming out from the courts ...there should be a leaflet explaining it to the solicitor at that stage... it’s no problem for us but I’ve had other solicitors saying ‘what is this pilot scheme?’(P18).

In some cases, where users by-passed solicitors and came directly to the programme, there was initial confusion. Hence:

Some people decided they were going to be unrepresented for some reason and because there was no directions hearing, some people came straight to (CAFCASS) having only received papers from the court and information from CAFCASS. This did leave some people a little confused about the process (P3).

Initial confusion reportedly experienced by some users, was associated with the first joint meeting with both parents:

I think a couple of times people were told by their solicitors that they would have an initial meeting – so they were surprised that it was a joint meeting (P3).

While by all accounts, users were provided with information about the scheme and the process involved, as one service provider noted, *“it does not mean to say that they read it”*, and that on times users had been *“confused over who is going to be attending, when their ex partner will be there”* (P5). This concern was substantiated by a programme participant:

The only problem I do remember was that the first meeting I was under the impression that it was just me and a CAFCASS (worker), but when I actually arrived at the meeting place, my ex husband was sat there. Things were very acrimonious, terrible and I really did freak out a bit to be honest because I didn't expect that (U4).

Generally service providers felt that the information provided to users of the scheme was adequate, but that a little 'tweaking' of this information in order to ensure that they understood *“the different terms: mediation, dispute resolution, conciliation (and) the differences between schemes”* (P4) would be beneficial. It was suggested by one service provider that information pertaining to the scheme might usefully be provided in an alternative medium (such as DVD) and/or

...condensed in a booklet, the information is all together instead of having separate leaflets for separate things (P6).

In respect of this issue, a service provider reported to us that the information provided to users had been amended in the interests of making this more user friendly. In particular, P11 noted, *“I think some parents were confused about having a joint meeting initially or not. I hope we've made that clear now”* (P11).

Finally, in this section, solicitors noted that CAFCASS CYMRU might usefully keep them informed about the progress and outcome of cases, particularly where these are returned to the court:

..and perhaps that we are kept informed as to things are progressing because it often goes quiet for a long time and you're not sure what's happening (P16).

Empowerment

The importance of empowering parents “*to manage their lives and their children’s lives*” (P11), through the Dispute Resolution Process was raised as a key issue by professionals. One point highlighted in interviews with professionals was the need for parents to be fully informed and knowledgeable about the different routes which dispute resolution might take in order for them to make informed choices about “*the way they wanted to go*” (P3). This was described as an important aspect of parents “*owning*” the process. Equally, professionals described the importance of empowering children through the process because “*children do have a view about what is happening in their lives and have the rights*” (P12) to “*get their voices heard*” (P4):

The child ...hopefully doesn’t feel that they’re having to take sides. It’s part of mum and dad working together to find a solution ...you know as a child I (might) feel ...that (although) I might not totally get my own way but I’m being considered (P11).

While generally applicants to the FDRP found the process empowering, a number of parents in the role of respondent felt that the voice of the ‘other’ was given more weight. A theme that emerged from the accounts of responding parents was that CAF/CASS CYMRU “*should consider the balance of the relationship before starting the joint sessions*” (P6), instead of approaching the situation as if it was a level playing field. Initial impressions and experience of the FDRP were off-putting for some respondent parents, for example after entering the programme with optimism U9 reported after the first meeting:

...what I found was... they put down who he was, what his employment was and everything, and if you look at it, it says nothing about me. They put his job first, they went through what he wanted, and it was as if I didn’t matter (U9).

Similarly, U12 claimed that she had not been given “*the chance to say*”, what she wanted, and that her ex-husband had “*told lies*”. This respondent parent told us that she had been “*worried and frightened*” by her ex-husband who had “*threatened*” her by saying that CAF/CASS CYMRU would “*interview and scrutinise*” her dealings with the children. One interviewee (U11), again in the respondent role, reported that the CAF/CASS CYMRU workers had not taken seriously either her allegations of domestic abuse or drug/alcohol abuse by her ex-husband. Of the CAF/CASS CYMRU process, she said:

I felt that my ex was again controlling me, enjoying the fact that I was again being controlled by him/them (U11).

In terms of the overall programme, one aspect of process where a few parents indicated feeling less empowered was in respect of reporting outcomes. Hence, U4 noted:

I think that they did write reports but I didn't get to see the reports. I would have liked to see the reports to be honest but I didn't ask either so there we go (U4).

Similarly, U8 reported that she would like to see the information for the court, in the report that CAFCASS CYMRU prepared at the conclusion of the programme:

I would like to know the opinion because at the end of the day, it's not her (CAFCASS worker's) life, it's my daughters life and mine (U8).

Finally, in this section, while some users reported that they would like follow up meetings subsequent to reaching an agreement, concern was expressed by one service provider that this might undermine the programme's empowering imperative:

I guess the danger of that is you're going to lead into a whole new series of appointments. Some parents might then become dependent on the process rather than to resolve their disputes and that's not the aim, it's to empower them (P11).

Complementary Options

Generally, service providers perceived the CAFCASS CYMRU FDRP as separate from, but existing comfortably along side, the Court process:

The [Welfare] report scheme is still essential but I think that is there for more complex issues than those that are resolved within this scheme, and [for] those with issues that clearly, from the beginning can not be resolved with this scheme because they are so deep or whatever (P18).

As one court official acknowledged when the CAFCASS CYMRU process broke down: *'we have to take them out of the scheme and put them back in the court. I see both systems working well together'* (P1). When parents do not reach agreement, it was argued by the professionals that the courts were *"flexible enough to have them back quickly"* (P2). Equally, the flexibility and cooperation of the Court was cited by a service provider for creating what s/he describes as the CAFCASS CYMRU extended 'window period' to direct parents in dispute to the FDRP:

when an application goes into court the first directions hearing is [normally] set within 6 weeks - there is that 6 week window...What we have negotiated with the courts, so that we can fit in all the sessions that we felt were needed, we have negotiated a 10 week window (P12).

All professionals we talked to stressed that individual cases had different requirements and that 'one size did not fit all'. Hence P10 explained that, "*where parents can meet together and work towards agreeing arrangements for their children (they) should*", but, "*more serious cases*" should come "*before the judge*". Certainly, service providers agreed about the importance of selecting "*appropriate cases for the pilot*". That is, not the "*most complex cases, but the most obvious*", the point being "*to avoid going to court*" (P1). Hence, professionals stressed that in cases where there was:

recognised domestic violence..., welfare issues concerning the child (or) where social services are involved with the children and child protection – dispute resolution isn't the right way (P3).

Conversely, service providers stressed that in...:

...other cases where parents have been harmed by divorce, relationships have broken down and they don't know what to do. In these cases, the parents may be looking for some new type of framework – they may be seeking help and advice – and this is where this system can make a contribution (P1).

Some professionals we interviewed talked about in-court mediation available at the 'children's days' in the county Courts, where parents may agree to meet with CAF/CASS CYMRU practitioners to see if they can be helped to agree arrangements for their children. This service may also review agreements relating to children reached previously. In comparison to this type of mediation, the FDRP:

...aims to get people before that stage to see if intervening early on will help parents to agree and avoid waiting to be seen by which time their views may have becoming too polarised (P13).

Some of the parents who we interviewed had already tried mediation services. While we recognise that our sample is biased in that had mediation been

successful they would not have participated in the FDRP their comments are nonetheless interesting:

The NWMS [North Wales Mediation Service] was not as clear as CAFCASS...I certainly felt more at ease with CAFCASS officers and things were better explained to us by CAFCASS (U13).

Of the professionals we talked to, solicitors were among those most sceptical about existing mediation services. Here, the perceived key difference between the two schemes was that the mediation focus upon facilitating adult communication was less directive and/or less effective than the FDRP proactive approach to effect resolution through a focus upon the needs and rights of the child:

I think they're [CAFCASS] better than mediation at resolving things, things that are capable of being resolved (P15).

The emphasis on mediation is that it's entirely voluntary and people go there with an open mind and the mediator is there to facilitate. With no disrespect to some of my clients I think they could do with somebody sitting on them for want of a better word and really pointing them in the right direction (P16).

Process

The main process issues highlighted, by professionals, focussed upon the initial stages of the procedure. Here the greatest concern centred upon delays. Hence, one solicitor noted:

.....delay in actually getting the clients on the pilot scheme, ...I've got one case and it's two months and he's not having any contact (with the children) in that time, so it's quite frustrating for them. I think to be fair to CAFCASS as well a lot of it is getting back their police checks and all that kind of work which is isn't helping them (P14).

An issue raised by all professional groups surrounded the identification of cases for inclusion in the programme, and the implications for speedy expedition:

So I think there's a slight delay there in terms of that if somebody wants to get on with it and issue an application, sometimes you're put off to the dispute scheme and then you wait a decision from CAFCASS before it's referred back to court. I don't think there's a great deal of time about it but there's just a slight delay (P16).

One aspect of the process that tended to delay progress was described by solicitors as referral to mediation. To reiterate, of all the professional groups we talked to, solicitors were the most sceptical about mediation:

I think all of us [solicitors] will attempt ourselves to resolve issues and make certain suggestions to find a way round the problems and discuss it with the other solicitor. If that fails we then refer them to the mediation system which personally I have a number of reservations[parents] just sit there, they don't give any input at all into the process so if you have you a strong father and weak mother, you're not going to go anywhere with mediationas far as I'm concerned I haven't seen anything coming back successfully from mediation system.... – I think it would be better if (FDRP replaced mediation), because we have to have legal aid to enable us to make an application to the court before this scheme becomes effective (P18).

An issue, on which professionals were divided, was whether the programme might be improved if applications were to be sent initially to a first directions hearing, in that “*a lot of unsuitable cases would have been sifted out by the court at that stage*” (P3).

...would it assist us if we were still gave them a day on the first children's appointment where both parties would turn up before the judge with CAFCASS officer? The judge could sort of fathom out whether this was suitable or not and the judge could reinforce on the parties the importance of if this goes to the pilot scheme that they could incorporate (P7).

From the perspective of some Court workers, the current system (in which CAFCASS CYMRU decides on the appropriateness of cases) causes delays in the scheduling of those cases considered unsuitable and returned to court. P7, for example, noted that ‘unsuitable cases’ required rescheduling by the court, which might at any time be “*chocca block*”, thereby rendering the case subject to lengthy delays. In addition, it was noted that irrespective of whether or not parties in the dispute might agree to participate in the programme, they were still referred

for an initial assessment by CAFCASS CYMRU vis-à-vis their suitability for inclusion. For cases where the parties were unlikely to agree to participate this involved considerable, and what was perceived by some professionals as, unnecessary work.

It was also noted that some parents entering the programme, might have reached an agreement anyway, thus rendering their participation unnecessary. However, an alternative perspective was that in such cases the programme might perform a positive function for participants' vis-à-vis potential future disputes and their resolution through agreement:

...there are people possibly in the system who would have reached agreement anyway, I guess my approach to it has been that we could view this in a sense as a preventative service (P12).

Indeed, rather than attempting to make the system more exclusive, one service provider suggested that the current exclusion criteria be re-visited in order to distinguish "*between serious cases and proven cases of child protection*" (P9), and make the scheme more inclusive.

