

Chapter 33

Reflections on Mandatory Meetings

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Such meetings are a radical departure in family law and must be treated carefully ... Couples will often be required to attend information meetings when they are in difficult situations, so they may find that experience traumatic.¹

The Family Law Act makes provision for at least one information meeting per marriage, thereby indicating that the information would be delivered to one or both parties attending singly, or both parties attending together. Only the party wishing to make a statement of marital breakdown is mandated to attend at least three months before the statement can be made. For the other party attendance is optional, unless he or she wishes to contest or make an application (in respect of children, for example). As we have seen, during the pilots the vast majority of attendees went to an information meeting alone. Just six per cent of applicants who turned up for a meeting (N = 7,436) were accompanied by their spouse.

Throughout our evaluation of the pilots we have drawn attention to the disadvantages of providing information to one party only when many of the options being described require the willing participation of both parties. This raises the questions of whether both parties should be mandated to attend (although not necessarily together), and of what efforts should be made to ensure that, at the very least, information is provided routinely to the other party (the party not wishing to make a statement of marital breakdown) via written material, video or CD-ROM.

As we have seen in the previous chapter, the professionals who attended consultation briefings during the pilots were divided in their views about whether information meetings should be mandatory for everyone, mandatory only for parents, or not mandatory at all. Lawyers, in particular, tend to think that meetings should not be mandatory for everyone. Just 25 per cent of lawyers were in favour of a mandatory meeting. The others argued that people who resent attending will gain little benefit. Other divorce-associated professionals were more supportive of mandatory provision: 48 per cent were in favour of mandatory meetings for all those intending to divorce, and 30 per cent were in favour of mandatory meetings for parents with dependent children. There was more support generally for the suggestion that mandatory meetings should be restricted to parents with dependent children (which would exclude 40% of divorce cases from the requirement for one or both parties to attend a meeting). Other commentators have also been sceptical of the mandatory nature of information provision via a meeting. Davis, for example, has described it as 'a none too subtle attempt at indoctrination'.²

In the pilots, attendance at information meetings was, of necessity, voluntary. We believe that it might be helpful to reflect on the question of mandatory provision. In this chapter, we consider the views of information meeting attendees in respect of this issue, and look

¹ Mrs Barbara Roche MP (Hornsey and Wood Green), Official Report (H.C.), 17 June 1996 at col. 624.

² Davis, G., 'Researching publicly funded mediation', in The Rt Hon. Lord Justice Thorpe and E. Clarke, *No Fault or Flaw: The Future of the Family Law Act 1996* (2000), p. 44.

particularly at the experiences of those attendees who went to an information meeting with their spouse.

Attendees' Views about Mandatory Meetings

The pilot information meetings have been appreciated by most of those who have volunteered to access them, but not all users support the suggestion that attendance should be compulsory. While 42 per cent of the 686 attendees who responded to our time-slice survey felt that information meetings should be compulsory for all who apply for divorce, 12 per cent felt they should be compulsory only for people with children and 46 per cent said they should not be compulsory at all. Since these respondents were people who had actually attended a meeting voluntarily, the indications are that compulsory meetings would not be welcomed by most of those who intend to divorce. It should not be assumed that people who chose not to go during the pilots would be opposed to the meeting being compulsory, however, especially since it would not be compulsory for both parties. We received follow-up questionnaires from 91 people who had declined an invitation sent by the divorce court to attend an information meeting, and 37 per cent of them indicated that they would be in favour of compulsory meetings. Thirty per cent of those who were in favour, however, suggested that such a meeting would have been of no use to them.

