HOUSE OF LORDS

Children and Families Act 2014 Committee

Corrected oral evidence: Children and Families Act 2014

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Members present: Baroness Tyler of Enfield (The Chair); Lord Bach; Baroness Bertin; Lord Brownlow of Shurlock Row; Lord Mawson; Baroness Prashar.

Evidence Session No. 9 Heard in Public Questions 87 - 92

Witnesses

I: Bob Greig, Co-Director and Co-Founder, OnlyMums and OnlyDads; Professor Rosemary Hunter, Professor of Law and Socio-Legal Studies, University of Kent.

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Examination of Witnesses

Bob Greig and Professor Rosemary Hunter.

Q87 **The Chair:** I would like to welcome everyone to this, the ninth public session of the Select Committee on the Children and Families Act 2014. This session is being broadcast online and a transcript will be taken. I would like to start by asking both of the witnesses whether they could very briefly introduce themselves.

Bob Greig: Good afternoon. I am the co-director and founder of OnlyMums and OnlyDads, a not-for-profit community interest company. We support parents going through divorce and separation. I am also the co-editor of *101 Questions Answered About Separating with Children*, and co-editor of a very recently published book *(Almost) Anything but Family Court*, written by Jo O'Sullivan. I am also co-founder of the Parents Promise and a growing alliance of organisations focusing on that promise, with an aim to make divorce and separation more focused on the welfare of children.

Professor Hunter: Good afternoon. I am a professor of law and sociolegal studies at the University of Kent. I am the academic member of the Family Justice Council. I was also a member of the President of the Family Division's private law working group and a member of the Ministry of Justice's harm panel that reported a couple of years ago on issues to do with domestic abuse in family courts.

I have done quite a lot of the recent research on private law proceedings and the operation of private law in the UK, including research on litigants in person and out of court family dispute resolution processes. I have done some work for the Family Justice Council on private law application statistics. I am also a member of the current working party convened by the NGO Justice, which is looking at access to justice for separating families. It is also part of my FJC role to provide information to the other members of the council about current research in the family justice area generally, so I am also familiar with the range of other research that has been done in this area in recent years.

The Chair: Thank you both very much indeed. You are both very welcome. To set the context, in this session we will be very much exploring the changes that were made to private family law by the 2014 Act. I wondered whether I could kick off with a general question. At risk of stating the obvious, private law cases can be fraught. Many of the reforms in the 2014 Act were aimed at trying to make the system less adversarial. I would be interested in your

views as to whether this has been achieved. What more could be done to create a less antagonistic system?

Professor Hunter: The reforms in the 2014 Act were an indirect way of trying to make the system less adversarial by changing people's mindsets about post-separating parenting disputes. They were designed to send a message that parents should resolve matters between themselves, focus on children's welfare rather than adult point scoring and work from the starting point that both parents should continue to be involved in their children's lives.

Has that succeeded? It has not, on the evidence of the numbers of MIAMs that are currently being conducted, the numbers of mediations that are being conducted and the rise in court applications. On those measures, almost the opposite of what was intended has occurred.

On the question about what more is needed, it is absolutely crucial in this context to distinguish between the court population of separating parents and the non-court population. We know that the great majority of separating parents have no interest in or desire to go to court. They agree arrangements between themselves or with the assistance of other people, friends, family, solicitors and mediators.

Then there are a small proportion who have serious child welfare and safeguarding concerns, who need court intervention to protect children and vulnerable parents. There are issues around domestic abuse, drug abuse, alcohol abuse, mental ill-health, alienating behaviours and serious and entrenched conflict. In fact, there is quite a lot of research evidence that demonstrates that use of the family courts by separating couples is low and, in most cases, reluctant and necessary.