Interestingly some interviewees (irrespective of whether they were acting as applicant or respondent) suggested that the length of sessions might be usefully increased. Hence, interviewee U11, acting as respondent said:

The session was only 1/2hr but I could not see how the mediator was able to draw a report on a session of this length? (U11).

Moreover, U10, acting as applicant noted:

...I certainly think there were a couple of times when the sessions, they could have said alright give it another 40 minutes, another hour (U10).

In one case, a parent (acting as applicant) suggested that the programme might usefully solicit the views of the 'new' partners, with whom the children would have regular contact. Hence, U14 proposed a meeting between himself, his new partner, the children and CAFCASS CYMRU workers so that CAFCASS CYMRU might witness first hand:

the good relationship they have the fact that it's stable, the children enjoy coming here. (The new partner) is not someone I just picked up in the (nightclub) last month it is a stable long term relationship which is good for the children (U14).

Some parents involved in the scheme appear unclear about the focus of the FDRP. Instead of the scheme helping them to reach agreement some parents see the scheme as an opportunity to impress and be properly 'assessed' by the CAFCASS practitioners.

A more common theme running through the accounts of parents was a perceived need for a subsequent meeting to review the agreement reached, at a later date. For example, U12 reported that while both parents had agreed to be flexible, her ex-partner was *'now changing things to suit him and not to suit the boys... so a review would be helpful although mostly things still working well'* (U12). The issue of review meetings is discussed further in the section on 'enforcement'.

Finally, to reiterate, some of the solicitors we talked to suggested that they might usefully be informed on the progress of cases entering the FDRP. Here it was noted in particular, that where agreement was not reached, that solicitors/courts might be usefully alerted in order to expedite further action:

...they resolved one or two cases I'd had and I haven't heard anything else since, so obviously it does work. In the cases where it doesn't work I think maybe there needs to be a system where it then the Court is triggered and it goes to a hearing (B15).

Communication

Improved communication between parents was highlighted by service providers as key potential benefit of the programme. Hence, the programme was compared favourably to alternative services – described by one professional as 'quick fixes', because other services *"don't help parents to know how they are going to talk to each other"* (P3). In the interview extract below, a solicitor describes the FDRP imperative to reach agreement through communication, and make parents:

...realise they have this child and they have to communicate. Because what happens, I think and sadly, is once you reach the Court, the term "I'll see you in Court" kind of nonsense comes. (The FDRP)...opens the communication between parents. You know parents which are sometimes really entrenched. At least it forces them to have to do it; have to consider what is in the children's best interest (P14).

To reiterate, parents who were applicants to the programme were generally more positive about the programme than respondents were. For the most part, what was valued most by these parents was the child focus aspect of the programme:

I think one of the things these meeting taught us both, it has to have the effect of the child's benefit at heart and not the individual partner or husband or wife who's committed infidelity, it's not about them, it's (the child). My wife and I speak ...Even if the boot were on the other foot I would have to say it has benefited our mode of communication (U10).

Moreover, it was apparent that applicants themselves appreciated that they were also required to make compromises through the programme, for the benefit of the children:

...I had to adjust my position during the process – lack of communication is the main problem when dealing with the children I think. Because if there's bad feeling the parent doesn't want to say – or a quarrel will take place ...then the phone goes down or there are text messages – which means no opportunity to be heard out on the point (U1).

Certainly, in some cases, parents were surprised at reaching resolution through the programme:

I didn't think it would, because whenever I spoke to her, her responses were categorically 'no you are not having, no you aren't getting it, and I don't care what a court says you aint getting it' (U2).

The user cited above went on to describe his satisfaction with different aspects of the programme and its implementation:

I think it worked very well, we were both very pleasant and polite to each other. I am sure the underlying tensions came through, but I have got to say the way they conducted it at the first meeting - we both said how much we thought of our daughter and they made that the central issue from the start and the type of daughter she was and so forth, the way it was handled- set a very good way for them. And they did (make) comments. **They** could sense the underlying tensions as you go into any breakdown of a relationship, but I was extremely impressed with the way it was dealt with (U2).

In the following extract, a parent (acting in the role of respondent) expresses a mixture of reluctance at her involvement in the programme, surprise that she was

able to communicate with her ex-husband, and discomfort in having to negotiate in front of others:

Myself and my ex husband were kind of getting on and it was ok sitting in a room saying what the problems were. However I felt a bit uncomfortable, I would have preferred not to be discussing the problems with him... It just felt more under pressure to have a third party there really because we are human and people say things that annoy you when there's a third party there who you don't really know you tend to just like brush things over rather than stand up and shout about it (U3).

Similarly, interviewee U12 claimed that while there had been many disagreements in the past, communication had improved markedly and she was hopeful that she and her ex-husband would be able *“talk to one another again in the future”*, and those CAFCASS CYMRU workers:

...were brilliant at suggesting things, e.g. a communication book and that has helped stop the boys acting as messengers, this has worked really well (U12).

In the following extract from the interviews, a parent (acting as respondent) describes how she was persuaded to compromise by the CAFCASS CYMRU worker:

I agreed to what he wanted with the children only because the CAFCASS officer was like ‘you should try it, if it doesn’t work out, you know we can review it again’ (U3).

In this particular case, however, the agreement *“went to court for direction and soon after that it broke down completely”* (U3). Even for respondents, who did not initiate participation, the programme benefits were apparent, in that CAFCASS CYMRU *“need to listen to two stories about the same set of circumstances”* (U6). Moreover, for some applicants in cases that were not resolved in the long term through the programme, the dispute resolution programme was perceived as a positive process:

You can’t change people’s personalities and at the end of the day I think they counselled him wonderfully because they did suggest he went on anger management courses and things like this, and he did but it didn’t last (U4).

Interestingly when the applicant's case fails through CAFCASS CYMRU, their disappointment appears tempered by the public confirmation of the other's 'unreasonable' behaviour:

...since then there has been no follow up and we have had to go back to court again so it was ok at the time, what am I going to do now they know that she is volatile and unpredictable etc, so what's my next step to just go back to court (U5).

In some cases, users described clearly how communication with ex-partners had increased as a function of their involvement with CAFCASS CYMRU:

...if there is a problem with one of them we can discuss it now and stuff and there are other things like having a book which we write notes in and when we change over and if one of them has had a stomach ache you write down in the book (U7).

Enforcement

Enforcement was raised as an important issue by both professionals and users:

... we need the parties to cooperate and to participate and this is where we have got our problem really (P7).

Hence, a court representative who talked to us argued because *"you cannot enforce in the same way as you can in the courts [and] at the end of the day that perhaps is one of the weaknesses of the scheme"*(P1). Whilst enforcement was highlighted as an issue by many professionals, similar to P1, this was not perceived as *"a fundamental weakness because what we try to do is to get people to agree"* (P1). There were two main stages of the programme where enforcement was highlighted as important. The first was the prompting of parents to participate in the programme and conform to the processes required. Hence professionals talked about their reliance on *"getting people to attend appointments"* (P11), the need for *"a little bit more compulsion on parents"* (P16) and the problems caused when, for example, *"one party decides they cannot be bothered"* (P7). Some interviewees, like P2, suggested that an appointment with the Court at the outset "So the Judge could say *"we support your involvement with CAFCASS but you need to cooperate with them (or) 'if you don't do this, then that could happen"*, might serve to increase compliance with the programme. Likewise, one solicitor who we talked to noted:

There are some clients that don't bother turning up, that don't respond, don't keep to the appointments

whereas if you have a court appointment, you'd be there. I don't know whether something right at the beginning before the judge would ensure that they realise that this is not just a 'cushy' way out of the dispute (P19).

Moreover, another suggested:

I think that if the courts initially orders them to go and that they're aware that they have to go, that it's not the same as mediation (and) I think if you told them they have to go, they'd be perhaps more focused on it and feel that they've got to (P16).

Other professionals were divided on this issue, because for some it contradicted the fundamental ethos of the programme. P4, for example, noted that while there was an argument for putting parents in front of a judge in order, "to give scheme more 'clout' in eyes of parents":

the objective of the scheme is to stop parents stepping foot in court and so to take the adversarial elements out of the experience it's better for participants to be diverted away from court (P4).

This interviewee also suggested that involvement of the Courts might not necessarily bring about the desired outcome as:

most of the England schemes seem to involve the court at the first hearing and despite this some found take up of the scheme was low (P4).

The second issue associated with enforcement was in relation to parents' adherence to the agreement, after it had been reached. This issue was raised mainly by programme users. While appreciating many aspects of the programme, applicant U4, for example, suggested, "*I think the enforcement part could have been a bit stronger*". U4 described that despite having reached an agreement with her partner through the CAF/CASS CYMRU FDRP, nothing changed. Hence while acknowledging that the "*counselling part and everything was fine*", she said, "*I feel he's just gone then 'oh yeah fine, it's done now and I can do what I want again'*" (U4). Similarly, U5, U13 & U14 appreciated the CAF/CASS CYMRU process, but the outcome was unchanged:

...because it had been done between ourselves without someone forcing it on us which made

sense, we both agreed that it was ok. But a week later she didn't turn up at the leisure centre as she was supposed to drop the kids (U5).

Agreement...would not have possible without the programme... unfortunately 2 weeks after the agreement was made my ex-wife pulled out, things now have got much worse as regards seeing the children...I've asked for a court hearing (U13).

My wife is not sticking to the agreements... everything went in my favour and of course she doesn't like that, so she says 'stuff it, I shall do what I want' and that's the problem I have (U14).

In some cases, users (like U14 above and U7 below) described how having reached agreements through CAF/CASS CYMRU, they returned to the courts for enforcement:

...in the past we have sorted things out and she will change her mind and stop me from seeing the kids and I have got no legal grounds now so I had to have it, my solicitor said she will just change her mind again so you have got to get it in court so she can't (U7).

Despite the perception of some participants that a court order was necessary to achieve compliance, as some interviewees noted this was not always effective:

but when we did finally come to an agreement on the 3rd or 4th visit (ex-husband) turned around and said I'm not agreeing to anything I'm going to have a word with my solicitor first and walked out... It did go to court and we've still had problems because he didn't get exactly what he wanted. He has actually breached the order several times already (U9).

Notwithstanding the enforcement issues raised by professionals and parents, both groups welcomed the 'pressure to conform' that the programme embodied. Representatives from the professional groups argued, for example, that "*the four meetings do put pressure upon (the parties) to make decisions*" (P9), and "*parents know they have to focus on resolving their differences, or (the CAF/CASS CYMRU worker) will make a report to the Court*" (P9). Indeed, the CAF/CASS CYMRU report was, according to some parents, an influential document:

it was down to CAFCASS to produce a report ...and it had been explained to me, that upon that findings, the judge would make his decision and 9 times out of 10 he would go with the CAFCASS report (U10).

Equally, programme users (particularly applicants) appreciated a context in which differences could be aired and addressed:

The crucial point here is that the other parent must sit and listen. It's not a case of becoming angry, slamming the phone down. Of course if you can't agree a report will be asked for by the judge and who is going to write that! (U1).