Those information meeting attendees who were in favour of compulsion tended to recognise that people might resent having to go, but felt that making the meeting mandatory was nevertheless worthwhile in order to ensure that all those who might benefit would attend:

Although it came too late for me, I feel that information meetings are a very important step. Making them a requirement would be the only way to ensure that *all* those thinking of divorce would attend. (M)

People resent many things in this society, like paying road tax or obeying speed limits, but once certain rules are incorporated in our daily legal and social infrastructure, people just have to accept and obey the rules. Thus with divorce. It is a public as well as a private matter, with repercussions well beyond the couple, so if meetings are compulsory divorcing couples will just have to attend. (F)

Some respondents felt that a compulsory meeting might be appropriate in some circumstances. One, for instance, saw the meeting as something that the 'guilty party' should have to attend, a suggestion that seems inappropriate to a system of no-fault divorce:

I did not want a divorce – I never did – but my husband's adultery makes it impossible for me to remain married. Perhaps the offending party should attend the meetings, not the innocent. By the time divorce is the only option, meetings are totally irrelevant; of no use at all. (F)

Some of those who were opposed to compulsory meetings objected to the state being involved in matters that they regarded as private, and there was a feeling that requiring everyone to attend might be a waste of resources:

When a couple decide to divorce, the procedure should be simple, quick and with as little 'interference' from the state as possible. (F)

I feel that the system of compulsory meetings etc. would be a waste of time and resources in many cases. It would I am sure add to the taxpayer's burden, as so many divorces are paid for by the state. (F)

If the government goes ahead with these divorce changes, it is wrong. We live in a democratic society, supposedly, so people should not be forced into going to these meetings. (M)

There were those who felt compulsory attendance could make matters worse for some individuals and couples:

Compelling people to do something is, I feel, potentially inflammatory. It is just not what you need. (F)

Making information meetings compulsory would increase the risk of somebody remaining in an abusive, or adulterous, relationship, as there are enough hurdles to overcome regarding finances, housing, benefits etc. (F)

I did not want to end the relationship, but she did. Forcing people to attend a meeting just makes a very painful situation worse. (M)

As Table 33.1 shows, men tended to be more likely than women to be in favour of compulsory meetings, a finding which leads us to wonder for whom men think attendance should be compulsory. During the pilots, men were significantly less likely than women to attend an information meeting voluntarily, and since women are most likely to initiate divorce proceedings, we assume that more women than men would attend a compulsory meeting. It may be, therefore, that there is an additional tendency among men to feel that wives should have to attend a meeting before they can divorce, rather than that they should themselves have to attend. Survey respondents may have interpreted our question about compulsory meetings in different ways. We asked 'Do you think that everyone should have to go to an information meeting before they can divorce?', a question which may leave the issue of who attends ambiguous. Responses to this question ought not to be regarded as an opinion poll about compulsory meetings, but these responses, together with comments made by respondents, suggest that views as to whether information meetings ought to be compulsory are mixed, even among those who attended an information meeting voluntarily.

Table 33.1 Should information meetings be compulsory for all who intend to divorce?

	Men %	Women %
Yes, everyone should have to go	48.1	39.8
Yes, but only people with children should have to go	15.7	10.0
No, meetings should not be compulsory	36.1	50.2
Total (100%)	216	470

Chi-squared = 12.99; p = .002.

Not surprisingly, views on whether attendance should be compulsory were influenced by people's feelings about divorce at the time they attended the information meeting. As Table 33.2 shows, those who wanted a divorce were less likely to support compulsory attendance than those who did not want a divorce and those who were uncertain about

their marriage. More than half of those who did not want a divorce were in favour of compulsory information meetings, as against one third of those who wanted a divorce. This finding supports our view that people who are not sure whether the marriage is over or do not want to end the marriage may well not know where to turn for help, and the information meeting is thus a welcome opportunity to explore the options.

Table 33.2 Should information meetings be compulsory by feelings about divorce

	Feelings about divorce		
	<i>it was what I wanted</i>	<i>it was not what I wanted</i>	<i>I was uncertain</i>
	%	%	%
Yes, everyone should have to go	33.7	52.8	44.1
Yes, but only people with children should have to go	13.4	10.8	10.6
No, meetings should not be compulsory	52.9	36.4	45.4
Total (100%)	261	195	227

Chi-squared =17.40; p = .002.

