

Paul Wheelhouse MSP  
Minister for Community Safety & Legal Affairs  
St. Andrew's House  
Regent Road  
Edinburgh EH1 3DG

18 February 2016

Dear Minister

**Petition PE01589:**  
**Independent review of child contact and financial provision post-separation**

I write in response to the above petition. Relationships Scotland warmly welcomes the fact that a debate on these matters is underway and we appreciate the recognition our work has received within the correspondence from the petitioner, The Scottish Government and Families Need Fathers Scotland.

We support the desire for cases only to proceed to court if necessary and are keen to contribute to discussions around what further steps can be taken to encourage cases to be settled out of court. The recent guidance from the Scottish Legal Aid Board that applications for contact orders need to address whether mediation has been considered or attempted is a positive move in this direction. Family mediation has been an option in Scotland for over 30 years and further action is needed if we are to see the step change increase that the Scottish Government wishes in the number of appropriate cases that consider alternatives to the court process.

We share many of the concerns raised within the petition, in particular:

- The unhelpful length of time many family cases take to go through the court system, which often has a detrimental effect on children's well-being.
- The restricted specialisation within the judiciary and the inconsistency in how family cases are dealt with and the decisions that are made.
- Enforcement of contact orders and the limited remedies that Sheriffs currently have if a parent fails to comply. It is a difficult argument to make that it is in the child's best interests to fine a parent, impose a custodial sentence or change primary residence.
- The Child Maintenance Service and the anomaly that it is reserved to the UK Government while other family law matters are specific to Scotland.

We welcome the Scottish Government's response to the petitioner dated 14th January and in particular the point which highlights possible remedies for the enforcement of contact orders. The Scottish Government has noted that other jurisdictions in the EU use alternative approaches such as 'requiring parties to attend parenting programmes'. Relationships

Scotland has been offering such parenting programmes very successfully over the past year, thanks to funding from the Scottish Government. There is currently no legal requirement for parents to attend these sessions however we are pleased to report that 99% of those who attended would recommend these programmes to others.

A recent analysis of the outcomes from our Parenting Apart project shows that 36% of parents are less likely to seek a court order after attending the session. In a follow up review 3 months after the session 81% of parents felt they were better able to make arrangements for their children. We believe these sessions are an effective intervention to encourage parents to put their children at the centre of their decision making and to agree workable contact arrangements, minimising the need to go to court or have court orders enforced. They are also an effective entry route to find out about mediation and other options for dispute resolution.

We welcome the Scottish Government's intent to look at issues in the round and the decision to prepare a Family Justice Modernisation Strategy. Our Family Mediation, Parenting Apart and Child Contact Centre services have a key role to play in helping achieve the aim of improving procedures in relation to family cases involving children, to ensure they work efficiently and effectively, and to ensure the voice of the child is heard in such cases. 71% of referrals to our Child Contact Centres and 34% of referrals to Family Mediation come directly from Scottish Courts or solicitors.

We are pleased to have been invited to the Scottish Government consultation event 'How can family cases best serve our children?' on 17<sup>th</sup> March and we look forward to contributing to the discussions.

Please contact me if you would like any additional information at this stage.

Yours sincerely

Stuart Valentine  
Chief Executive

C.c. Aileen Campbell MSP, Minister for Children and Young People  
Michael McMahon MSP, Convenor Public Petitions Committee  
Ms Sigrid Robinson, Assistant Clerk, Public Petitions Clerks.  
Sarah Harvie-Clarke, Senior Researcher (Civil Law)  
Simon Stockwell, Justice  
Stuart Robb, Early Years  
Erica Clarkson, Early Years  
Craig Morris, Early Years