Similarly, U4 described the response of her ex-husband:

he did take it quite seriously. He was not happy at all to have to. He did not want to do it, he really really didn't but I don't think it would have looked very good on his part if he hadn't you know joined in on it (U4).

The above respondent went on to explain how:

the enforcement issue personally for me was the key factor in it really with the backup of the courts behind it (U4).

Generally, applicants were appreciative of the programme and although some urged the service providers to, "*follow it up and enforce it a bit more*". The experience of U5 was shared by other applicants:

she just wanted everything her way but they did make her see (U5).

Even in the cases where a responding parent reneged on the agreement reached, there was acknowledgement of some attempted (if not sustained) change. Hence, U3 described how:

my ex-husband wanted the children to spend all weekend in his house. ...Through CAFCASS, I agreed that we would try it ...CAFCASS kind of insisted that they're young enough to adapt so I

tried it...but I just found that it just brought on more problems (U3).

Certainly (particularly) applicants described experiencing a pressure to conform through the process. For example, U6 talked about her anxiety in meeting her ex-husband who she described as overbearing. She described herself as having a conciliatory nature, and said she felt “*pushed into agreement for the sake of it*” (U6).

Children’s Involvement

All the professionals we talked to (as summed up by the extract from an interview with a solicitor indicates) as well as most of the parents whose children had participated in the programme were positive about children’s involvement:

We are obliged to as family practitioners I must take a child centred approach. The advice we always think it’s important that the child has contact with both parents. All of us as family practitioners start from that point, not from how can I stop him from seeing the children (P18).

Many respondents talked about children’s awareness of the parental dispute. Hence, P9 noted, “*most children will be acutely aware of what’s going on between parents*”, and P3 talked about the importance of involving them in a process whereby “*mum and dad have come together to sort [it]...instead of knowing [they] are in the court system ...fighting*” (P3). Once again, in respect of parents, applicants generally described themselves as more positive about the children’s involvement than respondents. Hence, U1 explained how:

I was happy for my daughter to be called because I felt that she was caught between a rock and a hard place. My ex-partner didn’t want her approached at all ...although she was unhappy about it she agreed to it.

In contrast, U6 was worried about the participation of his/her nine year old, because s/he felt that the child was not old enough to make a rational decision. Indeed in this case the child made a decision which contradicted the wishes of the respondent, in that s/he “*agreed to the additional staying contact*” (U6). CAF/CASS CYMRU workers noted that while the “*general policy*” was to see children “*in every instance*”, in some cases, parents would not agree to this, and in others “*for example they had very young children*” (P3) it was not deemed appropriate. Certainly, for some users, the decision to involve the children was not an easy one to make:

I think it's probably instinctive with any parent, not wanting to put a child through a process like this. In the same way perhaps you wouldn't want a social worker involved. But I had reached a stage following a period of two months when I had not seen the children (U1).

In terms of the risks involved, the professionals we talked to generally felt that children were more robust than they were given credit for, and were "*not as frail and emotional as we think*" (P1). Certainly much credit was given, by professionals we talked to, to the experience and skills of CAF/CASS CYMRU practitioners. This is best summed up by the following extract from an interview with a solicitor:

I think CAF/CASS are experienced enough to interview the children. If it was somebody else, I would have extreme reservations about people interviewing the children (P18).

The majority of users we talked to whose children had been involved were happy with the process on a number of counts. Positive aspects associated with involvement of children, described by users were (a) that it brought the "most important person into the agreement" (U2), (b) the process was clearly explained and "*they knew beforehand what was happening*", (c) the process was flexible for example by a willingness to meet children at a local café or restaurant, which "*made it easier for the children to attend*" (P3), (d) it was a child friendly context, having, "*a relaxing atmosphere and they had toys to play with*" (U5), (e) a safe environment in which to contribute (P11) and (f) the experience of the staff:

[I had] anxieties about children being involved, it was good for [him/her] to be able to talk to someone else, he needed to get things off his chest. (U6).

there was a space for them to play with carers which they evidently enjoyed. The children were ok. (U13).

...she was perfectly comfortable. The lady was trained in such a way that my daughter just fell in love with her from the first meeting and she still talks about her. (U3).

...it's from the child's point of view... I sort of saw it that way anyway. Because I had the same thing when I was young my mum and dad they split up and I was made to call her husband dad and I was thinking he is not (U7).

An important consideration for children's participation cited by parents was the child's awareness of the parental disagreement. This was particularly apparent for older children

The older child is aware that mum and dad are experiencing problems (U13).

He (the older child) wants to know what's going on. (CAFCASS workers) were so good with them and got them playing ...the boys felt they had a voice in decisions being made and getting their wishes across... for mum and dad to stop shouting at each other on the phone.' (U12).

Some interviewees highlighted the importance of flexibility when including children in the process, emphasising the importance of context. Although in most cases, parents appeared happy about the participation of their children, in two cases, concern was expressed. In both cases, the interviewees (both respondents) claimed that their children's accounts were likely to be unreliable. Hence, U8 said that her daughter would say:

'I like to be with my daddy' when daddy's there and say, 'I like to be with my mummy' when mummy's there (U8).

Similarly, U9 claimed:

She's the type of little girl as well that also makes up stories, she's got a very vivid imagination which is dangerous (U9).

It was only in cases where parents reluctantly agreed to let their children participate, that any negative response from children was reported:

They didn't like it at all, they hated it, they've pleaded with me that they never ever have to speak to them again. (U9).

In one case, where the children had not been involved because the dispute had been longstanding, the interviewee, on reflection, was unsure whether this had been the right decision:

There was an opportunity for the children to be involved as well but we both declined ...because they had been through so much hassle and horrible things before (but) ...in retrospect perhaps I made the wrong decision not having anybody speak to them (U4).

In another case a parent, wary about what the child might say, was delighted with the outcome of his participation:

...as it turned out, they read out what he said, and he said 'I want to live with my dad I never see my dad'. When they read it out- big smiles! (U7).

Children's Voices

All four children who we have spoken to were happy to have participated in the programme. Two of the children said they were "*a bit nervous*" (C3) about participating, but that they did want to participate. Both said they "*felt ok*" once they were there. All four children said that their parents had explained what the CAF/CASS CYMRU FDRP programme was about, and it was explained to them by the CAF/CASS CYMRU workers. They all liked the workers, who they described as "*friendly and nice*" (C3) and '*She was friendly and I felt comfortable talking to her*' (C1). All four children were happy with the venue, although not always certain what to expect beforehand:

I thought it would be a white room with a table like a doctor's place. It was a big room with seats and things to do and games to play with and drinks and biscuits (C1).

All four talked happily about what happened in the meeting:

it was fun...we talked and played and at the same time (C1)

it was good because we did drawing and games whilst we talked (C2)

it was very good with lots of games, it was a nice place to go (C4).

Although one child was initially anxious "*I was a bit nervous coming in and then got used to it*" (C3), none of the children appeared concerned as a result of the meeting, and were all aware that their parents would learn about what they had said. Although C3 said at first s/he had been "*worried about what mum and dad might say and it might upset someone, but it was ok*". Here, s/he said that the

CAFCASS CYMRU worker had reassured him/her that it would be fine.

C3 said s/he felt s/he had time to say what s/he wanted and C2 child said that s/he appreciated the opportunity to say what s/he wanted and that s/he had *“needed to talk to someone outside the family”*. C4 said that s/he had talked to CAFCASS CYMRU on his/her own because s/he *“had decided to do that”*. S/he said that s/he felt that s/he was *“able to say what [s/he] wanted”*, and that although s/he was *“a little bit worried”*, the CAFCASS CYMRU workers *“made it ok and they explained everything”*. While s/he could not remember what s/he was told at the end of the meeting s/he was *“ok and things are ok now”*.

Finally, C2 said that it would be good to be contacted by CAFCASS CYMRU in the future (maybe by letter) to establish how things were going, but *“so far everything is going ok”*

Resources

The issue of resources was raised by all of the professionals we talked to, who highlighted a range of cost aspects of the programme, which was summed up by one interviewee as a *“resource hungry”* (P9) service. Two key resource issues, according to interviewees were time and expertise. In terms of time, key issues were (a) initial assessment of all prospective cases by the service provider (b) associated admin procedures and (c) the series of meetings. Hence, to reiterate, some interviewees suggested that the process might be speeded up if, for example, at the outset cases were sent *“for a first directions hearing a lot of unsuitable cases would have been sifted out by the court at that stage”* (P3) and *“you’re going to focus on the cases that really need dispute resolution”* (P11).

Service providers also highlighted a high level of administration associated with the programme that included *“social services checks and police checks ...individual and...child protection checks”* (P5). Administration implications for rolling out the scheme were noted by P6, who indicated some concern about *“the impact that is going to have on admin time if every case is coming in”*:

if every single application has a risk assessment, that’s a tremendous amount of work. And all the admin that goes with that..., I think sort of logistically, it’s going to be incredibly difficult (P11).

An alternative perspective held, however, was that avoidance of the Courts was a key defining aspect of the programme, and that the aim of the endeavour was not to:

.....save money for the organisation, the driver for me is very much about improving outcomes for children (P12).

Interviewees also talked about the number and duration of programme sessions. Hence, P3 talked about giving users *“a lot of time”* and his/her concern that this

“will be restricted when it’s rolled out”. S/he also noted that workers *“struggled to keep it to the time frame”*, highlighting time management as an issue which would need to be addressed. While noting that time was an issue regarding current provision (involving four sessions), it was also suggested that in some cases practitioners wished to extend provision where they felt that *“one more session will help resolve issues”* (P9). Certainly, some users suggested that the service might usefully offer subsequent follow-up meetings.

Finally, on the point of time, increasing demand for the dispute resolution scheme had, according to a representative from the courts, led to delays in the resolution process:

Usually the parties have been seen and [CAFCASS CYMRU] have been able to report back to the court within 10 weeks. But unfortunately it’s become so popular now that there was a case this morning where they’ve not had their first appointment within 10 weeks (P2).

The second issue raised in relation to resources was staff expertise and training. To reiterate, from the perspective of programme users, staff expertise was highlighted as a very positive aspect of their experience. There was recognition among all professionals that staff competence and expertise was key to successful implementation. Some practitioners argued the importance of having *“highly skilled people – in dispute resolution and family law”* (P3) as opposed to generically trained workers. While it was not felt appropriate to be exclusive, the importance of using highly trained staff was clearly expressed.

In terms of implications for rolling out the programme, several service providers described the pilot scheme as the ‘Rolls Royce’ model. In the interview extract below P12 describes how in an ‘ideal world’ s/he

...would love the present model to be rolled out across Wales but I have to be realistic it is the Rolls Royce model and we don’t have the capacity to roll it out in its current form in the areas where there are significantly higher numbers in terms of referrals. But I would certainly like a not too watered down version. I’m committed to ...see(ing) a shift in how we as an organisation provide services to children and young people, so becoming more of a preventative type of service my ideal would be to not have to go to court and that we could resolve them outside and have a menu of options and service that we can provide that will improve outcomes for children (P12).

