

Preface

The Research Task

Between 1997 and 1999 the provision of information under Part II of the Family Law Act 1996 was piloted in eleven geographical areas in England and Wales. I was appointed to lead a multidisciplinary research team to evaluate those pilots and our final evaluation report was published by the Lord Chancellor's Department in January 2001. At the same time, the former Lord Chancellor announced that the Government had decided, for a variety of reasons, not to implement Part II and that he would be asking Parliament at an appropriate time in the future to repeal that part of the Family Law Act 1996. The evaluation of information provision and a new meeting with a marriage counsellor had produced a wealth of data about the various circumstances of those seeking information and counselling support and the different paths taken subsequently, although most people were still working through the transitions associated with the breakdown of marital relationships when we completed our evaluation. In order to examine the lives of those seeking information in more depth over a longer period of time, I was commissioned by the Lord Chancellor's Department to direct a follow-up study. This report presents the findings from that study.

We followed up as many people as possible, focusing our attention specifically on how they had used the information provided, and what decisions and actions they had taken since and with what outcomes. We were able to tailor our interviews to extend our knowledge about those matters which are of specific importance to policymakers and practitioners: supporting marriage and couple relationships, promoting a conciliatory approach to the resolution of matrimonial issues, and encouraging ongoing relationships between parents whose marriages have broken down and their children.

This has not been a study about information meetings. They will not be a mandatory prerequisite for anyone wishing to seek a divorce. However, the Government has expressed its commitment to supporting couples and families in appropriate ways within the existing divorce legislation and legal procedures. There is considerable agreement among policymakers and practitioners that more could and should be done to help those who face the irretrievable breakdown of their marital relationship deal with the impacts and consequences of their actions and to protect the best interests of children.

We believe that the findings of this follow-up study cast a good deal of light on the way in which people live their lives after they recognise that their marital relationship is facing severe difficulty and suggest ways in which people might be helped to cope with the transitions they experience.

The Research Team

Three members of the team in the Newcastle Centre for Family Studies which led the evaluation of information meetings have taken responsibility for the follow-up study. The research has employed quantitative and qualitative methodologies. Peter McCarthy, Principal Research Associate, was responsible for the initial follow-up survey and the analysis of quantitative data. He has been assisted throughout by Karen Laing, Junior Research Associate. Dr Cathy Stark, Senior Research Associate, developed the qualitative in-depth interviews with subsets of people who received information during the pilots and

conducted most of the interviews. I assisted in the thematic analysis of many hours of taped interviews and the interpretation of qualitative data, and took overall managerial responsibility for the follow-up study and for drawing the results together in this report.

We take a team approach to all research within NCFS, and during the course of the study other members of the team have contributed to data collection and analysis. We would like to express our special thanks to John Kain, Junior Research Associate, who assisted in the handling of the survey data, Sherrill Hayes, one of our Ph.D. students, who brought his knowledge of mediation practice to bear on the issues emerging from our findings in relation to divorce process and the use of specialist services, and Natalia Hanley, an undergraduate research student from the University of Northumbria on placement at NCFS, who contributed to the work on the role of solicitors.

Since we completed the follow-up study, John Kain has left NCFS to pursue a new career, Sherrill Hayes has completed his Ph.D. and returned to the United States, Natalia Hanley has completed her undergraduate degree and is pursuing a Ph.D. at Manchester University, and Cathy Stark has taken up a new research post elsewhere in the University.

Acknowledgements

In order to conduct a follow-up study of this kind, researchers need the co-operation of many people. In the early stages of developing the follow-up study, the former Lord Chancellor's Advisory Board on Family Law was supportive of our proposals and recognised the importance of obtaining a longer-term view of divorce process and outcomes. We are grateful to Sir Thomas Boyd-Carpenter and all the Board members for their interest, which has continued beyond the dissolution of the Advisory Board.

Officials in the Family Policy Division of the former Lord Chancellor's Department have supported our work and allowed us to conduct this study without interference and with no fixed policy agenda beyond the extension of knowledge which can guide decision-making in the future. There have been many departmental changes over the two years of the follow-up research, including recent fundamental shifts in the Department's responsibilities now it has become the new Department for Constitutional Affairs (DCA). We are grateful to all the officials who have been involved with and shown an interest in our work. We hope that our findings will be of particular relevance to those in the DCA responsible for divorce law and family mediation, and to the Ministers and officials within the Department for Education and Skills who have taken over responsibility for family law and family policy including marriage support services and for promoting contact between parents and children. Rosie Winterton MP, the former Parliamentary Under-Secretary of State at the Lord Chancellor's Department, was always keen to know about the follow-up study and to understand what levels of support could be offered to parents and children, and we would like to thank her for following our work as it progressed.

I would like to record my personal thanks to all my colleagues in NCFS who have contributed to this study, including my secretary Ruth Moody who has typed successive drafts of the report and Michael Ayton, our copy editor, who has sought to ensure that the report is accessible to a wide variety of audiences. Special thanks go to Emeritus Professor Noel Timms who has provided wise advice at various stages in the research process, listened to some of the taped interviews, offered theoretical insights which underpin data analysis, and contributed his thoughts to the interpretation of data and the

presentation of findings. He has experienced his own intense loss and enforced transitions during the study, following the death of his wife, but his commitment to the research has never wavered.

Above all, I would like to thank all the members of the public who took part in the information meeting pilots and consented to us contacting them again some two years later to ask questions about very personal and private aspects of their relationships. Those who provided data for the follow-up study have been prepared to share a great deal of detail about their lives and about the situations which have influenced the decisions they have taken. For many of them, the stories they have had to tell have been characterised by sadness and regret and we know that talking about painful, emotional experiences and events is not always easy. We offer all of them our heartfelt thanks.

We assured all the people we contacted that we would respect their confidentiality. We have made every possible effort to ensure that no one is personally identifiable, although we appreciate that people may well recognise what they themselves have told us. Because this study has involved in-depth interviews, we have presented many personal accounts throughout the report. We have changed everyone's name and have endeavoured to achieve a balanced presentation at all times, allowing the research participants to speak for themselves wherever appropriate. It is our fervent belief that policymakers and practitioners can learn most about the kinds of processes and services which are helpful from those who have experienced the potential or actual breakdown of a marital relationship at first hand. Our conclusions reflect our common understandings of the issues and dilemmas facing everyone who seeks to improve the family justice system, and our own deliberations, following a programme of research which began in 1997, about the remedies and reforms which might be considered.

Professor Janet Walker
Research Director
September 2003

Weeping at night and smiling by day,
Longing to hold you but walking away –
How can lovers become ‘estranged’?
Legal proceedings – neatly arranged,
Keeping the children, telling them lies
Watching the tears that cloud their eyes;
Meeting you sometimes, with a new friend,
Nodding politely, shaking her hand,
Wondering whether you ever will
Forget the past or remember still.
Changing the district, looking cool,
Children ask questions, home from school.
Relations call, commiserating,
And men attempt a furtive dating.
Feeling abandoned yet acting strong,
Searching and probing – was I wrong?
People assuring that ‘time will heal’,
Knowing, they say, just how I feel.
Similar problems – so it seems:
Broken marriage – and buried dreams.

Lily Goddard
from *Twilight*
(Spellmount, 1990)