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I'll (not) see you in court: family dispute resolution in North Wales

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Abstract

This paper draws on a qualitative evaluation of the CAFCASS Cymru's Family Dispute Resolution Pilot Programme (FDRP) in North Wales. The FDRP was developed as a child centred intervention aimed at resolving disputes involving children, without recourse to the courts. The evaluation comprised postal questionnaires for parents and qualitative interviews with a sample of parents, children and professionals engaging with the programme. Overall, both professionals and families were very positive about the programme. However, while valuing the FDRP child centred imperative, some parents found it (a) difficult to relinquish their attachment to personal grievances with the other parent and (b) less empowering. Also, while the programme was founded on the principle of agreement, for many of the interviewees issues of enforcement were also important. That is, some professionals argued that an element of compulsion was needed for parents to engage in the FDRP process and comply with agreed outcomes. Likewise, some parents said they wanted continued CAFCASS Cymru input to ensure that the agreed arrangements were observed. In conclusion, while both professionals and parents were highly supportive of the programme, they highlighted issues which have resource implications for an already resource heavy service.

Keywords: Children, family, dispute, resolution

Introduction

Divorce and/or separation mean both psychological and practical adjustment for parents, especially where children are involved (Hetherington, 2003; Kelly & Emery, 2003). Moreover, in approximately 10% of cases, separated parents require court assistance when making arrangements for child contact (Blackwell & Dawe, 2003). However, the role of the courts in resolving family disputes has been widely debated. First, research suggests that resolution through the courts involves too many assumptions; for example an assumption that all children benefit from contact or enforced contact with non-resident parents (Fortin *et al.*, 2006). Second, and related to this, the voice of the child within this process is rarely audible. Third, the litigation process is criticised because it enhances conflict by "formalizing a contest between the disputants" (McWhinney, 1988, p.33).

It has been argued that children do not want their estranged parents to engage in conflict (Warshak & Santrock, 1983; McIntosh, 2003) and that ongoing conflict between separated parents impacts negatively upon the children (Cummings & Davies, 1994; Stevenson & Black, 1995; Rodgers & Pryor, 1998). While several factors increase the likelihood of psychological risk to children - including: the manner and cause of parental separation; parental adjustment; and the financial and emotional resources available (Kelly & Emery, 2003) - it is involvement in, or exposure to, conflict between parents that arguably causes the children most harm (Davies & Cummings, 1994; Hetherington, 1999). Moreover, levels of distress experienced by separating parents may result in their inability to provide the

necessary support and reassurance to their children (Rodgers & Pryor, 1998). While children whose parents divorce without conflict are less likely to be affected by the separation (Hetherington, 1999; Hetherington & Stanley-Hagan, 1999), even highly resilient children report feelings of significant and enduring 'pain' due to their parents divorce (Laumann-Billings & Emery, 2000; Richards & Stark, 2000; Emery, 2004). Despite this, few children receive formal support during this difficult period, and those most in need of support appear to be the least likely to access assistance (Highet & Jamieson, 2007). Growing concern about the detrimental effect of parental conflict upon children has led to increased interest in alternative methods of dispute resolution that are less adversarial.

Mediation constitutes an 'alternative dispute resolution' (ADR) to adjudication, which is inherently different from negotiation and arbitration (Mantle & Critchley, 2004; Mantle *et al.*, 2006). 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 involves assisting parties to determine a settlement which is neither inflexible nor beyond negotiation (Mantle *et al.*, 2006). Mediation is recommended for the resolution of family disputes because of several perceived advantages (Committee of Ministers to Member States on Family Mediation, 1998; Department for Constitutional Affairs *et al.*, 2004; Department for Constitutional Affairs *et al.*, 2005). These include pre-court settlements, reduced costs, increased speed, better compliance, party satisfaction and improved relationships between non-residential parents and children, as well as between divorced parents (Emery *et al.* 2005). It has been argued, however, that mediation may undermine the essential roles of the judicial route (Mantle *et al.*, 2006), agreements may not be achieved or upheld over time (Mantle, 2001a), and problems may be associated with the practice of seeking help from unfamiliar people and face-to-face meetings with ex-partners (Parkinson, 1997). Moreover, mediation systems are found 'wanting' because professionals still tend to ascertain children's wishes and feelings via their parents, and the views of children which deviate from the expected norm (by not wishing to maintain contact with both parents, for example) may be ignored (O'Quigley, 2000). One of the most difficult aspects for children undergoing parental divorce or separation is a lack of control over their lives. As Smart (2002, p.308) points out, although keeping 'children in the dark' regarding a divorce or separation may be undertaken for the best of motives by parents, it is unlikely to be a sensible option if children's wishes are to be heard and incorporated within the decision-making processes.