The Welsh Context

The professionals we talked to felt that in principle the dispute resolution programme should be “*available across Wales*” and offer, “*a standardised service available to all*” (P9). Here, two points were raised. The first it was noted was that there may be some resistance to standardisation because of the perceived differences between different areas. For example, one respondent noted some initial resistance to the scheme among district judges. S/he suggested

If judges lose control over something (when it's taken out of the system) they are unhappy. I think one of their points ...was that it's easy to talk about a successful pilot – in North Wales- but what will happen when we try to do this in a town or city like Cardiff or Wrexham? (P1).

The second point was that, practitioners and users alike valued a certain amount of flexibility in the scheme. For example as cited earlier, the willingness to meet a child at a local café. In one case a practitioner noted that although “*it may be hard to offer flexibility resource wise*”, the programme might usefully consider offering, “*evening sessions for people who can't do daytime*” (P9). To reiterate, all the professionals we talked to were positive about the CAFCASS CYMRU family dispute resolution programme, and interviewees were particularly complimentary about the service offered by CAFCASS CYMRU. This was summed up by P2, who noted:

The service we receive from CAFCASS CYMRU is excellent.... Everyone cooperates to find the best solutions for the children. It doesn't always work – but this pilot has succeeded more than anyone would ever have thought (P2).

Finally, in praising the pilot scheme, one interviewee highlighted the importance of providing a programme which reflected the needs of the Welsh population:

The Welsh Assembly, and the legislative powers which they have, means that we can create a system in Wales appropriate and sensitive to Welsh needs – which is unique and which does not necessarily mirror slavishly what is happening in Britain in general... Remember also, there are other Welsh needs – cultural and linguistic – which are totally different to those in England – and we want different ways to solve the problems which pertain to Wales (P1).

While there has been positive uptake of the programme available through the medium of Welsh, one Welsh speaking parent who (while talking to us in Welsh) participated in the FDRP through the medium of English. First language Welsh speakers may not always be aware of the option to engage in the FDRP in

Welsh, or may sometimes need empowering to assert their right to engage in their national language. As U14 explained:

...the meetings were conducted in English because one CAF/CASS worker spoke no Welsh, I think we could have asked to have it done in the Welsh language and I believe this would have been possible but we didn't ask (U14).

This is a particularly poignant point where socially disadvantaged parents participate in the programme. That is, disadvantaged participants may be (a) among those for whom it is most important to communicate in their first language, and (b) the participants least likely to demand their 'rights' in this respect.

8. Summary and Conclusion

When parents separate children have a right to contact with both parents. Seeking effective methods to enable parental communication and cooperation is important for the positive welfare of the child/children concerned. The process of enduring parental conflict not only marginalises the needs of the child but places children at risk of harm. There is a widespread understanding that such disputes are not always helped by engagement in the adversarial court process. The earlier and quicker that parents cooperatively engage in out-of-court dispute resolution processes the better. There are currently a diverse range of conciliation, mediation and dispute resolution schemes operating throughout Wales and England. These schemes vary in terms of philosophy, methods, focus, time, court involvement and process. The effectiveness of these schemes is generally not known as relatively few programmes have been independently evaluated.

Distinctive Features

- i. The CAFCASS CYMRU FDRP is offered following a court application but before the directions hearing.
- ii. A rigorous risk assessment process determines unsuitable cases (where substance misuse, domestic abuse, child protection, mental health may be known issues).
- iii. The service is available through the medium of Welsh as well as British Sign Language.
- iv. The rights of the child take centre stage throughout the programme.
- v. The children are actively engaged in the dispute resolution process.
- vi. The process includes education and advice to the parents in respect of a) the impact of conflict upon their child/children, and b) ways in which they may be able to improve their parental communication skills to reach decisions in respect of their child/children.
- vii. The time-limited structured approach over four sessions is delivered by two skilled and experienced practitioners who broadly embrace a solution-focused approach and adopt a directive style to encourage parents to take responsibility for reaching agreement.
- viii. The FDRP accepts a wide range of parental dispute issues such as contact, residence, name change, holiday arrangements etc. and confined to exclusively to contact disputes.

- ix. There was considerable discussion, preparation and shared commitment to the programme across a wide range of professionals (Judges, court staff, solicitors, barrister, CAFCASS CYMRU staff) before it was launched, so this scheme enjoys good support across all agencies.

Positive Outcomes

- i. The scheme has managed to engage 64 of the 80 cases identified as suitable in the FDRP. This represents a take-up of 80% that compares favourably with mediation take up of around 20% (National Audit Office 2007 p.4).
- ii. The FDRP achieved a favourable rate of agreements amongst parents in dispute. Internal figures kept by CAFCASS CYMRU indicate an agreement in 64% of disputes - this was subsequently confirmed by the parental questionnaires that indicated agreements in 61% of cases. These figures compare favourably with other pilot schemes run in Brighton, Inner London and Sunderland that produced agreements in 37% of cases (Trinder et al 2006b).
- iii. The FDRP process is generally faster and cheaper than a welfare report although direct comparisons cannot be made because they are two different processes.
- iv. The educative process built into the FDRP was appreciated by parents who indicated a number of benefits:
 - a. It 'models' conciliatory methods rather than adversarial methods. Parents reported improvements in their parental communication and negotiation skills.
 - b. It has helped some parents to appreciate the harm that parental conflict can have upon the child.
 - c. It has helped some parents to appreciate the importance of the rights of the child.
- v. The FDRP reaffirms the rights of the child by involving the children sensitively and appropriately in the process and focus upon their needs. The participation of children was widely supported by parents, children and professionals.
- vi. The scheme has been made available in Welsh as well as English.
- vii. Sixty-five per cent of parents said they would use the FDRP again compared to 28% who said they would not use the service again, (with 7% not specifying).

- viii. The FDRP received widespread support from all involved as a positive contribution that serves to protect the interests and rights of children.

Drawbacks of the Scheme

- i. Some parents felt that their situation and experience had not been properly 'aired' during the FDRP process.
- ii. Some parents - more often respondents, felt that the practitioners were not sufficiently balanced in their handling of joint meetings and at times thought that the CAFCASS CYMRU practitioners favoured the 'other' party.
- iii. The risk assessment process designed to filter inappropriate cases is time consuming and demanding.
- iv. While the scheme deliberately seeks to encourage voluntary out of court participation in the scheme and develop parental responsibility for resolving disputes, some parents were concerned that the voluntary nature of the agreement may result in a lack of commitment and cooperation from the 'other' party.
- v. The involvement of parents in the FDRP before the 'directions' hearing may have resulted in CAFCASS CYMRU engaging with parents who may have been able to settle their dispute without the need for the FDRP or a welfare report.
- vi. The process is resource intensive and given the demand in more densely populated areas may therefore present a challenge to roll out the model across all Wales.
- vii. The FDRP is unable to deal with the full range of disputes and therefore cannot replace the Welfare Report but instead complements it.

Policy and Practice Implications

- i. If the main priority is to protect the child from harm caused by parental conflict and promote their needs and rights during the process then it can be argued from the qualitative and quantitative evidence in this evaluation that the FDRP appears to having a positive impact. However, there is an understandable tension between the priority to promote preventative measures that are seen to protect children from the harms of parental disputes, and the priority to deliver services which are the least resource demanding upon the public 'purse'. A cost benefit analysis comparing different ways

of managing and processing parents in dispute is outside the scope of this research evaluation. Comparative analysis is exacerbated by the fact that few dispute resolution schemes have been independently evaluated. To assess and compare the impact, cost and effectiveness of different schemes a longitudinal study with well-matched groups would be necessary.

- ii. The educational component of the scheme was valued by parents and this echoes similar findings from other Family Resolution Schemes (Trinder et al 2006b). If engagement with the FDRP equips parents in constructive, conciliatory and educational dialogue it may successfully prevent engagement in the adversarial court arena. Parents who have attended the FDRP may be better equipped to resolve potential disputes and therefore less likely in the future to make further applications to court. This would be beneficial in terms of child welfare and court costs, however, this hypothesis needs testing.
- iii. Data is not available to assess the extent of demand should the FDRP be rolled out across Wales. Should the resource implications necessitate cost savings consideration could be given to exploring one or more of the following options:
 - a. Making the risk assessment process less onerous and demanding while still ensuring adequate safety checks.
 - b. Exploring alternative ways of delivering the educational component for example the use of leaflets/DVDs, or engaging parents in group work involving both sexes but never both partners (see Trinder 2006b although this extended the time taken).
 - c. Examine the referral system to see if reductions could be achieved by appropriate targeting of parents based on the recognition that not all cases will require this level of intervention.
 - d. It may be possible to reduce the number of referrals by starting the process after the Directions Hearing but this would undermine a key principle of the FDRP, which is to engage with families in the programme before the Court process.
- iv. While the FDRP has shown evidence of some success, it may not be easily replicated in other areas. It appears that its success has partly been the result of careful planning, good regional support and cooperation in CAFCSS CYMRU and

across the legal services, and a well-planned programme delivered by a skilled team. If the FDRP is to be adopted in other areas a commitment to preparation, programme integrity and identification of 'What Works' will be crucial.

- v. The issue of enforcement and monitoring identified in this research warrants further consideration. It may be worth considering a three-month follow up meeting agreed at the final FDRP session. However, the dilemma is that external Court or CAF/CASS CYMRU monitoring could be seen to undermine parental responsibility and create an unwanted level of dependence and external oversight.
- vi. The research process and the FDRP have illustrated the need for research fieldwork and service delivery to be made available to the Welsh population in their national language and not exclusively in English. The bilingual provision by CAF/CASS CYMRU is an aspect of the FDRP that was valued, but the service needs to be further promoted to ensure Welsh speakers are encouraged to use the service.
- vii. At present, anyone who receives legal aid has to be referred for mediation before any application can be made to the county court. Consideration should be given to allow solicitors to make referrals to the FDRP at such times as and when appropriate.
- viii. Some parents were frustrated at being unable to have 'their say' while some others were surprised to discover they would be sitting in a room with their ex-partner. These concerns, although not widely shared, do suggest that there is a need to ensure that all parents are provided with a clear understanding of the purpose and process of the FDRP.
- ix. Devolution has provided Wales with a unique opportunity to develop innovative practice in family dispute resolution and become a national/international leader. The Welsh Assembly Government commitment to promote the rights of the child concords with the philosophy and practice built into the FDRP.
- x. Research evaluation should be built into any new pilot schemes prior to commencement of the scheme rather than carried out retrospectively

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10. Appendices

Appendix 1 – Participant Information Sheets

1.1 Parent Information Sheet

Evaluation of the CAFCASS Family Dispute Resolution Programme

Background to the study: You may be aware that the CAFCASS Dispute Resolution Programme is a new scheme being piloted in your area. It actively incorporates the views of children and seeks to encourage the adults in dispute to work together and to concentrate upon the needs of the child.

The Welsh Assembly Government is evaluating the impact of the new scheme and is particularly interested to find out the opinions of parents and children who have been involved in the programme. Researchers based at the Social Inclusion Research Unit led by Professor Julian Buchanan, North East Wales Institute (NEWI), have been commissioned to independently evaluate this new programme. The research is concerned to find out how people, like yourselves and your children, experience the new Family Dispute Resolution Programme. There are no “right” or “wrong” answers. We are keen to understand your experience of the new programme from your point of view.