People who did not want a divorce were also prone to feel that those who divorce should have to attend a compulsory meeting with a marriage counsellor. Almost three-quarters of them took the same view, as against a third of those who wanted a divorce and 53 per cent of those who were uncertain about their marriage. As Table 33.3 shows, a quarter of those who were not in favour of compulsory information meetings were in favour of compulsory counselling, indicating that they agreed with some form of compulsory meeting, but not necessarily an information meeting. Twenty-six per cent of attendees were opposed to both compulsory counselling and compulsory information meetings, while 33 per cent were in favour of both. This may suggest that when people indicate support for a compulsory meeting, provision of information may not be their foremost concern. Support for a mandatory meeting may arise from a feeling that divorce ought to be more difficult rather than that provision of information is important *per se*.

Table 33.3 Respondents' views concerning whether an information meeting and counselling should be compulsory for people intending to divorce

Counselling should be compulsory	Should information meeting be compulsory?			<i>All respondents</i>
	<i>yes, for all divorcing couples</i>	<i>yes, but only for couples with children</i>	<i>no, meetings should not be compulsory</i>	
Strongly agree	37.2	13.6	3.8	19.1
Agree	39.9	38.3	22.8	31.9
Neutral	11.1	17.3	16.0	14.1
Disagree	10.1	21.0	38.8	24.5
Strongly disagree	1.7	9.9	18.6	10.4
Total (100%)	288	81	312	681

We have no way of knowing what motivates attendees to support compulsory meetings. We did, however, ask the 91 respondents who declined the offer of an information meeting some questions about the divorce process. We found that 61 per cent of those in favour of compulsory information meetings suggested that divorce is 'too easy', while only 10 per cent of those who were opposed to compulsory meetings agreed. This may suggest that some people support the introduction of compulsory meetings since they perceive this to be a way of making divorce more difficult. For them, it may be the hurdle that is important rather than the provision of information itself.

Reluctant Attendees

Despite many respondents having reservations about compulsory meetings, and despite the fact that 52 per cent felt that most people would resent having to attend, there was overwhelming support for the continuation of meetings at which attendance would be voluntary. Almost all attendees (94%) felt that if mandatory meetings were not introduced information meetings should be available for those who wanted to attend. Those who were opposed to mandatory meetings tended to be in favour of continued provision of information meetings, but felt that attendance should be optional:

I feel these information meetings should remain optional, and not be made compulsory. I also feel that the information packs provided at the meeting were very informative and beneficial, but that they should be available without having to attend the meeting. (F)

The information meeting was very useful, but I feel very strongly that it should not be made compulsory. Too much the 'big brother' approach. Sending packs to people and then inviting them to a meeting is a better approach. (F)

The above comments illustrate that the information pack was appreciated, but the indications are that most attendees do not think the packs could take the place of a meeting. Although 28 per cent of attendees suggested it would be better to provide the packs than to expect people to attend a meeting, 50 per cent disagreed with that suggestion, while 22 per cent were undecided.

Clearly, whether or not meetings should be compulsory is an important political issue. The indications are that, if they are not compulsory, few divorcing people would attend. The original intention behind the provision of information was to 'present a fair and unbiased view of the services available to couples and all of the options open to them',³ and this was the basis on which pilot information meetings were established. There is a suspicion, however, that the argument for everyone to attend stems from a belief that people who are made aware of the facts about separation and divorce will act in a 'responsible' manner, which means that they will either decide not to divorce or else will conduct their divorce in accordance with 'approved' guidelines. Seen from this point of view, the aim of providing information is to influence behaviour overtly. Eekelaar has described this as the 'politics of persuasion'.⁴

³ *Looking to the Future: Mediation and the Ground for Divorce: The Government's Proposals*, Cm 2799 (1995), para. 7.21.

⁴ Eekelaar, J., 'Family law: Keeping us "on message"', *Child and Family Law Quarterly*, vol. 11, no. 4 (1999), pp. 387-96.