The United Nations Convention on the Rights of the Child (1989) recognises children's capability to form their own views, and their rights to express these in all matters affecting them (Mantle *et al.*, 2006, p.501). Moreover, children themselves may wish to be more involved in those decisions that are central to their lives (Buchanan *et al.*, 2002). Despite this, and the emphasis in the Children Act 1989 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). Following divorce or separation, most parents decide their own arrangements in respect of who the child will reside with, contact, and other relevant issues (Department for Constitutional Affairs *et al.*, 2004). This is problematic because it is arguable that during the early stages of separation, parents' ability to communicate and make sensible objective decisions and arrangements may be impaired (Cockett & Tripp, 1994; Lord

Chancellor's Department, 1995; Mantle 2001b).

While, in dispute resolution, the voice of the child via a third party is advocated, this aspect of practice is not well developed (Warshak, 2003). Assumptions are often made regarding the child's ability based on chronological age (Mantle *et al.*, 2006). Moreover, in order to contribute to decisions in a meaningful way, children may require information, support and encouragement to be their own advocate or have appropriate representation (Bradshaw *et al.*, 2005). Additional concerns arise because obtaining the wishes and views of children can become tokenistic rather than creating an open and genuine exchange of information, confusing what children actually say with what is in their best interests (Warshak, 2003). Hence, children may not be allowed to think, express themselves or change their minds (Smart, 2002).

In 2001, mediation services previously provided by the Probation Service (via Family Court Welfare) were continued under the auspices of the Children and Family Court Advisory and Support Service (CAFCASS). Although this continuity was encouraging for advocates of mediation, it was acknowledged that there would always be cases of family dispute where the process of pre-court mediation was not feasible (Parkinson, 1997). Nevertheless, the government's aim was to give more encouragement to parties to avoid court-imposed decisions and to engage in mediation, but without mediation becoming a compulsory process (Department for Constitutional Affairs *et al*., 2004).

While there is little research in out-of-court dispute resolution programmes, a recent study suggested that parents in a low judicial control (CAFCASS Cymru FDRP) area reported the highest levels of agreement compared to those in a high judicial control area (Trinder *et al.*, 2006a). Trinder's evaluation of a Family Resolutions pilot scheme in England, while reporting low uptake and a high dropout rate, indicated that parents who completed the scheme were more likely to report improved parental relationships than (a) those who did not complete and (b) those attending in-court conciliation only (Trinder *et al.*, 2006b).

This paper draws upon the qualitative data from an independent evaluation of a CAFCASS Cymru Family Dispute Resolution pilot programme (FDRP) carried out by the Social Inclusion Research Unit, Wrexham (Buchanan *et al.*, 2007) to explore the FDRP process and the perceptions of professionals, parents and children involved in the scheme.

The CAFCASS Cymru FDRP

The CAFCASS Cymru Family Dispute Resolution pilot programme (FDRP) was implemented in January 2006 in North Wales (Llanelli and Caernarfon Courts). It was developed as a child centred intervention aimed at resolving disputes involving children, without recourse to the courts, and was initiated prior to the Directions Hearing appointment following an application to court. The FDRP was available for a wide range of disputes in respect of children, including contact, residence, holiday arrangements and change of name. The programme involved an initial risk assessment, and cases where domestic violence or substance abuse were known to be present were deemed unsuitable for inclusion. Where cases were deemed suitable, information about the programme was sent to parents and a first meeting arranged. Parents attended four sessions in total. The first of these provided information regarding the impact of separation on children and focused on improving parents' listening and communication skills. The second session encouraged parents to explore problem-solving strategies in relation to disputes concerning their

child/children. In the third session, the Family Court advisor met separately with the children to ascertain their views and feelings, and the final session involved working with the parents to formulate an agreement which incorporated the child/children's wishes. Where agreement between the parents was reached, a short report was presented to the court and appropriate orders made at the directions hearing. Where no agreement was reached, the report defined outstanding issues and made recommendations to the court.