Questionnaires: We have sent out this short questionnaire to gather opinions from everyone who has been involved in the process. The more people that respond the better our understanding of the Family Dispute Resolution Programme will be. In addition we will be asking some people whether they would be willing to talk further to a member of the research team about their experiences of the programme. If possible we’d also like to talk some children about their experiences of being involved in the programme. However, if this is not possible we’d still be interested in talking to you about your experience of the programme.

You will only be contacted by a researcher (who will explain more about the research), if you return the questionnaire and responded ‘yes’ to indicate that you are happy to be interviewed by a member of the research team.

Interviews with parents: If you agree to be interviewed, the interviews will take place where you choose (either your own home or at another mutually agreed place) and will last about 45 minutes. You can choose whether you would like to be interviewed in English or Welsh. Anything you say will be treated in the strictest confidence and it will not be possible to identify anyone who has taken part in the study: no names will be used. Neither the Welsh Assembly Government, nor any other organisation will know about your participation in the research and you can withdraw from the study at any time. We aim to interview fourteen parents - so some parents who express a willingness to be interviewed will probably not be needed for interview.

Talking to children: A key aim of the new programme is to give children a voice in the dispute resolution process – in the same way this research aims to give

children a voice in the evaluation process. With the permission of parents and with the child's agreement, we would like the opportunity to talk to some children about their experience of this new programme. Parents will of course have the option of being present or absent if we talk with their children. Interviews would take place either at the child's home or at another mutually agreed place and will last about 20 minutes. In appreciation of their time children will be given a £10 WH Smiths Voucher. We aim to talk to about eight children, so not all children who express a willingness to be interviewed will be needed for interview.

How can I get more information about the study?

You can contact the project manager, Professor Julian Buchanan either by telephone 01978 293194, email j.buchanan@newi.ac.uk or by writing to him at: Social Inclusion Research Unit, University of Wales, NEWI, Plas Coch Campus, Mold Road, Wrexham, LL11 2AW

1.2 Welsh Parent Information Sheet

Gwerthusiad o Raglen Datrys Anghydfod Teuluol CAF/CASS

Cefndir yr astudiaeth: Fe wyddoch o bosib fod Rhaglen Datrys Anghydfod CAF/CASS yn gynllun peilot newydd yn eich ardal chi. Mae'n cynnwys safbwyntiau plant ac yn ceisio annog yr oedolion sy'n anghydweld i weithio gyda'i gilydd ac i ganolbwyntio ar anghenion y plant.

Mae Llywodraeth y Cynulliad Cenedlaethol yn gwerthuso effaith y cynllun newydd ac â diddordeb arbennig mewn clywed safbwyntiau rhieni a phlant sydd wedi bod yn gysylltiedig â'r rhaglen. Mae ymchwilydd yn yr Uned Ymchwil Cynhwysiad Cymdeithasol dan arweiniad yr Athro Julian Buchanan, Athrofa Gogledd Ddwyrain Cymru (NEWI), wedi cael eu comisiynu i werthuso'r rhaglen newydd yma yn annibynnol. Mae'r ymchwil eisiau gwybod beth yw profiad pobl fel chi a'ch plant o'r Rhaglen Datrys Anghydfod Teuluol newydd. Nid oes yna atebion "cywir" neu "anghywir". Yr ydym yn awyddus i ddeall eich profiad chi o'r rhaglen newydd o'ch safbwynt chi.

Holiaduron: Yr ydym wedi anfon yr holiadur byr yma i gasglu safbwyntiau gan bawb sydd wedi bod yn gysylltiedig â'r broses. Po fwyaf o bobl sy'n ymateb, y gorau fydd ein dealltwriaeth ni o'r Rhaglen Datrys Anghydfod Teuluol. Yn ogystal, byddwn yn gofyn i rai pobl a fuasent yn fodlon siarad ymhellach ag aelod o'r tîm ymchwil am eu profiadau hwy o'r rhaglen. Os oes modd fe hoffem hefyd siarad â rhai plant am eu profiadau hwy o fod yn gysylltiedig â'r rhaglen. Fodd bynnag, os nad yw hyn yn bosibl, buasem yn dal yn awyddus i siarad gyda chi am eich profiad o'r rhaglen.

Dim ond os ydych yn dychwelyd yr holiadur ac wedi ymateb 'ydwylf' i nodi eich bod yn fodlon cael eich cyfweld gan aelod o'r tîm ymchwil y bydd ymchwilydd (a fydd yn esbonio mwy i chi am yr ymchwil) yn cysylltu â chi.

Cyfweliadau gyda rhieni: Os ydych yn cytuno i gael eich cyfweld, cewch chi ddewis ymhle y cynhelir y cyfweliadau (naill ai yn eich cartref eich hun neu yn rhywle arall y cytunir arno o'r ddeutu) ac yn para am tua 45 munud. Gallwch ddewis pe hoffech gael eich cyfweld yn Gymraeg neu Saesneg. Bydd unrhyw beth y byddwch yn ei ddweud yn cael ei drin yn gwbl gyfrinachol ac ni fydd modd adnabod unrhyw un sydd wedi cymryd rhan yn yr astudiaeth: ni fydd unrhyw enwau yn cael eu defnyddio. Ni fydd Llywodraeth y Cynulliad Cenedlaethol, nag unrhyw gorff arall yn gwybod eich bod wedi cymryd rhan yn yr ymchwil a gallwch dynnu'n ôl o'r astudiaeth unrhyw adeg. Yr ydym yn anelu i gyfweld pedwar ar ddeg o rieni – felly mae'n debyg na fydd angen cyfweld rhai rhieni sy'n dweud eu bod yn fodlon cael eu cyfweld.

Siarad â phlant: Un o brif amcanion y rhaglen newydd yw rhoi llais i blant yn y broses o ddatrys anghydfod – yn yr ymchwil ag y mae'r ymchwil yma yn anelu i roi llais i blant yn y broses werthuso. Gyda chaniatâd rhieni a chytundeb y plentyn, hoffem gael y cyfle i siarad gyda rhai plant am eu profiad o'r rhaglen newydd yma. Wrth gwrs, bydd rhieni yn cael dewis bod yn bresennol neu'n absennol os byddwn yn siarad gyda'u plant. Byddai cyfweliadau yn cael eu cynnal naill ai yng nghartref y plentyn neu yn rhywle arall y cytunir arno o'r ddeutu ac yn para am tua 20 munud. Fel gwerthfawrogiad o'u hamser bydd plant yn

derbyn Tocyn Rhodd WH Smiths gwerth £10. Yr ydym yn anelu i siarad gyda thua wyth o blant, felly ni fydd angen cyfweld pob plentyn sy'n fodlon cael ei gyfweld.

Sut allaf gael mwy o wybodaeth am yr astudiaeth?

Gallwch gysylltu â'r rheolwr project, Yr Athro Julian Buchanan naill ai trwy ffonio 01978 293194, ebost j.buchanan@newi.ac.uk neu trwy ysgrifennu ato yn yr: Uned Ymchwil Cynhwysiad Cymdeithasol, Prifysgol Cymru, NEWI, Campws Plas Coch, Ffordd yr Wyddgrug, Wrecsam, LL11 2AW

1.3 Professionals Information Sheet

Evaluation of the CAF/CASS CYMRU Pilot Family Dispute Resolution Programme

Background to the study

You may be aware that the CAF/CASS Dispute Resolution Programme is a new scheme being piloted in your area before being 'rolled out' across Wales. The Family Dispute Resolution Programme was developed as a pilot intervention, which actively incorporates the views of children and seeks to educate and encourage adults involved in disputes to work together and concentrate upon the needs of the child. The programme also aims to allow children's views to be placed clearly in the family context and to avoid the dangers of children being used inappropriately as primary decision makers within parental disputes.

The Welsh Assembly Government is evaluating the effect of the new scheme from the different perspectives of those involved, and is therefore particularly interested in finding out the opinions of professionals, parents and children who have been involved in the programme. Researchers based at the Social Inclusion Research Unit led by Professor Julian Buchanan, North East Wales Institute (NEWI), have been commissioned to carry out this research.

The research is particularly concerned with how a range of different professionals perceive and experience the new Family Dispute Resolution Programme. .

What will be involved?

The research team are contacting professionals to arrange semi-structured interviews through which we can explore their views and experiences of the new programme. The interviews will take place at a location of your choice (either your place of work or at another mutually agreed place) and will last a maximum of 45 minutes. You can choose whether you would like to be interviewed in English or Welsh. Anything you say will be treated in the strictest confidence. All comments will be anonymised and no names will be used. Neither the Welsh Assembly Government, nor any other organisation will be informed about your participation in the research and you can withdraw from the study at any time.

How can I get more information about the study?

You can contact the project manager, Professor Julian Buchanan either by email j.buchanan@newi.ac.uk, telephone 01978 293194, or by writing to him at: Social Inclusion Research Unit, University of Wales, NEWI, Plas Coch Campus, Mold Road, Wrexham, LL11 2AW

1.4 Welsh Professionals Information Sheet

Gwerthusiad o Raglen Beilot Datrys Anghydfod Teuluol CAF/CASS

Cefndir yr astudiaeth

Hwyrach eich bod yn gwybod fod Rhaglen Datrys Anghydfod Teuluol CAF/CASS yn gynllun peilot newydd sy'n cael ei brofi yn eich ardal chi cyn iddo gael ei ledaenu ledled Cymru. Datblygwyd y Rhaglen Datrys Anghydfod Teuluol fel ymyrraeth beilot, sy'n cynnwys safbwyntiau plant ac yn ceisio addysgu ac annog oedolion mewn anghydfod i weithio gyda'i gilydd a chanolbwyntio ar anghenion y plentyn. Mae'r rhaglen hefyd yn anelu i alluogi i safbwyntiau'r plant gael eu gosod yn glir yn y cyd-destun teuluol ac er mwyn osgoi'r peryglon o blant yn cael eu defnyddio yn amhriodol fel y prif rai sy'n gwneud penderfyniadau o fewn anghydfod teuluol.

Mae Llywodraeth y Cynulliad Cenedlaethol yn gwerthuso effaith y cynllun newydd o wahanol safbwyntiau y rheiny dan sylw, a chan hynny mae ganddynt ddi-ddordeb arbennig mewn darganfod beth yw safbwyntiau gweithwyr proffesiynol, rhieni a phlant sydd wedi bod yn gysylltiedig â'r rhaglen. Mae ymchwilwyr o'r Uned Ymchwil Cynhwysiad Cymdeithasol o dan arweiniad yr Athro Julian Buchanan, Athrofa Gogledd Ddwyrain Cymru (NEWI), wedi cael eu comisiynu i gynnal yr ymchwil yma.

Mae'r ymchwil yn ymwneud yn benodol â'r modd y mae ystod o wahanol weithwyr proffesiynol yn amgyffred a phrofi'r Rhaglen Datrys Anghydfod Teuluol newydd.

Beth fydd hyn yn ei olygu?