In his evaluation of Section 29 of the FLA, Davis⁵ has found that people required to attend an intake mediation appointment were less inclined to engage with mediation than those who attended mediation voluntarily. They were also less interested in the process than were volunteers, and Davis suggests that 'mediation calls for positive engagement, not just compliance'. Could it be that the information meeting can only really help those who actively seek information? Or does information have equal value for those who do not actively seek it? Those attendees who made the following comments were not convinced that unwilling attendees would gain much from an information meeting:

I found the meeting very useful and informative and I would like everyone to benefit from them, but people forced to go may not necessarily get anything from them, as they may resist hearing anything useful. (F)

I am not sure that you could force people to attend information meetings, but even if you could, how do you make them listen, or act on any advice given? (M)

It may be sufficient, however, if some of those who reluctantly attend a meeting get something out of it. Attending an information meeting demands a good deal less of a spouse than attending mediation. Mediation requires interaction and negotiation between the spouses; attending an information meeting does not. It is also a much briefer, one-off intervention, whereas mediation usually spans several sessions. How people behave after an information meeting will depend largely on the nature and quality of the discourse between the spouses. Attendees' comments indicate the problems that are associated with trying to change the way in which a couple behaves by providing information to only one of the spouses, an issue to which we have referred many times:

My overall feeling is that despite all the information available, if the partner will not communicate or be willing to review the situation, there is little that can be done. (F)

I feel that the information meeting did not help my situation a lot, because only I attended and my husband did not. This is no reflection on the meeting, but shows that if only one partner tries to make the effort it is probably a lost cause anyway. (F)

Help and information meetings are a good idea, but if one partner thinks that he or she is all right and believes there is not a problem, or truly believes it is the other person's fault, then no amount of counselling or meetings will help. (F)

I, for one, would be very disappointed if it is made compulsory, especially in [the] light of the fact that my marriage breakdown was not my choice. There is no point in forcing couples to think again before divorcing, as most have likely thought long and hard before taking that step. For others they have no choice if their partner has found somebody else, and then it will only cause them more hurt having to attend. (F)

It struck me that information meetings would be suitable if both parties are willing to explore the options together. However, rationality by both parties at this time is unlikely. (M)

⁵ Davis, G., *Researching Publicly Funded Mediation*, Third Interim Report to the Legal Aid Board (1999).

Nevertheless, the following remark of one attendee represents an important point of view in respect of personal safety and domestic violence:

For those in that situation [facing a violent or abusive partner], making meetings compulsory for both parties would deter people ... , i.e. the abused partner, from attending ... From my own personal experience, it can take a long time for the abused partner to admit they are in an abusive relationship – especially where verbal and emotional abuse are present but full physical abuse is minimal – or being abused, and the decision to leave the relationship is delayed, partly due to fears that they – the abused – will not be believed, will be talked into giving the marriage another go, and be hounded by the partner. Compulsory attendance to information meetings by both partners would therefore not work. More importantly, compulsory meetings would stop abused partners from leaving an already dangerous and unhealthy relationship ... through feelings of shame, fears of reprisals by the abusive partner. (F)

Spouses Attending an Information Meeting Together

We note that those attendees who did not want a divorce, or were uncertain about the future, were more likely to support the notion of mandatory attendance at an information meeting. It is, perhaps, significant that it was precisely those attendees who were less far down the road to divorce who were more likely than those who attended alone to be accompanied by their spouse. Only 6 per cent of those who went with their spouse were involved in divorce proceedings at the time, as against 17 per cent of those who attended alone (Chi-squared = 32.96; $p < .001$). Moreover, only a third of those accompanied by their spouse were living apart, which is significantly less than the 57 per cent of those attending alone who were already separated (Chi-squared = 79.48; $p < .001$). On the other hand, those who were accompanied by their partner were significantly more likely than those who went alone to have attended marriage counselling within the previous year: 32 per cent as against 22 per cent (Chi-squared = 21.1; $p < .001$).

As Table 33.4 shows, people who went to the information meeting with their spouse continued to be more likely than those attending alone to be still living with their spouse when we conducted our follow-up interview 5–7 months after the information meeting.