Then you have a very small proportion of those who go to court—perhaps around 15% of the 10% who go to court—who possibly do not need to and who could take a less adversarial route to agreeing child arrangements. It seems that there has been an awful lot of legislative and policy effort focused on trying to reroute that small minority and perhaps not enough attention paid to the large majority who are in fact being less adversarial already, or not being at all adversarial already, and then the significant group who need to be in court.

We know that the court group—the group who mostly are in court—are disproportionately economically deprived. They have disproportionately greater physical and mental health problems. They have serious safeguarding issues and the majority of them

are now going to court without legal representation. An adversarial court system does not serve this group of people or their children at all well. That is why the harm panel recommended adoption of not an inquisitorial but an investigative approach for child arrangements cases. I am happy to speak more about that if you would like to ask me any questions.

The people who remain out of court are generally dealing with matters in a non-adversarial way as it is. Most of the people who go to court need a court process, but not an adversarial process. Then there is that small group in between who might be rerouted. Disproportionate policy attention has been paid to that group.

The Chair: We might come back to that point about the investigative or inquisitorial approach. Mr Greig, could I ask for your take on the impact of the reforms and whether it has made the system less adversarial?

Bob Greig: I do not think that the reforms, as intended, have worked. The emails we get from parents have not really changed for the last 12 years or more. There is stress, delay and general anxiety with the whole process.

I have two reflections. I do not think what mediation is and what it is not has ever been fully explained to the general public. Coupled with that, I do not think that the clear benefits of couples finding a settlement through meditation have been fully explained to people either. We see couples, through our websites, ending up in court, sadly.

The Chair: I know that some people talk about using not so much mediation but alternative dispute resolution, of which there are different forms. Do you also feel that it would be helpful for there to be a greater focus on that being explained to people?

Bob Greig: Yes. This book—I will leave a couple of copies here—does exactly that. It outlines all the other options open to people, and people do not know. This book came about when, about 18 months ago, I saw reference to hybrid mediation on Twitter, as it happens. I do not know what that is. If I am running OnlyMums and OnlyDads and I do not know what it is, there is a very good chance no one else will know. People do not know.

The Chair: Could I pursue that point a little bit further? Do you feel that the reason people do not know about these other potential methods or routes is because there is no information and it is not spelled out? Is it because so many people these days are not legally represented? What is the blocker on getting the basic

information out?

Professor Hunter: It is a combination of things, but certainly the absence of legal representation is a really significant influence. In the past, people tended to go to lawyers as a first port of call, who might then, typically, have helped people to reach a resolution. If that was not possible, they would give them their options, which would include, particularly if they were legally aided, the option of considering mediation. They would go, they would be prepared, they would have the information about mediation as opposed to other options, and they would also have some legal advice to arm them, if you like, to know what the possibilities were when they went into mediation.

The withdrawal of legal aid and therefore the difficulty of obtaining early legal advice has meant that the pipeline into mediation has completely dried up. Also, people are much more reluctant to enter into a process that involves negotiating on one's own behalf if you do not know what the parameters are and you have not received the legal advice to know what is possible and what might be realistic. Of course, a mediator cannot give legal advice; they can give information but they cannot give advice.

I also agree that giving people information about the range of dispute resolution options, as opposed to only mediation, would be much more effective. Indeed, that was one of the recommendations of the research that I conducted with my colleagues on out-of-court dispute resolution. We recommended a change from MIAMs to DRIAMs, as in dispute resolution information sessions, because people need to be given choices and to know that mediation will sometimes be useful and sometimes it will be less useful and something else would be more helpful.

If we do not have legal aid and we have a system in which people might turn up to the court, to a mediator, to a lawyer or somewhere else, it should ideally be possible for whoever the first port of call is to give the same kind of information about the range of dispute resolution options. If the first port of call is the court then the court should give that information. It is about making sure that there is a range of information available from any place where people might seek advice.