Mae'r tîm ymchwil yn cysylltu â gweithwyr proffesiynol i drefnu cyfweiliadau lled-ffurfiol er mwyn i ni allu archwilio eu safbwyntiau a phrofiadau'r rhaglen newydd. Cynhelir y cyfweiliadau mewn lleoliad o'ch dewis chi (naill ai yn eich gweithle neu mewn lle y cytunwyd arno o'r ddeutu) ac yn para am ddim mwy na 45 munud. Gallwch ddewis a hoffech gael eich cyfweld yn Gymraeg neu Saesneg. Bydd unrhyw beth y byddwch yn ei ddweud yn cael ei drin yn gwbl gyfrinachol. Bydd y sylwadau i gyd yn cael eu gwneud yn ddi-enw ac ni fydd unrhyw enwau yn cael eu defnyddio. Ni fydd Llywodraeth y Cynulliad Cenedlaethol nac unrhyw gorff arall yn cael gwybod eich bod wedi cymryd rhan yn yr ymchwil a gallwch dynnu'n ôl o'r astudiaeth unrhyw adeg.

Sut allaf gael mwy o wybodaeth am yr astudiaeth?

Gallwch gysylltu â'r rheolwr project, Yr Athro Julian Buchanan naill ai trwy ebostio j.buchanan@newi.ac.uk, trwy ffonio 01978 293194, neu trwy ysgrifennu ato yn: Yr Uned Ymchwil Cynhwysiad Cymdeithasol, Prifysgol Cymru, NEWI, Campws Plas Coch, Ffordd yr Wyddgrug, Wrecsam, LL11 2AW

1.5 Children's Information Sheet

CAFCASS Research Explained

Hi I'm Jonquil and I'd like to invite you and your parents/carers to take part in our research study. Research is a way of finding out things. It is important that you understand why the research is being done and what it might involve before you decide whether or not to take part.

Please take time to read this information sheet and discuss it with your family. This sheet tries to answer any questions you might have. If you still have more questions just ask me.

What is this study about?

We want to talk to children like you who have had contact with CAFCASS. We want to know what you think of it, what you found helpful, what you liked, what you didn't like etc.

Do I have to take part?

No you don't have to take part, it is up to you. If you would like your parent/carer with you when you talk to us, that is fine. If you decide to take part you can change your mind at any time - we'll understand.

What happens if I agree to take part?

Jonquil, one of our team, will talk to you either at your home or somewhere else if you like. She will chat with you about your meeting with CAFCASS. You do not have to answer a question if you don't want to. It will be up to you how long you talk to her for but it would not be for longer than half an hour. There are no "right" or "wrong" answers - we just want to know what you think about CAFCASS trying to help your family. No-one (except your parents/carers and the researchers) will know you have taken part in the study and your name will not appear in any of the reports of the study or in any other written outputs.

Why should I help?

By talking to us we can get a better idea of how to improve the help that CAFCASS can give families in the future. To say thank you for helping us, we'd like to give you a £10 WH Smiths voucher.

Want more information?

You can ask me when I see you or you can get in touch with the project manager, Julian Buchanan either by telephone 01978 293194, email j.buchanan@newi.ac.uk or by writing to him at: Social Inclusion Research Unit, University of Wales, NEWI, Plas Coch Campus, Mold Road, Wrexham, LL11 2AW

1.6 Welsh Children's Information Sheet

Esbonio Ymchwil CAFCASS

Helo, Jonquil ydw i ac fe hoffwn eich gwahodd chi a'ch rhieni/gofalwr i gymryd rhan yn ein hastudiaeth ymchwil. Mae ymchwil yn ffordd o ddarganfod pethau. Mae'n bwysig eich bod yn deall pam fod ymchwil yn cael ei wneud a'r hyn y gallai ei olygu cyn i chi benderfynu cymryd rhan ai peidio. Cymerwch eich amser i ddarllen y daflen wybodaeth yma a'i thrafod gyda'ch teulu. Mae'r daflen yn ceisio ateb unrhyw gwestiynau y gallai fod gennych. Os oes gennych fwy o gwestiynau, mae croeso i chi ofyn i mi.

Am beth y mae'r astudiaeth yma?

Yr ydym eisiau siarad â phlant fel chi sydd wedi bod mewn cysylltiad â CAFCASS. Yr ydym eisiau gwybod beth yr ydych yn ei feddwl ohono, beth oedd yn fuddiol i chi, beth yr oeddech yn ei hoffi, beth doeddech chi ddim yn ei hoffi ayb.

A oes rhaid i mi gymryd rhan?

Nag oes, nid oes rhaid i chi gymryd rhan, gewch chi benderfynu. Pe hoffech i'ch rhiant/gofalwr fod gyda chi pan fyddwch yn siarad gyda ni, mae hynny'n iawn. Os ydych yn penderfynu cymryd rhan, gallwch newid eich meddwl unrhyw amser – byddwn yn deall yn iawn.

Beth sy'n digwydd os ydw i'n cytuno i gymryd rhan?

Bydd Jonquil, aelod o'n tîm, yn siarad gyda chi naill ai yn eich cartref neu yn rhywle arall os ydych yn dymuno. Bydd yn sgwrsio gyda chi am eich cyfarfod gyda CAFCASS. Nid oes rhaid i chi ateb cwestiwn os nad ydych eisiau gwneud hynny. Gewch chi benderfynu am ba mor hir y byddwch yn siarad gyda hi ond ni fydd yn hirach na hanner awr. Nid oes yna atebion "cywir" neu "anghywir" – rydym eisiau gwybod beth ydych yn ei feddwl o CAFCASS yn trio helpu eich teulu. **Ni fydd unrhyw un (heblaw am eich rhieni/gofalwyr a'r ymchwilwyr) yn gwybod eich bod wedi cymryd rhan yn yr astudiaeth ac ni fydd eich enw yn ymddangos yn unrhyw un o adroddiadau'r astudiaeth nac mewn unrhyw gynnyrch ysgrifenedig arall.**

Pam ddylwn i helpu?

Trwy siarad â ni, fe allwn gael gwell syniad o sut i wella'r cymorth y gall CAFCASS ei roi i deuluoedd yn y dyfodol. Fel ffordd o ddiolch i chi am ein helpu, byddwn yn rhoi tocyn rhodd WH Smiths gwerth £10 i chi.

Eisiau mwy o wybodaeth?

Gallwch ofyn i mi pan wela'i chi neu gallwch gysylltu â'r rheolwr project, Julian Buchanan, naill ai trwy ffonio 01978 293194, ebostio j.buchanan@newi.ac.uk neu trwy ysgrifennu ato yn: Yr Uned Ymchwil Cynhwysiad Cymdeithasol, Prifysgol Cymru, NEWI, Campws Plas Coch, Ffordd yr Wyddgrug, Wreccsam, LL11 2AW

1.7 Solicitors' Information Sheet

Evaluation of the CAF/CASS Pilot Family Dispute Resolution Programme

Background to the study

You may be aware that the CAF/CASS Dispute Resolution Programme is a new scheme being piloted in your area before being 'rolled out' across Wales. The Family Dispute Resolution Programme was developed as a pilot intervention, which actively incorporates the views of children and seeks to educate and encourage adults involved in disputes to work together and concentrate upon the needs of the child. The programme also aims to allow children's views to be placed clearly in the family context and to avoid the dangers of children being used inappropriately as primary decision makers within parental disputes.

The Welsh Assembly Government is evaluating the effect of the new scheme from the different perspectives of those involved, and is therefore particularly interested in finding out the opinions of professionals, parents and children who have been involved in the programme. Researchers based at the Social Inclusion Research Unit led by Professor Julian Buchanan, North East Wales Institute (NEWI), have been commissioned to carry out this research.

The research is particularly concerned with how a range of different professionals perceive and experience the new Family Dispute Resolution Programme. .

What will be involved?

The research team are contacting professionals to arrange semi-structured interviews through which we can explore their views and experiences of the new programme. An online questionnaire is also available on <http://tinyurl.com/3xct9l> You can choose whether you would like to be interviewed in English or Welsh. Anything you say will be treated in the strictest confidence. All comments will be anonymised and no names will be used. Neither the Welsh Assembly Government, nor any other organisation will be informed about your participation in the research and you can withdraw from the study at any time.

How can I get more information about the study?

You can contact the project manager, Professor Julian Buchanan either by email j.buchanan@newi.ac.uk, telephone 01978 293194, or by writing to him at: Social Inclusion Research Unit, University of Wales, NEWI, Plas Coch Campus, Mold Road, Wrexham, LL11 2AW

1.8 Welsh Solicitor's Information Sheet

Gwerthusiad o Raglen Beilot Datrys Anghydfod Teuluol CAF/CASS

Cefndir yr astudiaeth

Hwyrach eich bod yn gwybod fod Rhaglen Datrys Anghydfod Teuluol CAF/CASS yn gynllun peilot newydd sy'n cael ei brofi yn eich ardal chi cyn iddo gael ei ledaenu ledled Cymru. Datblygwyd y Rhaglen Datrys Anghydfod Teuluol fel ymyrraeth beilot, sy'n cynnwys safbwyntiau plant ac yn ceisio addysgu ac annog oedolion mewn anghydfod i weithio gyda'i gilydd a chanolbwyntio ar anghenion y plentyn. Mae'r rhaglen hefyd yn anelu i alluogi i safbwyntiau'r plant gael eu gosod yn glir yn y cyd-destun teuluol ac er mwyn osgoi'r peryglon o blant yn cael eu defnyddio yn amhriodol fel y prif rai sy'n gwneud penderfyniadau o fewn anghydfod teuluol.

Mae Llywodraeth y Cynulliad Cenedlaethol yn gwerthuso effaith y cynllun newydd o wahanol safbwyntiau y rheiny dan sylw, a chan hynny mae ganddynt ddi-ddordeb arbennig mewn darganfod beth yw safbwyntiau gweithwyr proffesiynol, rhieni a phlant sydd wedi bod yn gysylltiedig â'r rhaglen. Mae ymchwilwyr o'r Uned Ymchwil Cynhwysiad Cymdeithasol o dan arweiniad yr Athro Julian Buchanan, Athrofa Gogledd Ddwyrain Cymru (NEWI), wedi cael eu comisiynu i gynnal yr ymchwil yma.

Mae'r ymchwil yn ymwneud yn benodol â'r modd y mae ystod o wahanol weithwyr proffesiynol yn amgyffred a phrofi'r Rhaglen Datrys Anghydfod Teuluol newydd.

Beth fydd hyn yn ei olygu?

Mae'r tîm ymchwil yn cysylltu â gweithwyr proffesiynol i drefnu cyfweiliadau lled-ffurfiol er mwyn i ni allu archwilio eu safbwyntiau a phrofiadau'r rhaglen newydd. Mae holiadur ar-lein ar gael yn ogystal ar <http://tinyurl.com/3xct9l>. Gallwch ddewis a hoffech gael eich cyfweled yn Gymraeg neu Saesneg. Bydd unrhyw beth y byddwch yn ei ddweud yn cael ei drin yn gwbl gyfrinachol. Bydd y sylwadau i gyd yn cael eu gwneud yn ddi-enw ac ni fydd unrhyw enwau yn cael eu defnyddio. Ni fydd Llywodraeth y Cynulliad Cenedlaethol nac unrhyw gorff arall yn cael gwybod eich bod wedi cymryd rhan yn yr ymchwil a gallwch dynnu'n ôl o'r astudiaeth unrhyw adeg.