Table 33.4 Comparison of couple attendees with individual attendees in respect of marital status

Marital status 5–7 months after meeting	Accompanied by spouse %	Attended alone %
Divorced	7.9	8.3
Separated	47.5	65.6
Still together	29.7	16.6
Reconciled	13.9	6.3
Unclear	1.0	3.2
Total (100%)	101	1,620

It should not be assumed, however, that this is the final position, since even at that point relationships were still in the process of changing. For instance, of the 30 people who were accompanied to the meeting by their spouse and indicated that they were ‘still together’, 13 indicated that they were planning to divorce, 8 that they intended to separate but not necessarily divorce, and 6 that they were uncertain about what they would do in the future.

People who went to the information meeting with their spouse were more likely than those who went alone to go on to counselling afterwards. Seventy-two of those accompanied by their spouse and 1,269 of those who went alone had not attended counselling in the year before the information meeting, but 28 per cent of the former, as against 11 per cent of the latter, went to counselling after the information meeting (Chi-squared = 18.45; $p < .001$). There was a similar pattern concerning mediation. Twelve per cent of those accompanied by their spouse and 6 per cent of those who went to the information meeting alone attended mediation afterwards (Chi-squared = 5.53; $p = .032$).

In the light of these differences, we have examined the data in respect of couple attendees in order to consider the perceived advantages and disadvantages of both parties attending the same information meeting.

Having a shared agenda

Our follow-up interviews included 78 with people who had attended an information meeting with their spouse, and both spouses had been interviewed as part of our evaluation. Thus we had both sides of the story from 39 couples. We employed the research material generated by these 39 couples to examine in depth the significance of spouses attending an information meeting together as a couple. Sixty-eight of those who went to the meeting with their spouse told us why they chose to attend the same information meeting (Table 33.5). When responses were investigated at the couple level, they showed that in three-quarters of the cases the spouses had gone to the information meeting with similar aims. The nature of this shared agenda varied, however. In some cases it was concerned with obtaining general information, while in others it was about obtaining more specific information – about reconciliation, separation or divorce, for example.

Table 33.5 Reasons couple attendees gave for attending the information meeting

Reasons for attending	Number of attendees
Wanted information in general	25
Wanted to separate or find out about separation	20
Wanted to divorce or find out about divorce	15
Wanted reconciliation or to find out about it	5
Wanted other specific information	3
Total	68

Ongoing dialogue

A shared agenda also suggests that for some of these couples, attending the information meeting might have been part of a broader, ongoing dialogue about the best way to proceed through marital difficulties. The follow-up interviews provided evidence that some couples were still operating as a unit and were still providing each other with mutual support, as the following remark illustrates:

We went together to get help. We have always been open. (M)

The fact that spouses were able to communicate may have meant that they were less dependent on others for support. There was evidence that in some cases it may have been the relative social isolation of a couple from other people, as much as the strength of the link between them, that encouraged them to attend the information meeting together:

My family are out of the country and I don't want to publicise the situation to friends. (M)

I don't want to burden the family and 'our' friends are really my wife's friends. (M)

GP and counsellors are more help than family and friends as I am not close to them. (F)

Maintaining a balanced position

Several attendees expressed views about maintaining a balanced position and not wanting to be seen to jeopardise a consensual process:

I was hoping we could go through the divorce on our own, and the information meeting was to bring my husband up to speed so he felt he had proper information as well. (wife who had already been to a solicitor)

I did not want to be the one accused of refusing mediation. (F)

[I wanted] to avoid any misrepresentation between us. (M)

Influencing partners

At least one spouse wanted to use the information meeting to open up a dialogue about the marital situation, in the expectation that the information meeting would influence the behaviour of the other spouse:

I felt my wife went together [with me] in an attempt to talk me back into the marriage. (M)

When booking an information meeting applicants could arrange for individual or joint meetings. We might have expected the wife referred to above to have preferred an individual meeting given the reference to domestic violence, but, of course, many people in abusive relationships want to be able to stop the violence and save the relationship. We know from telephone interviews that some couples arranged separate meetings, since they were unable to find a mutually acceptable appointment time. There was not, however, a

standard procedure for offering separate appointments to all couple attendees, and we believe that some couples may have been unaware that they could have attended separately, particularly as some have since commented that a separate meeting would have been preferable.