Methods

The evaluation of the FDRP, on which this paper draws, focused upon the levels and patterns of programme progress towards identified goals and, in particular, how the programme was perceived by those involved as service providers and service users.

CAFCASS Cymru data were collected on all referrals to the programme for the 17 month period following implementation. Following this, a short bilingual (English/Welsh) postal questionnaire was sent, by CAFCASS Cymru staff on behalf of the research team, to all parents participating in the pilot programme (n=87). This questionnaire aimed to assess initial perceived levels of satisfaction with the scheme (through both closed and open-ended questions) and to recruit parents and children (aged between 7 and 14 years) for follow up, in-depth, semi-structured interviews. A bilingual interviewer, suitably qualified and experienced in engaging with children, carried out the interviews with children. Qualitative interviews were also held with a range of individuals from the full range of organisations involved in setting up, delivering and referring to the programme. Where respondents were unable (because of inconvenience) to participate in the face-to-face interview, they were offered interviews by telephone or e-mail questionnaire. In addition, all solicitors associated with the FDRP were sent letters inviting them to a focus group or alternatively invited to complete a short online questionnaire by following a web link.

Of the 87 parents participating in the pilot, 46 (22 males and 24 females) returned the completed questionnaires. Of 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 parents who responded, 8 participants completed the questionnaire in Welsh.

In the returned questionnaire, 25 parents indicated a willingness to be interviewed. A total of 14 parents (7 women and 7 men) were interviewed (12 face-to-face, 1 e-mail, 1 telephone), of whom 8 were applicants and 6 respondents. Of the 11 other parents who responded, some were excluded if both parties had sought interviews (to avoid potential conflict), others were unavailable for various reasons or declined interview at a later date. Three of the 14 interviews were conducted in Welsh. Seven out of the 46 parents who completed the questionnaire agreed for their children to be interviewed. Children were not interviewed where the only parent consenting to their participation in the study did not have custody. As a result, 4 informal semi-structured interviews were conducted with children aged between 8 and 12 years who themselves had also consented to take part. The 4 children comprised 3 boys and 1 girl, and all were interviewed in English.

All professionals who were invited (by letter/e-mail) to take part in the study agreed to participate and were interviewed. This included: 1 Circuit Judge; 1 District Judge;

2 Court Managers; 1 CAFCASS Cymru Project Manager; 3 CAFCASS Cymru Managers; 2 CAFCASS Cymru FDRP Practitioners; and 2 CAFCASS Cymru Administrators. A total of 8 solicitors took part in the study (7 were involved in the focus group while 1 solicitor used the web link to complete the online questionnaire). In total, 20 professionals participated in the research.

All interviews were digitally recorded and transcribed verbatim. Transcripts were read and reread by the research team (authors). Analysis was informed by grounded theory, a constant comparative approach, whereby emergent themes were tested against the data set and refined accordingly. Coding reliability was achieved through independent examination of the data by members of the research team.

The study was approved by the Glyndŵr University Research Ethics Committee and all requirements of professional ethical practice (BSA and BPS) were observed. All research protocols (information sheets, letters and research tools) were available in Welsh and English and interviews were conducted in English or Welsh depending upon interviewee preference. All interviewees were allocated an identifier, the first letter of which represents the participant group: P (professional), PQ (parent questionnaire), U (parent user), and C (child), each followed by a digit (1-50) representing the individual identifier.

Findings

At the time of the evaluation, 53 families had completed the FDR programme, involving a total of 73 children. Of these families, 34 had successfully reached an agreement or resolution. Overall, the FDR programme was perceived positively by both professionals involved with the scheme and users of it. This notwithstanding, the thematic analysis identified two areas of tension apparent in the programme discussed below under the headings of 'empowerment versus enforcement' and 'child centred versus parent centred'. While these themes overlap, they are presented separately below for purposes of clarity.