Sut allaf gael mwy o wybodaeth am yr astudiaeth?

Gallwch gysylltu â'r rheolwr project, Yr Athro Julian Buchanan naill ai trwy ebostio j.buchanan@newi.ac.uk, trwy ffonio 01978 293194, neu trwy ysgrifennu ato yn: Yr Uned Ymchwil Cynhwysiad Cymdeithasol, Prifysgol Cymru, NEWI, Campws Plas Coch, Ffordd yr Wyddgrug, Wrecsam, LL11 2AW

Appendix 2 – Consent Forms

2.1 Interview consent form

Evaluation of the CAFCASS Family Dispute Resolution Programme, Pilot Scheme

Interview Consent Form

Please indicate that you have understood the verbal and written information by signing after the statements below. A copy of this consent form will kept by you and the research team.

I understand that formal interviews with the research team will be tape recorded only with my permission.

I understand that my participation is voluntary and that I am free to withdraw at any time, without giving any reason, without affecting my legal rights.

I understand that any personal statements I make during this interview will be kept in the strictest confidence and all quotes and references will be anonymous in our reporting.

I have read the information above and agree to take part in the study

Respondent name.....

Respondent signature.....Date.....

Interviewer Name:

Interviewer Signature.....Date.....

2.2 Welsh interview consent form

Gwerthusiad o Raglen Datrys Anghydfod Teuluol CAF/CASS, Cynllun Peilot

Ffurflen Ganiatâd ar gyfer Cyfweiliad

A fydddech gystal â nodi eich bod yn deall y wybodaeth lafar ac ysgrifenedig trwy lofnodi ar ôl y datganiadau isod. Cedwir copi o'r ffurflen ganiatâd yma gennych chi a'r tîm ymchwil.

Deallaf y bydd cyfweiliadau ffurfiol gyda'r tîm ymchwil ond yn cael eu recordio ar dâp gyda fy nghaniatâd i.

Deallaf fod fy nghyfranogiad yn wirfoddol a'm bod yn rhydd i dynnu'n ôl unrhyw adeg, heb roi unrhyw reswm, heb effeithio ar fy hawliau cyfreithiol.

Deallaf y bydd unrhyw ddatganiadau personol y byddaf yn eu gwneud yn ystod y cyfweiliadau hyn yn cael eu cadw yn gwbl gyfrinachol ac y bydd pob dyfyniad a chyfeiriad yn ddi-enw yn ein hadroddiad.

Yr wyf wedi darllen y wybodaeth uchod ac yn cytuno i gymryd rhan yn yr astudiaeth.

Enw'r Atebydd.....

Llofnod yr Atebydd.....Dyddiad.....

Enw'r Cyfweilydd:

Llofnod y Cyfweilydd.....Dyddiad.....

Appendix 3 – Letters to participants

3.1 Letter to parents

Dear Sir/Madam,

Evaluation of the Family Dispute Resolution Programme

As you may be aware the CAFCASS Dispute Resolution Programme is a new scheme being piloted in your area by the Welsh Assembly Government. The Social Inclusion Research Unit (NEWI) has been commissioned by the Assembly to independently evaluate this new programme (see attached information sheet for more detail) with a view to making it available throughout Wales.

We are therefore particularly interested to find out your experience and your child's/children's experience of the new programme and would be grateful if you would be kind enough to complete the short questionnaire (attached) and return it to me in the stamped addressed envelope provided.

Any information or comments you provide will be treated in the strictest confidence and it will not be possible to identify anyone who has taken part in the study.

If you want any further information about the questionnaire or the evaluation please don't hesitate to contact me by telephone: 01978 293194, email: j.buchanan@newi.ac.uk or letter.

Many thanks for your cooperation in this matter.

Yours sincerely,

Professor Julian Buchanan

3.2 Welsh Letter to parents

Annwyl Syr/Madam,

Gwerthusiad o'r Rhaglen Datrys Anghydfod Teuluol

Fel y gwyddoch o bosib, mae Rhaglen Datrys Anghydfod Teuluol CAF/CASS yn gynllun peilot newydd sy'n cael ei lansio yn eich ardal chi gan lywodraeth y Cynulliad Cenedlaethol. Mae'r Uned Ymchwil Cynhwysiad Cymdeithasol (NEWI) wedi cael ei gomisiynu gan y Cynulliad i werthuso'r rhaglen newydd yma yn annibynnol (gweler y daflen wybodaeth amgaeedig) gyda'r bwriad o'i gwneud ar gael ledled Cymru.

Gan hynny mae gennym ddiddordeb arbennig mewn darganfod am eich profiad chi a phrofiad eich plentyn/plant o'r rhaglen newydd a buasem yn ddiolchgar pe baech yn ddigon caredig i lenwi'r holiadur byr (amgaeedig) a'i ddychwelyd ataf yn yr amlen â stamp a chyfeiriad arni a ddarperir.

Bydd unrhyw wybodaeth neu sylwadau a roddir gennych yn cael eu trin yn gwbl gyfrinachol ac ni fydd modd adnabod unrhyw un sydd wedi cymryd rhan yn yr astudiaeth.

Pe hoffech fwy o wybodaeth am yr holiadur neu'r gwerthusiad, mae croeso i chi gysylltu â mi trwy ffonio: 01978 293194, ebost: j.buchanan@newi.ac.uk neu lythyr.

Diolch o galon am eich cydweithrediad yn y mater yma.

Yn gywir,

Yr Athro Julian Buchanan

3.3 CAFCASS Letter to parents

Ein Cyf/Our Ref: MH/JMF
04 October 2007

PRIVATE LAW FAMILY DISPUTE RESOLUTION PROGRAMME

Dear

As you may be aware, the Family Dispute Resolution Programme, (which you have been involved in) has been run as a pilot project.

The project has been running for approximately 16 months and we are now commissioning an independent evaluation to find out how people like yourself have experienced the programme. We are doing this because we want to find out how effective the service is and whether it can be improved in any way.

As you will see from the enclosed documents, the evaluation is being carried out by a research team from the University of Wales, NEWI, Wrexham. This letter has been sent from the CAFCASS CYMRU office, Llandudno Junction, because the researchers do not have access to your personal/contact details. However, all information that you provide as part of this evaluation should be sent by you directly to the research team (using the stamped addressed envelope provided). CAFCASS will not be given any information about your participation in the study.

Enclosed with this letter is some background information about the evaluation and a short questionnaire to complete.

We thank you for your participation in the Dispute Resolution Programme and for your co-operation in this evaluation.

Yours sincerely

MARI HARROD
Family Court Advisor

Enc: 1. Letter 2. Information Sheet 3. Questionnaire 4. SAE

3.4 Welsh CAFCASS Letter to parents

Ein Cyf/Our Ref: MH/JMF
27 Ebrill 2007

RHAGLEN DATRYS ANGHYDFOD TEULUOL CYFRAITH BREIFAT

Annwyl

Fel y gwyydych o bosib, mae'r Rhaglen Datrys Anghydfod Teuluol, (yr ydych chi wedi bod yn gysylltiedig â hi) wedi cael ei rhedeg fel project peilot.

Mae'r project wedi bod yn rhedeg am oddeutu 16 mis ac yr ydym yn awr yn comisiynu gwerthusiad annibynnol er mwyn darganfod faint o bobl fel chi sydd wedi profi'r rhaglen. Yr ydym yn gwneud hyn am fod arnom eisiau darganfod pa mor effeithiol yw'r gwasanaeth ac a oes modd ei wella mewn unrhyw ffordd.

Fel y gwelwch yn y dogfennau amgaeëdig, cynhelir y gwerthusiad gan dîm ymchwil o Brifysgol Cymru, NEWI, Wrecsam. Mae'r llythyr hwn wedi cael ei anfon o swyddfa GCCLBT Cymru, Cyffordd Llandudno, gan nad yw'r ymchwilwyr yn gallu cael gafael ar eich manylion personol/cyswllt. Fodd bynnag, dylai pob gwybodaeth yr ydych chi'n ei roi fel rhan o'r gwerthusiad yma gael ei anfon yn uniongyrchol gennych chi at y tîm ymchwil (gan ddefnyddio'r amlen â stamp a chyfeiriad a ddarperir). Ni fydd GCCLBT yn derbyn unrhyw wybodaeth am eich cyfranogiad yn yr astudiaeth.

Yn amgaeëdig gyda'r llythyr yma ceir rhywfaint o wybodaeth gefndir am y gwerthusiad a holiadur byr i'w lenwi.

Diolch am gymryd rhan yn y Rhaglen Anghydfod Teuluol ac am eich cydweithrediad yn y gwerthusiad yma.

Yn gywir

MARI HARROD
Cynghorydd Llys Teuluol

Amg: 1. Llythyr 2. Taflen Gwybodaeth 3. Holiadur 4. Amlen â Stamp a Chyfeiriad

3.5 Letter to solicitors

Dear

CAFCASS Family Dispute Resolution Pilot Programme

As you may be aware, the CAFCASS Family Dispute Resolution Pilot Programme has been running for over a year now. The Welsh Assembly Government is interested to evaluate the scheme and have commissioned the Social Inclusion Research Unit at NEWI to carry out an independent process and outcome evaluation (see attached information sheet for more detail).

In order to carry out a thorough evaluation we are seeking the views and experiences of parents involved in the programme, children, CAFCASS workers, as well as a range of professionals engaged in the process. We appreciate that solicitors are very busy people but we are particularly keen to incorporate **your** experiences and perceptions of the programme. We have devised two ways you can make your contribution and hope you may be able to engage in either or both.

1. You can complete a questionnaire online: <http://tinyurl.com/3xct9l>
2. You can speak to us in LLangefni. We have made a buffet lunch available for you at the Bull Inn LLangefni (situated very near to LLangefni Court) on 12th July Family Court Day. You can drop by anytime between 12noon and 2pm when members of the research team will be available to speak to you. Please email e.warren@newi.ac.uk if you think you will be able to attend so we can sort out catering arrangements.

Many thanks for your co-operation in this evaluation.

Yours sincerely

Professor Julian Buchanan
Social Inclusion Research Unit

3.6 Welsh Letter to solicitors

Annwyl

Rhaglen Beilot Datrys Anghydfod Teuluol CAFCASS

Fel y gwyddoch o bosib, mae Rhaglen Datrys Anghydfod Teuluol CAFCASS wedi bod yn rhedeg ers dros flwyddyn erbyn hyn. Mae Llywodraeth y Cynulliad yn awyddus i werthuso'r cynllun ac wedi comisiynu'r Uned Ymchwil Cynhwysiad Cymdeithasol yn NEWI i gynnal proses annibynnol a gwerthusiad canlyniadau (gweler y wybodaeth amgaeedig am fwy o fanylion).