Q88 **Lord Mawson:** Nowadays, in the modern world, people usually go on to the web and try to get some basic information if they land in a territory they do not understand. It would be helpful to understand from both of you what you are confronted with. I am reflecting that, the last time I went in a court building, when I walked through the door I noticed 66 notices telling me 66 different

things. It rather felt like the NHS culture, where I have seen 75 notices. This is what I call government civil service culture, which clearly does not understand about communication. There is a major problem there. I am wondering what you actually confront when suddenly you find yourself in this set of unfortunate circumstances and you go on the web. What happens at that point? Is there clear communication, or even then do you find yourself drowning?

Professor Hunter: If you go on the web you are absolutely drowning. There is masses of information out there but it is almost impossible for anybody to filter it, or for a lay person to understand what is authoritative or even whether it is in the right jurisdiction. We all have heard stories about people finding a lot of information but it is from the state of Massachusetts, rather than England, or even in England and Wales versus Scotland.

You are probably aware that there have been repeated calls for a single, authoritative website that would contain information. The Government have persistently not taken up that call, that invitation, to take responsibility for providing an authoritative source of information. In the absence of that, there is just a sea of material out there that is extremely difficult to navigate.

Lord Mawson: What is the reason why they have done that? It would seem obvious that they would want to do that. Why are they not doing that? What is the reason?

Professor Hunter: I wish I could give you a coherent reason. I am not a member of the Government. I do not know.

Bob Greig: I have spoken to many dads especially who, to put it politely, have a misunderstanding of what family court is. They almost view it as a hierarchy—that they will get a better decision, a better agreement, more justice from a family court. One job we all have is to try to explain to people what family court actually is and is not, again. There is a real misunderstanding.

The Chair: There were some important points there. Thank you.

Q89 **Baroness Prashar:** You have already begun to touch on this question of mediation. Can I probe a little further? Have MIAMs been successful?

Professor Hunter: Let us think about possible measures of success. One possible measure of success is to increase the take-up of mediation. They clearly have not done that. Another is to keep people out of court. They clearly have not done that. Another is to effectively screen who should and should not be in court. They have not done that. All the research evidence shows that there are

a lot of false positives as well as false negatives. Another is to inform people about dispute resolution options, yet they inform only about mediation and not the range of options.

On any of those measures of success, MIAMs have not been successful. Part of the difficulty is that when MIAMs were initially devised they were included in a practice direction and then they were embodied in statute in the 2014 Act. They have become a bit of a statutory straitjacket. They have been set in stone. The fact that they are in the legislation means that it is impossible to respond flexibly to new developments or new things that might have come along.

There have been various proposals and things that could have been added to MIAMs if they were part of a practice direction or something that was more easy to amend or develop. The fact that they are stuck there in statute has become a straitjacket. None of the kinds of things that we have been talking about—expanding out to the range of different forms of dispute resolution, offering them from a range of different sources, creating other possibilities or other possible routes into court, if that is necessary—is possible because you have this thing set in stone in statute. That has been one of the real problems.

Bob Greig: I asked the intellectual powerhouse that is Twitter whether MIAMs have been a success. I had 250 votes. I have a graphic here that I will leave you. Of 250 votes, 5% said yes, 50% said no, 31% said "No, but generally the right approach", and 14% said, "Yes, but needs improvement", so an overwhelming negative response from 250 people, which is an interesting snapshot.

Baroness Prashar: From your perspective, what changes would you like to see, as far as MIAMs and mediation are concerned?

Bob Greig: I have already mentioned it and will keep going back to it: parents do not fully understand the negative outcomes that arise from going to family court and the benefits that can arise from an alternative method of reaching agreement with their ex. It is an education job.

Baroness Prashar: How about you, Professor Hunter? What changes would you like to see?

Professor Hunter: I have indicated that I would like them not to be in legislation. Therefore, there is the possibility of doing a range of flexible things: being able to talk about the range of different non-court options, returning to the possibility of receiving early legal advice and preparation prior to attempting mediation, which is

part of providing that education, and then, as I have also suggested, comprehensive screening and signposting wherever people go, including the court, with resourcing for the full range of services that might be needed by separating families.