Empowerment versus enforcement

All professionals we talked to described how the FDRP empowered parents "to manage their lives and their children's lives" (P11), and enabled them to make informed choices about "the way they wanted to go" (P3). The programme was perceived by professionals as empowering in that it facilitated resolution by the parties involved, rather than carrying out assessment and imposing a resolution upon them. In the words of one interviewee:

> *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)

Parents said that the programme enabled them to talk to ex-partners: that it "gave us both the chance to air our opinions" (PQ26) and suggested "alternative ideas about communication between myself and ex" (PQ40). One claimed the FDRP also made it possible to "discuss things with my ex without the arguing and point scoring" (PQ6) and another felt it would make it easier to "talk to one another again in the future" (U12). This came as a surprise to some parents who initially "didn't think it would [work], because whenever I spoke to her, her responses were categorically 'no'" (U2).

Not all parents, however, felt equally empowered by the programme. The extent to which parents' perceived the programme to be empowering depended in part upon their role as either applicant or respondent in the dispute resolution process. Applicants generally described the process as more empowering than respondents, because it was they who had initiated the process and

often stood to gain most from it. Hence, in praising the programme, PQ24 said "I got my daughter back", and applicant PQ22, described how:

> *starting the programme made the [other parent] start allowing me to see the children again after four months of unexplained stopping of contact*.

Some respondents felt that, because they had not instigated the process, they were powerless in a process which was described as "forced on us" (PQ45). Others, described CAFCASS Cymru workers as biased in favour of the applicant, giving the voice of the 'other' more weight: "I felt that one member of staff had taken sides before the discussion began" (PQ29), and "they went through what [the other parent] wanted, and it was as if I didn't matter" (U9). Indeed this perception of powerlessness was most apparent where respondents felt obliged to acquiesce to the others' wishes:

> *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*. (PQ19)

At the extreme, some respondents felt manipulated by the other, who "told lies" and made them feel "threatened", "worried and frightened" (U12), and one said, "I felt that my ex was again controlling me [and] enjoying the fact" (U11).

Notwithstanding respondent concerns, generally it was acknowledged by most parents that the CAFCASS workers played an important role in providing an "independent and impartial voice" (PQ34) which served to temper or dampen the high emotions of programme participants. Parents reported on the tempering affect of an 'other's' presence:

> *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)

Professionals also argued that the CAFCASS workers had "the training, they have the skill" (P18) to support and guide so that "parents themselves can come up with a solution" (P11).

While empowerment was perceived as central to the FDRP, enforcement was raised as an issue by both professionals and users, particularly in respect of two programme stages. The first stage was the point of participation. Hence, professionals talked about the need for "a little bit more compulsion on parents" (P16) and described their reliance on "getting people to attend appointments" (P11). Some interviewees, like P2, suggested that an appointment with the Court at the outset might serve to improve compliance because:

> *the Judge could say "we support your involvement with CAFCASS but you need to co-operate with them" [or] "if you don't do this, then that could happen"*.

However, for some professionals this 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 the scheme more 'clout' in the 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)

The second issue associated with enforcement, raised by programme users, was in relation to adherence to the agreement. Applicant U4, who claimed that his/her partner had not honoured the agreement reached, said "I think the

enforcement part could have been a bit stronger". Similarly U5, said:

> *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 [s/he] didn't turn up at the leisure centre, as [s/he] was supposed to, to drop the kids*. (U5)

These concerns informed a preference expressed by many parents for continued CAFCASS Cymru involvement, post programme, in order to "follow it up and enforce it a bit more" (U5). The professionals we talked to, while aware of parent preferences for a series of post-agreement meetings, were clear that this would defeat the object of the programme which was to pass control and responsibility back to the parents:

> *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)

Child centred versus parent centred

The professionals we talked to emphasised the importance of empowering children who, it was argued, "have a view about what is happening in their lives" (P12) and the right to "get their voices heard". Professionals also talked about the detrimental effect which acrimonious disputes have upon those involved, highlighting how "animosity that is often felt between ex-partners ... impacts on their children" (P4). Professionals clearly felt that children's experiences of parental separation were improved when arrangements for children were agreed "not in the usual adversarial way" (P9), and that the negative effects of separation could be lessened when cases were "resolved quickly and by agreement" (P18). Hence, to reiterate, professionals strongly supported the imperative of "prevent[ing] parents going through the court system" (P10):