Reviewing outcomes for couples

Two of the underlying principles of the FLA 1996 are that attendees are to be encouraged to save a marriage where possible, or to be helped to end it with minimum distress. It was therefore important to try to judge whether spouses' attending together as a couple had had any impact on the number of marriages saved and on the ways in which the divorce process had been managed consensually. In order to understand whether those couples who had divorced had managed the process in a conciliatory way we looked for evidence of ongoing dialogue and decision-making between the parties. Thirty of the 39 couples we studied in depth appear to have been managing their affairs in a conciliatory manner. A conciliatory approach seems more likely to develop when spouses have a shared agenda at the time of the information meeting. Almost all the couples who attended the information meeting with a shared agenda (N = 25) seemed to behave in a conciliatory way afterwards, although 18 of them were engaged in a process of separation and/or divorce. It seems that couples who share the same agenda at the information meeting are able to go on either to reconcile or to separate in a conciliatory fashion. The couples who went to the information meeting with different agendas appeared unlikely to reconcile or to separate in a conciliatory way. Spouses' attending the information meeting together as a couple, however, does not necessarily mean their overcoming pre-existing disagreements, and some spouses who had had differing agendas at the information meeting felt that their attending together had not been beneficial.

As is clear from the above, spouses who attend an information meeting together are more likely to attend mediation afterwards than those who go to the information meeting alone. It may be that mediation is more likely to appeal to spouses who attend together, share a common agenda and receive the same information. Certainly, one couple who went on to use mediation with apparent success had attended the information meeting with the common aim of an amicable divorce:

We did appear to be likely candidates [for mediation]. [The mediator] has taken us through what we should do ourselves. It's the only thing that's moved us forward. (wife)

We went together to get help. We have always been open. Encourage people to go [to mediation]. It's fantastic, even when you can't talk to a partner. (husband)

We have already noted that people who go to the information meeting with their spouse are significantly more likely to have attempted marriage counselling previously, and also to have attempted counselling afterwards. Not all those who went to the information meeting with their spouse attended counselling with their spouse, however.

Attending the information meeting together means that both partners have access to the same information at the same time, and therefore they may find it easier to take steps which require joint participation such as mediation or marriage counselling. This supposition was supported by some of the comments recorded during telephone interviews. Those who attended alone and felt unable to persuade their partners to

participate in mediation or counselling often felt that their partners might have taken part had they too attended an information meeting. Of course, couple attendance, where both partners attend the same information meeting, is only one type of joint attendance. It is not possible to know if the same outcomes would have been achieved if each spouse had attended a separate meeting.

Perceived benefits of attending as a couple

Asked about the overall impact of the information meeting, 73 per cent of the 78 people who formed our in-depth sample said they had found it helpful, 18 per cent were neutral, and 9 per cent found it of limited or no help. This response pattern is similar to that for the individual attendees. In the case of 27 of the 39 couples, both partners had found the meeting helpful, and only in the case of 2 couples had neither partner found the meeting a great help. Those who were positive made comments such as the following:

I think it has been a good base. We both have the same information which we can trust and reference together rather than doing things and getting information separately – which may lead to misunderstanding and distrust of reliability of information. (F)

Together is better than going singly, so that everything is out in the open. (F)

It was helpful as it prevented us getting the wrong end of the stick or different interpretations. (M)

Yes, it was the best way. I wouldn't have liked to go on my own. (M)

I was able to open up a dialogue with my husband during the meeting and had this continued we might have worked things out. (F)

It got us to talk a bit and I realised how she felt, and that it had gone too far. That helped make my mind up and come to terms with it. (M)

The thing I liked best was sitting in a room with my wife, not arguing, as we hadn't been talking for a while. (M)

After the information meeting my husband knew as much as I did. There is more fairness in the relationship. (F)

I was happy to go with my husband, but I realise others may not be. But I think it is important that both partners attend. (F)