Coming back to Lord Mawson's question about why the Government have not done this, it is resources again. They would have to make the financial commitment to maintaining and keeping that information up to date. They have not been willing to commit the resources to that. Ideally, it would need to be accompanied by sufficient resourcing to address the kinds of issues that families are bringing to the family court.

Baroness Prashar: Are you both suggesting that education, screening and early advice would ensure that the right cases end up in court?

Professor Hunter: They would do a better job of ensuring that the right cases end up in court, yes.

Baroness Prashar: Is there anything else you would like to see happen to make sure the right kinds of cases end up in court?

Professor Hunter: Careful and comprehensive screening is the key. In the harm panel, under the investigative approach, we recommended beginning with open-minded inquiry into what is going on for the child and the child's family, and then thinking along the range of all the different routes that might be necessary or possible for them. That might include a dispute resolution process. It might mean going straight into court to protect the vulnerable. It might mean some form of counselling to help people get to a point where they can negotiate or engage in dispute resolution successfully, so that they are in an emotionally appropriate or emotionally ready place to be able to do that.

Q90 **Baroness Bertin:** Good afternoon. Could I ask a little bit about presumption and presumption of contact that is now in law and whether you think that is working well or whether it should be somehow amended? The received wisdom, of course, is that both parents should get contact. Research has shown that it has not had a huge impact on most cases. In the minority of cases where domestic abuse, in particular, has been cited, sometimes it has shifted in the favour of the abusive parent. I wanted to know your view on that, perhaps particularly Professor Hunter's.

Professor Hunter: As you have indicated, the research that has been primarily done by Professor Kaganas on the case law has shown that the presumption has had no effect, essentially because it is redundant. The case law was already operating with a strong

assumption or presumption of ongoing contact with both parents. Then you might ask, "If the presumption is simply reinforcing the existing case law, what is the harm in it?"

Two problems have been demonstrated. The first is its factual accuracy in relation to the court population, to come back to my point about distinguishing between the court population and the non-court population. The presumption might well be true for the average child, but children in the family court are not the average child. There are significant safeguarding risks so they need an individual welfare determination. You want the court to be thinking carefully about the specific welfare needs of the individual child in the case, rather than applying the presumption.

The second problem is connected to that. The combination of this strong assumption in the case law and the statutory presumption has encouraged the court and the parties not to engage in that careful welfare analysis. There is another half to the presumption, in subsections (6) and (7), which says that it is only if ongoing contact is safe, but those subsections are routinely ignored. The headline message is simply about contact. Courts are invited to go with the presumption and courts, with limited time and judicial resources, love a shortcut. The presumption gives them a shortcut to, and indeed locks in in the statutory straitjacket, a shortcut to an answer that may, in fact, be harmful for the child.

That is what the harm panel found: that the presumption was operating to reinforce the pro-contact culture, which, in the kinds of cases that that report was concerned about, was resulting in ongoing harm to children and not protecting parents from continued exposure to domestic abuse. That is why the panel recommended an urgent review of the presumption.

I should also say that these problems were foreseeable or indeed identified by the majority of those who made submissions to the Family Justice Review and to the Government's consultation when they were considering the introduction of the presumption. The majority of submissions opposed it. The Family Justice Review ultimately recommended against the presumption, on the basis of the potential problems with it for the vulnerable group of people. The Government pressed ahead with the presumption in any case. We have seen the bearing out of those concerns about the way in which it would operate.

Baroness Bertin: Could I press you on that? Are you suggesting that it should be removed altogether, or could it somehow be amended, perhaps around the statutory guidance? What options are open to us as a panel trying to practically change things?

Professor Hunter: My own view is that it should be repealed, precisely because of the fact that it locks into place a particular position that is then very difficult to displace in case where it needs to be displaced. It would be a necessary but not entirely sufficient step to move the emphasis to protecting children from the risk of harm, rather than simply prioritising contact in all cases.