> *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)

> *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 co-operate in order to resolve the problems*. (P2)

Apart from instances where it was deemed inappropriate (for example, in the case of very young children) professionals were highly positive about children's involvement in the dispute resolution process. They felt that most children were "acutely aware of what's going on between parents" (P9), and should be involved in the process rather than 'protected' or excluded from it. The majority of parents, whose children had been involved, appeared happy that the FDRP had "taken into consideration" (PQ25) children's "wishes" and "views" (PQ16). Parents claimed that it brought the "most important person into the agreement" (U2), and helped them see things "from the child's point of view" (U7). Notwithstanding parents' general approval for children to be involved, most like U11 were very protective, "I think it's probably instinctive with any parent, not wanting to put a child through a process like this". However, it was the opinion of the professionals generally that children were "not as frail and emotional as we think" (P1) and that "CAFCASS are experienced enough to interview the children" (P18).

While parents claimed to have initial anxiety surrounding children's involvement, in retrospect they acknowledged "it was good for [him/her] to be able to talk to someone else he needed to get things off [his/her] chest" (U6). Parents described the CAFCASS Cymru meeting places as child-friendly contexts, having, "a relaxing atmosphere [with] toys to play with" (U5) and providing "a safe environment in which to contribute" (P11). They also described the FDRP process as flexible regarding appointments and venues, making it "easier for the children to attend" (P3). Their concern was also alleviated upon recognising the expertise of the CAFCASS Cymru practitioners:

> *[s/he] 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)

All 4 children interviewed appeared happy to have been involved in the process. Two said that, while they were initially "a bit nervous" about participating, they had wanted to take part and had "felt ok" (C3) about the experience once they were there. All 4 said that the FDRP had been explained clearly to them by both their parents and the CAFCASS Cymru workers whom they described as "friendly and nice" (C3) and "I felt comfortable talking to her" (C1). All 4 children appeared 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)

Children described the meeting as fun "because we did drawing and games whilst we talked" (C2) and as "a nice place to go" (C4). While one child said that initially s/he had been "worried about what mum and dad might say and it might upset someone", the CAFCASS Cymru worker had been reassuring, and in the eventuality "it was ok" (C3). The children also said that they appreciated the opportunity "to talk to someone outside the family" (C2), and be part of the decision-making process, "[I] decided to do that … [I was] able to say what [I] wanted" (C4). The few children we spoke to appeared pleased with the outcome, describing it as "ok and things are ok now" (C4), and "so far everything is going ok" (C2).

One concern expressed by a minority of parents was the opportunity to abuse the system by using children to promote an adult's desired outcome. P9, for example, suggested that a parent might be tempted to "use the child … especially, for example if the parent had run off with someone else". Parents unwilling to let their children participate expressed concern that children might feel pressurised to say what they felt one or other parent wanted them to say. For example, they might 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)

Discussion

It is acknowledged that the research on which this paper draws comprised a small scale qualitative study focusing upon a single intervention. Notwithstanding this, the in-depth nature of the inquiry did afford valuable insights into key issues as perceived by programme stakeholders.

In this study, it has not been possible to explore why some parents did not respond to the questionnaires. That said, we feel the evaluation does not merely reflect the perceptions of those parents with wholly positive experiences of the programme, in that variation in parent responses to the programme was evident. We also acknowledge that the views of children are

under-represented in the evaluation and note that, in this matter, we were wholly reliant upon parental consent. Unfortunately, we cannot know whether the children who were not interviewed as part of the evaluation had the same positive experiences of the programme as those that were.

Parents as well as professionals were overwhelmingly positive about the child centred aims and ethos of the FDR programme. This response was maintained even where parents appeared less satisfied personally with the way the programme was delivered and/or its outcomes. For the most part, parents most positive about the programme process and outcomes were applicants, while those most critical were respondents. This is perhaps understandable given that it is the applicant, as the parent who initiates the programme, who in raising an issue which they have been unable to resolve has most to gain from the process. In contrast, the responding parent, who may be resisting the wishes of the other, may perceive themselves as having the most to 'lose' from the process. This finding supports the findings of Trinder *et al.* (2006a) who noted that satisfaction with the arrangements differed between resident and non-resident parents.

