

SUMMARY OF THE NORFOLK EXTENDED DISPUTE RESOLUTION PROGRAMME

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The Principles

The primary principles of the Extended Dispute Resolution Programme (EDR) are to ensure that children are heard by those who are to make decisions on their lives. In the majority of cases that come before the Courts in Private Law matters it is the parents who should be the decision makers. However, the Court process imposes a timetable on parents that can polarise them even further and the children remain at the centre of their parents' conflict.

What is EDR?

EDR is an additional service, which extends the current in-court dispute resolution scheme where parents are seen by a Family Court Advisor (FCA) from CAFCASS to explore the issues and to assess whether it is possible to reach an agreement regarding the arrangements for their children. The CAFCASS practitioner involved in the in-court dispute resolution is responsible for selecting appropriate families, according to agreed criteria, for referral to the scheme. It involves the application being adjourned for a period of six weeks. The first appointment for EDR is made with the parents on the day of the directions hearing.

EDR provides the opportunity for the parents to meet with two FCAs at the CAFCASS office for four two hourly sessions. Because the FCAs co-work with a gender balance, parents have the opportunity to improve communication concerning their children and to reach agreement about issues in dispute. Through this process parents can be persuaded that they hold the key to successful child-based resolutions and that they are best placed to make such decisions. The sessions include discussions about children's needs and the effects that continuing conflict between parents can have on their emotional development.

The Process

The process requires not only the active participation of the parents but also the involvement of the children in at least one session. Participation by the children allows their views to be heard, making due allowance for their age and level of understanding. The children also have the opportunity of meeting with both their parents, which is often something they may not have experienced since their parents separated.

At the completion of the process, if an agreement is reached, the details are communicated to the Court in the form of a short report. If no agreement is reached, a short report is prepared which identifies the outstanding issues and the ways that these issues can be addressed. Parents and children were invited to complete an evaluation form sent with the final report for the Court.

The Evaluation

The EDR was initially set up as a pilot scheme to run between June 2005 and April 2006. The pilot had to be a voluntary scheme as it was not possible within existing law for courts to make compulsory referrals to the EDR. It has to be acknowledged there would have been an element of pressure felt by the parents given the environment in which they were being asked to make a decision.

To evaluate the EDR, data was collected about case numbers and determinant factors. An evaluation form was sent to all parents and children who participated in the process. The judiciary and solicitors were sent questionnaires about their experiences of the EDR. Six months after the completion of the EDR a follow up questionnaire was sent to the parents.

During the eleven months that the EDR has been in operation there have been 37 referrals by the two Courts involved in the programme. Of the 37 cases, 29 reached full agreement by the end of the process. Two cases went for hearing on the issue of residence, one father withdrew at the commencement of the process and one father withdrew at the end of the process having spent time talking to his teenage children in our presence. One case was referred to the Family Support Unit for further counselling for the family and one case has been suspended because of the mother's pregnancy. Two cases were referred for psychological/psychiatric input. 56 children were involved in the process.

Referrals to the pilot were 36% of the total reports ordered from the two Courts involved. All the families referred faced practical and emotional challenges that created difficulties in their communication and consequently made agreement problematic. The nature of their separation and the emotional legacy influenced their negotiations over their children as well as parenting styles and standards.

Feedback

At the completion of the process 76% of the parents who responded identified parts of the process they thought helpful.

"The discussions about my feelings for my wife and how that affects the children."

"All the sessions were helpful. We needed this to improve communication between us."

"I found it all helpful particularly when the children were involved."

87% identified that they were satisfied with the overall service.

"We will now hopefully have regular, structured contact with no trouble or abuse."

"The whole process was extremely helpful and gave me the opportunity to say things that were left unsaid. FCAs easy to talk to. Although a daunting prospect opening up to people you don't know, they helped to make sense of what the problems are and ways to work through them."

Of the children who completed the evaluation forms over 90% felt it was a good idea to be involved in the meetings. 85% felt that they had said what they wanted to say. 71% thought that the sessions had been helpful. 52.4% indicated that they were happy with what was decided. Comments included:

"happy because it is fair,"

"I am very happy because I can see both my Dads and not worry that Mummy isn't running away ever."

Outcomes

The Extended Dispute Resolution pilot in Norfolk has shown that the principle outcomes were:

Empowerment of parents to find their own solutions.

Involvement of children resulting in child centred agreements.

A process which has lower direct costs for CAFCASS.

A procedure which has led to high levels of positive outcome and a consequent reduction in further court appearances.

Co-Working was found to be an essential part of the process.