Would there be other ways of dealing with it? Given that subsections (6) and (7) already exist and have been ignored, it is hard to see what else could counteract the harmful effects of the presumption. For example, in Australia, in 1996 there were amendments to the Family Law Act that instituted two principles: the principle of ongoing parental involvement with their children and the principle of children's safety. Exactly the same thing happened. The parental involvement principle was privileged, in practice, over the safety principle. Then Parliament legislated further to introduce another reform to say that, where the two conflicted with each other, the safety principle should take priority over the contact and ongoing involvement principle.

You can keep tinkering with the legislative wording, but ultimately we need to return to individualised welfare consideration, and so back to Section 1(1), which was there all along, that the individual welfare of the child is the court's paramount consideration. We would be just as well off—better off, indeed—simply by returning to that position with the much greater knowledge that we now have, following from the harm panel's report and various other greater understandings, about the impacts of domestic abuse and so on. With that in mind, the individualised welfare consideration is the only answer here.

Baroness Bertin: That is very clear. Mr Greig, do you have anything to add on that issue?

Bob Greig: I have a view that is probably contrary. Let me say at the beginning that I do not understand what power the presumption has, because the daily emails I get from dads suggest that it is not working at all. Dads are being accused of domestic abuse, courts say that they cannot see their children until there has been a hearing, and that hearing will take months.

I do not understand the phrase "pro-contact culture". It goes against the constant stream of emails from dads—sometimes mums, but usually dads—and grandmothers and grandfathers who have been removed from the life of a child pending a court hearing, which tends to take longer and longer, sometimes many months. No one is accounting for the harm done to those children who

suddenly have a father or grandparents removed from their daily life.

Baroness Bertin: To push you on that, are you saying that the presumption as it stands in the law at the moment is not working, is ineffective or should remain? Is there anything that you would like to see changed, therefore, in terms of the actual post-legislative action?

Bob Greig: It is part of a bigger picture as well. We live in a country where in so many families—the figure that is bandied around is a million—there is no dad around. That cannot be right, so anything to promote the life of a child being brought up by two parents, even if separated, is a good thing in my book. I am not suggesting for one minute that violent men, violent dads, should have ongoing presumptive contact with their children. That is not what I am saying, but in the majority of cases, yes, of course.

Baroness Bertin: That is understood. Can I ask one supplementary on that? Having worked quite a bit on the issue of domestic abuse, it strikes me that there is very little data and that very little transparency goes on with family courts. It is hard to see what goes on after rulings. I wondered whether you had a view on lack of data and lack of transparency.

Bob Greig: We need more data.

Professor Hunter: We need more data. To elaborate on that, the problem is that the family courts administrative system does not have any way of recording whether domestic abuse is involved in a case. It therefore does not have any way of recording whether they have different outcomes or what happens in those cases. In any event, the court has no way of following up on what happens after orders are made, unless there is a return to court or enforcement proceedings. The court does not routinely gather any information on what happens as a result of the orders that it makes.

Indeed, that was one of the recommendations made by the harm panel. One of the elements of the proposed investigative approach was that it should involve a routine follow-up after a period of time—three to six months, perhaps—to see how the orders are working, to ask the child how the orders are working, whether they are working for them and whether there have been any problems, or whether they might need any intervention. One thing that children said to us in the evidence to that inquiry was, "I was stuck with these orders until I turned 18. Nobody asked me whether they were working or not." That is one piece of the work that needs to be followed up.

On gathering data about domestic abuse and what is happening in domestic abuse cases, HMCTS is in the process of implementing a new administrative data system—core data system? I cannot remember the exact word—that will capture a lot more information. It simply pulls information from applications, so if a box is ticked in an application that gives you the data. There is no need to transfer data manually from what has been happening in the court on to a separate system. You will be able to work with applications and orders and so on, so hope is in sight as far as that is concerned.