Likewise, in this evaluation, responding parents were more likely to claim that the process (and in some instances the CAFCASS workers) was biased by either 'siding with' the applicant and/or by not acknowledging aspects of the previous relationship between the participants. Some parents found the expectation to 'step aside' from painful and sometimes unfair experiences with their ex-partner very difficult and were frustrated by insufficient time given in the FDRP to ascertaining longstanding relationship problems. In this respect, responding parents highlighted aspects of the other's past 'reprehensible' attitudes/behaviours and/or longstanding relationship power imbalances which operated in the other's favour.

Reticence among some parents to relinquish their understanding of the dispute as a contest in which one parent's gain constituted the other's loss lies at the heart of the FDR challenge. Moreover, it informs the reason why professionals involved in the programme do not engage with participants' past rivalries and disputes. Indeed, were this not so, the imperative of encouraging parents to work together to protect the rights and needs of their children would be forfeited in favour of a process which assisted parents' fight for individual rights. While the position of professionals in this respect is understandable, it has been argued that successful intervention often relies upon optimising the balance of interests between parties, and dealing with their anxieties (Parkinson, 1997; Walker *et al.*, 2004).

Despite outcome related concerns expressed by some (usually responding) parents, most parents credited the FDRP with facilitating improved communication with ex-partners. This they attributed to the child centred focus of the scheme which, in promoting the needs and rights of the children, helped to shift their priorities away from settling (often) longstanding scores with the other parent. In order to achieve this shift, the programme allowed parents to resolve arrangements in a constructive manner, in which communication and compromise were recognised as the way forward. The education of parents in matters of dispute resolution may not only help to resolve issues currently in dispute but also equip parents better to resolve future disagreements about the children.

Despite general agreement that the FDRP was underpinned by the concept of empowerment, for many of the interviewees issues of enforcement were also important. That is, while professionals clearly perceived agreement between parents as preferable to a court ruling, some felt that an element of compulsion was needed for parents to engage in the FDRP process and

comply with agreed outcomes. Likewise, upon reaching an agreement which they found satisfactory, parents said they wanted continued CAFCASS Cymru input to ensure that the agreed arrangements were observed. Because enforcement does not sit comfortably with the concept of empowerment, which underpins the programme, this issue is one of continuing dispute and discussion among those delivering the programme.

That parents were positive about the FDRP and (some) wanted increased/longer term input from CAFCASS Cymru is testament to their support for the programme and its objectives. Equally, enthusiasm from professionals and, ironically, in some cases, their preference for greater enforcement powers indicates they are also 'signed up' to this dispute resolution approach.

Overall, the findings support those of previous studies which highlight advantages of dispute resolution which is reached outside of court (Trinder *et al.*, 2006a). However, professionals in our study reinforced the point made by Mantle *et al*. (2006) that, the importance of mediation notwithstanding, it is crucial that the role of the judicial route as a means of conflict resolution in some cases is not undermined. It is also noted that some parents found the process challenging, particularly because it involved face-to-face liaison with an ex-partner (see Parkinson, 1997). It is important, therefore, that the process is clearly explained to parents and their anxieties allayed as much as possible before the process commences. However, what particularly distinguishes this model of dispute resolution from others is the centrality (and involvement) of the child. Our findings suggest that it is this aspect of the service which assists parents in putting aside partnership grievances in order to reach a workable solution.

On a practical level, rolling out the programme will have considerable resource implications. The FDRP is resource heavy in terms of the administrative processes (for example the filtering out of inappropriate cases) and the level of input required from trained and experienced workers. Moreover, if the service was to provide continued input with parents after the resolution outcome, this would add to the financial burden. In addition, while recognising the necessity of providing a bilingual service which enables participants to engage with the programme in their first language, this put considerable pressure on the programme which was unable, due to resources, to meet every demand for the service in Welsh. If the language facility is offered to different black and minority ethnic groups, this will put further strain upon existing resources.

Finally, while the evaluation on which this paper draws is able to identify short term benefits of the programme, longitudinal evaluation is required to capture longer term and unanticipated outcomes which emerge at a later date. Such further study might usefully incorporate quantitative appraisal of programme outputs.

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