Er mwyn cynnal gwerthusiad trylwyr yr ydym yn ceisio safbwyntiau a phrofiadau rhieni sy'n gysylltiedig â'r rhaglen, plant, gweithwyr CAFCASS, yn ogystal ag ystod o weithwyr proffesiynol sydd ynghlwm wrth y project. Yr ydym yn sylweddoli fod cyfreithwyr yn bobl brysur iawn ond yr ydym yn arbennig o awyddus i gynnwys eich profiadau a'ch canfyddiadau **chi** o'r rhaglen. Yr ydym wedi dyfeisio dwy ffordd y gallwch wneud eich cyfraniad gan obeithio y byddwch yn gallu gwneud y naill neu'r ddau beth.

1. Gallwch lenwi'r holiadur ar-lein: <http://tinyurl.com/3xct9l>
2. Gallwch siarad â ni yn Llangefni. Bydd cinio bwffe ar gael i chi yn Nhafarn y Bull yn Llangefni (wedi'i lleoli yn agos iawn at Lys Llangefni) ar y 12fed o Orffennaf, Diwrnod Llys Teulu. Gallwch alw heibio unrhyw adeg rhwng 12 hanner dydd a 2pm pan fydd aelodau o'r tîm ymchwil ar gael i siarad gyda chi. A wnewch chi ebostio e.warren@newi.ac.uk os ydych yn meddwl y byddwch yn gallu mynychu er mwyn i ni allu gwneud trefniadau arlwy, os gwelwch yn dda.

Diolch yn fawr am eich cydweithrediad yn y gwerthusiad yma.

Yn gywir

Yr Athro Julian Buchanan
Uned Ymchwil Cynhwysiad Cymdeithasol

Appendix 4 – Interview Schedules

4.1 Parent interview schedule

1. Interviewer
2. Date
3. Male / Female
4. Can I ask you a few details about yourself? (How old are you? First 4 digits of postcode?)
5. What is your relationship to the child/children?
6. How did you hear about the CAFCASS Family Dispute Resolution Programme?
7. What were your expectations of the programme before it started?
8. When did you start the process?
9. What did the process (the Family Dispute Resolution Programme) involve? (What happened? Who was present? What structure did it take?)
10. What information/support did you receive?
11. Did you find the service accessible/practical? (Such as location, transport, rooms, language, disability)
12. What key issues did this process try to address?
13. Have you ever been through a different process (such as the courts, conciliation, mediation, welfare report) to address these or other issue before starting this programme?
If so, what were the particular differences (if any) between this new programme and your previous experiences?
14. What would you say was helpful about this programme?
15. What would you say was unhelpful about this programme?
16. Are there any changes or improvements to the programme you would like to suggest?
17. How did you feel about your child/children being involved in the process?
18. What do you think was your child/children's experience of the programme?
19. How 'child friendly' do you think the programme was?
20. Did you have any anxieties about your child/children being involved in the process?
If so, what were they and were they alleviated in any way? If so, how?
21. Were you able to reach an agreement at the end of the programme?
If so, to what extent do you think the new programme contributed to this agreement?
22. Is this agreement still in place?
If no, was there anything more the programme could have done to help an agreement be reached?
23. In relation to your issues, do you feel that progress has been made? In what way?
24. Overall, were your expectations of the programme met?
25. Is there anything that I haven't asked you about the programme that you would like to say?

4.2 Professionals interview schedule

1. Date:
2. Interviewer:
3. Name.
4. Occupation/Job Title.
5. What is your current role in relation to working with families and children?
6. How long have you been working in the family justice arena?
7. What do you think are the aims of the Dispute Resolution scheme?
8. What information have you been given about the scheme (where/when/how)
Was this sufficient?
9. What information is provided to the participants about the Dispute Resolution scheme and do you think this is adequate?
10. What were your expectations of the programme before it started?
11. What is your experience/assessment of the Dispute Resolution scheme now?
12. What would you say is particularly useful about this scheme?
13. What would you say isn't useful about this scheme?
14. Are there any changes or improvements to the scheme you would like see?
15. How accessible do you think the appointment system and time frame allowed is for the participants in the scheme?
16. What are your thoughts about the way the scheme seeks to involve children?
17. How do you think the children feel about being involved in the Dispute Resolution Scheme?
18. How does the Dispute Resolution Scheme compare and relate to other schemes operating (eg the in court mediation/conciliation, independent mediation schemes)?
19. Do you think that the Dispute Resolution scheme is effective in meeting its aims?

What are the facilitators?

What are the barriers?

20. Should the present model of the Dispute Resolution Scheme be rolled out across Wales? Explain why?
21. Is there anything else you would like to say about the Dispute Resolution scheme?

4.3 Children's interview schedule

1. How did you feel about being asked to go to the Dispute Resolution meeting?
2. Did someone explain to you what the Dispute Resolution Scheme is about?
3. What do you know about the Dispute Resolution Scheme?
4. Do you think you were told enough about it?
5. Did you feel worried about going to the meeting?

If answer yes

What did you feel worried about?

Did you feel happier about it after?

6. Did you like the place where you saw the people who spoke to you and your parents/ or other family?

If answer no

What didn't you like about it?

Where would you like to have met?

7. Did you feel comfortable talking to the people from the scheme?

If answer no

Can you explain why not?

8. Could they have done anything differently?
9. Did you feel you could say what you wanted at the meeting?

Appendix 5 – Questionnaires

5.1 Parent questionnaire

Dispute Resolution Questionnaire

Please complete and return to the Social Inclusion Research Unit, University of Wales, NEWI in the stamped addressed envelope provided



1. Name: (optional) Male / Female Applicant / Respondent

2. How did you first hear about the CAFCASS Family Dispute Resolution Programme?

Solicitor CAFCASS Other please specify

3. How would you rate the service you received with regards to the:

Please put a tick in the boxes below.

	Not applicable	Poor	Satisfactory	Good
The timing of the appointments				
The location of the appointments				
The rooms and facilities				
Public transport to and from the appointment				
Accommodating your preferred language (e.g. Welsh, Polish)				
Accommodating any disability or special need				

4. What is your relationship to the child/children involved in the dispute?

Mother Father Female guardian Male guardian

Other please specify

5. What issues did the Dispute Resolution Programme try to address?

Residence Contact Other please specify

6. Were you able to reach an agreement at the end of the programme? YES / NO

<i>If Yes is this agreement still in place? YES / NO</i>
7. What do you think of your children being involved in the programme? Good idea <input type="checkbox"/> Bad idea <input type="checkbox"/> Not sure <input type="checkbox"/> They were not involved <input type="checkbox"/>
8. What did your children think about being involved in the programme? Good idea <input type="checkbox"/> Bad idea <input type="checkbox"/> Not sure <input type="checkbox"/> They were not involved <input type="checkbox"/>
9. Overall, were your expectations of the Dispute Resolution Programme met? YES / NO
10. What was good about the programme?
11. What was not good about the programme?
12. Are there any changes or improvements to the programme you would like to suggest?
13. If the need arose would you use the Dispute Resolution programme again? YES / NO
14. Would you be willing to talk to us more about your experience on this new programme? YES / NO <i>If YES please provide</i> Name: Address: Tel. and/or email: How would you prefer to be contacted? Phone <input type="checkbox"/> E-mail <input type="checkbox"/> Post <input type="checkbox"/>

15. Would you be willing for your children to talk to us more about the programme? YES / NO

If YES can you tell us:

Name: Age:

Name: Age:

Name: Age:

(Assuming they are happy to talk to us we'd like to thank them by giving them a £10 WH Smiths voucher.)

Many thanks for completing this questionnaire.

5.2 Parent e-mail interview questionnaire

Interview Schedule For Parents	
The Questions	Your Answers (Please give as much detail that you can)
1. What is your relationship to your child/children?	(e.g. mother, father, grandmother, grand father etc)
2. What is the area you live in?	Please name the area and give the first 4 digits of post code)
3. When did you first hear about the family dispute program? How did you hear about it? And from whom?	
4. When you first started the programme, what did you expect to get out of it?	
5. When did you start the programme?	
6. Can you describe what the Family Dispute Resolution Programme involved for you? That is, what happened? Who was present at each stage? What type of structure did it take?	
7. Did you find the service accessible and practical (e.g. was it easy to get there, was adequate provision made for your needs etc)?	
8. What were the issues/problems that you wanted the programme to cover/address?	
9. Before starting this programme, had	

<p>you ever been through a different process (such as the courts, conciliation, mediation, welfare report) in order to address the same or other issues?</p> <p>If so what was the previous process, and what issues did it address?</p>	
<p>10. What (if anything) would you describe as good/helpful about The Family Dispute Resolution programme?</p>	
<p>11. What, if anything, would you describe as less good/helpful about the programme?</p>	
<p>12. Are there any changes or improvements to the programme you would like to suggest?</p>	
<p>13. How did you feel about your child/children being involved in the process?</p>	
<p>14. Can you describe what you think was your child/children's experience of the programme?</p>	
<p>15. Did you have any anxieties about your child/children being involved in the process?</p> <p>If so, what were they and were they alleviated in any way? If so, how?</p>	
<p>16. Were you able to reach an agreement at the end of the</p>	

programme?	
17. If you were you able to reach an agreement, what extent (if any) do you think the programme contributed to this agreement? Is the agreement still in place?	
18. If you were not able to reach an agreement was there anything more the programme could have done to help an agreement be reached?	
19. Do you feel that any progress has been made towards resolving the problems/issues which you faced, and if so, how?	
20. Overall, would you say that your expectations of the programme were met?	
21. Is there anything that we haven't asked you about the programme that you would like to say?	

5.3 Solicitors online interview questionnaire

CAFCASS pilot Family Dispute Resolution Programme (FDRP)

This is a confidential questionnaire to enable legal representatives to contribute to the evaluation of the FDRP being carried out by the Social Inclusion Research Unit (NEWI).

1. How would you describe your job?

- Solicitor Barrister
 Other, please specify

2. How long have you been involved in Family Court Work?

- less than 12 months 1 - 3 yrs 4 - 6 yrs 7 - 10 yrs 10 yrs+

3. What do you think is the aim of the Family Dispute Resolution Programme (FDRP)?

4. Have you been given sufficient information about the scheme?

- Yes No Not Sure

5. Do you think parents have been given sufficient information about the scheme?

- Yes No Not Sure

6. Have you had any dealings with the Family Dispute Resolution Programme (FDRP)?

- Yes No

If yes please specify

7. What were your expectations of the FDRP before it started?

8. How would you assess the FDRP?

Excellent Good Okay Poor Very Poor

9. What would you say is particularly useful/helpful about the scheme?

10. What would you say has not been particularly useful/helpful?

11. How do you feel about the children being involved in the FDRP process?

Strongly support Support Not Sure Opposed Strongly opposed
 Any additional comments

12. How do you think the scheme compares to other schemes operating?

13. Do you think the FDRP should continue?

Yes No Not Sure

14. Would you recommend this scheme to your clients?

Yes No Not Sure

Comment

15. Is there anything you can think of that needs changing or improving?

16. Anything else you want to say about the FDRP that I haven't asked?

[Complete Survey](#)