Then there is also work being done by the Domestic Abuse Commissioner to implement a monitoring system for what is happening in domestic abuse cases. Those issues will hopefully be dealt with in the next couple of years, in terms of getting more data about what is happening, what kinds of cases are going into court and what is happening to them in court. The follow-up work [on the effect of court orders] is still something that is being piloted as part of the pathfinder courts in two court sites at the moment. Whether that is then rolled out subsequently is, as yet, unclear.

Baroness Bertin: Mr Greig, do you have anything more to add?

Bob Greig: No.

Baroness Bertin: Thank you for those answers. I appreciate it.

The Chair: I thank you both for your contributions. We fully appreciate that this is a hotly contested area. That is why we think that it is very important that we are getting a wide range of perspectives, so thank you very much for that.

Q91 **Lord Mawson:** In the world I operate in, which is not, most of the time, in the courts but certainly is interfacing with government, I increasingly come to the conclusion that large parts of government are not learning organisations. They do not actually have any memory. Even though we are spending many hundreds of millions of pounds on research, nothing, or very little, is being learned. Is that fair or unfair in the world in which you are operating? Is it actually learning anything?

Professor Hunter: That is quite a fair observation. There are two elements to that. One is the extent to which and the ways in which external research is absorbed, taken on board and dealt with, and then there are changes in Civil Service, or changes in Ministers, and then we are all back to square one again.

There are also the ways in which the organisations themselves operate as a learning institution, so the ways in which people who are working at the coalface, if you like, do not necessarily stand

back and reflect on their work, talk to each other about what is happening, identify issues and feel able to put in place interventions which then can be rolled out. There are some examples of that in the family justice area but not enough. There are lots of ways in which HMCTS could be more of a learning organisation in itself, in terms of what it observes and what comes through its doors every day, and having some way of pulling that together, reflecting on it and thinking about whether it is in accordance with strategic objectives or whether other things need to be done.

Bob Greig: The Government have tried various initiatives. "Sorting out Separation" was one, which I am sure cost millions. The day it came out, I thought, "Oh no." Why are the Government so bad at this area? That is a question I would ask. They just get things wrong. They communicate with parents appallingly.

Lord Mawson: Are they learning anything?

Professor Hunter: Another thing that is a really key point in this area is the need to take a multidisciplinary approach, because I have seen too many examples of one part of an institution—say the judiciary—organising things, sitting back, reflecting and thinking about things. Then they redesign something when it is entirely for their benefit and does not necessarily help the parents and the people coming into court. Taking a multidisciplinary approach and including consultation with and accountability to court users would make quite a difference as well.

Lord Bach: I think I can be fairly short because we have talked about legal aid already. Pre LASPO there were two types of legal aid in this area: early help legal aid on the one hand and legal representation on the other. I want to just ask about legal help, really. I will put to you a quote, which is "[with] family legal aid—a little early help goes a long way". I am imagining—guessing—that both of you would say that that was a fair proposition and that the absence of that early legal help has had a pretty profound effect on the way the good parts of this later Act have not always worked out. Would you agree with that as a proposition? Would you go further and say that, actually, to restore some early help legal advice would go some way at least towards resolving the problems that both of you have set out today?

My second question is around domestic abuse and legal aid. Now that government has moved a bit on what was very unsatisfactory in the original LASPO, are the exemptions for domestic abuse functioning properly? I hope that those two issues are clear.

Professor Hunter: On the first question, yes, I fully agree with the proposition. I think that we have mentioned that already. The removal of solicitors from giving that early advice has cut off the pipeline into MIAMs and mediation and has had a deleterious effect. If the Children and Families Act had been implemented without LASPO, so if LASPO had never happened and we had just had the Children and Families Act, we would have been looking at a very different scenario to what we have now. It has profoundly impacted the way that the Act has been implemented.

On domestic abuse, the exemptions are still not functioning properly. By "properly", I mean that I assume the intention is that people who are dealing with issues of domestic abuse or attempting to protect children from domestic abuse and child abuse should have access to legal representation. That is not happening fully, partly because of the means threshold. Even if you can produce evidence, it is still subject to the means test. The means test is very low. There are thousands and thousands of domestic abuse survivors who are trying to negotiate the family courts without legal representation.

We also know that there are continuing difficulties with obtaining and providing the requisite evidence. There are also difficulties in securing legal aid prior to a first hearing. Remember that a survivor of domestic abuse will often be a respondent to an application for contact or residence, to a child arrangements application. Finding out that there is a court process and a court date, and then being able to get legal aid in place before the first hearing, is very difficult. I have heard it from lots of people. Certainly a first hearing will not be adjourned simply because somebody has not been able to get legal representation. For those reasons, it is problematic.

The other problematic element that I will add—I am sure Bob will agree with me on this one—is that legal aid should be provided to alleged perpetrators of domestic abuse. That is absolutely crucial to create a level playing field and not create the kinds of resentments, resistance, counter-allegations and all the difficulties that exist at the moment because one of the parties feels that the system is stacked against them. That is completely counterproductive, so I would like to see both parties being legally aided.

Bob Greig: I agree with everything that has been said. Can I add maybe one and a half more things? We come across parents who probably do not have a diagnosed mental health condition, but find it very difficult—sometimes impossible—to represent themselves in

court because of confidence and stress. There should be more help available in that area.

The next thing is more complicated and I will be as brief as I can. Sometimes we get really long emails from mums and dads who are just in a pickle. The system has been going on for maybe two or three years and they are at the end of their tether, sometimes with terrible outcomes for those people. If I had a golden buzzer on my desk, I would press it and saying, "This person needs a bit of help." It is not everyone—we cannot afford everyone; I know what the Government are like with money—but there are cases. I am sure solicitors, mediators and other organisations such as ours see people where there just seems to be a genuine need for a bit more help. It is heartbreaking that they cannot have it.

Q92 **Lord Mawson:** What one change would you like to see made in the family justice system?

Bob Greig: You touched upon it at the very beginning of this meeting. The shorthand that my colleague and I used is the starter pack for separation. There are three things that keep coming up. People do not understand the alternatives to family court. Parents, all of us—I put my hand up; I was one of them back in the day—do not fully understand the psychological and emotional impact on our children of parental conflict. The other thing is that there is a lack of good-quality resources for the children who are going through a parental split.

I would like more than anything—it is something we are working on—to provide that separation starter kit, maybe with some government badge on it, but not written by the Government, to give it authority, so that, when parents separate, they have somewhere to go at the very outset. It needs to be well designed and simple—separation is stressful enough as it is—and it needs to be available through GP surgeries, schools, especially primary schools, children's centres et cetera.

Professor Hunter: I would agree with Bob but go further. I would say adequate resourcing. The family justice system is on its knees, so it needs resourcing for the courts, for Cafcass, for legal aid, for support services for separating families, counselling for adults and children, and domestic abuse perpetrator programmes. All that would hugely relieve the pressures on the system and on the people in the system, and enable it to operate more effectively in the interests of children and families.

The Chair: Thank you to both of you. It has been a really important and very helpful session. We thank you both for your

contributions. Professor Hunter, could I ask you one thing? There was something you touched on at the beginning, when we were talking about the adversarial system. You talked about something called an investigative system, which was different to an inquisitorial system. We have not really got time to go into it now. Would it be possible to drop us a note, explaining what an investigative approach is and the difference between that and an inquisitorial approach? I personally do not understand the difference and I would find it very helpful if you possibly had time to do that.

Professor Hunter: Yes, no problems. Just email and remind me.

The Chair: Of course; we will be in touch with you. Thank you both very much indeed.