Those few who were not positive about joint attendance made comments such as the following:

Individual meetings would be a help. I would have preferred an individual meeting. (F)

This latter woman identified the information meeting as a crossroads in her life, where she had had to decide whether to stay in a relationship in which there had been unspecified difficulties. Her husband was fourteen years older than her, and she needed more specific information about pensions as well as about emotional guidance. The couple were living together at the time of the information meeting, but since then the

husband has had a heart attack and other health problems and at the time of the follow-up interview was convalescing in a hospital in a different town. Others told us:

Because we went together it meant we couldn't talk about our situation very easily, so the presenter wasn't able to get a clear idea of our situation. (M)

I disliked being in a room with him, but I felt I couldn't refuse. I don't trust him. (F)

I would have liked the opportunity to speak to someone one-to-one with my specific queries in a more appropriate and informal setting. (F)

It seems that attendees who were glad they had attended the information meeting with their spouse tended to be behaving in a conciliatory manner already. Conversely, couples in which the partners would have preferred to go as individuals were in situations which were less conciliatory. These partners' attending together as a couple had not helped them to diminish the distress of their situation. Their personal situations were such that they could not express their individual concerns at a joint meeting. We have noted that this could be a particular problem for couples attending a Model C meeting, where information is targeted according to the attendee's account of their situation. The partners may not necessarily have reached the same point in the process and may not feel able to discuss their own agenda freely in front of each other. We were aware also that some presenters provided a single information pack for the couple. Some couples explained the problems this caused them even when they were doing things together quite amicably:

We could have done with one [pack] each as we are now separated. (F)

I want my husband to read the pack, but I need it myself and don't feel able to let it out of the house. (F)

It seems also that the information on domestic violence was not always included in the pack given to a couple. One husband told us that he felt the information on domestic violence should not have been left out of the shared pack, simply because of the statements that the couple gave at the information meeting. Even though domestic violence was not an issue in his situation, he felt that the policy of taking out information from the pack may have been implemented in such a way as to have denied important information to some people for whom domestic violence was relevant, though neither partner was prepared to admit this in the meeting. There were couples for whom domestic violence was an issue although they attended the information meeting together.

Implications for the future

One in ten of the 7,863 people who attended an information meeting were attending with their spouse. It seems there was a particularly high proportion of couples attending together in East Anglia, where Models A, B and D were provided. The East Anglia pilots processed 18 per cent of the attendees but 40 per cent of the couples. This may be because its publicity gave more emphasis to couples than that used in other pilots. The 39 couples in our small qualitative sample tended to regard joint attendance as beneficial. They were generally positive about their attendance, and most were glad they had gone. Three-quarters seemed to be working together in a conciliatory manner when we talked to them several months later and they were more likely than individual attendees to have made use of mediation services. The question remains as to whether their conciliatory manner

had been influenced by their joint attendance at the information meeting, or whether these were simply conciliatory people who would have resolved their situations in this way no matter how the information had been presented. Many of them had already worked through issues in marriage counselling. Joint attendance seems to have been particularly successful when couples shared the same agenda at the time of the information meeting, and in these circumstances it worked well. Couple attendance could be routinely offered as an option to individual attendance, but attendees should be treated as individuals rather than as a unit during booking procedures and the provision of the information pack. Information on domestic violence should not be removed from the individual packs given to couples at a joint meeting.

Making Information Available for Both Spouses

Concerns have been expressed during the pilots that in most cases information may be provided to only one spouse, and that the other spouse may be at a disadvantage. Moreover, the use of certain services – such as mediation – depends to a large extent on both parties understanding what is on offer. When someone attends an information meeting there will be no way of knowing whether they will go on to initiate divorce proceedings. In some cases, no application for divorce will ensue, while in others divorce proceedings will be initiated by a spouse who has also been to an information meeting.

It is clear that some people who do not intend to initiate divorce will attend an information meeting because their partner has made an application for divorce, or because they feel that their partner is considering making one. For instance, 349 of the information meeting attendees who responded to our time-slice survey indicated that they had become involved in divorce proceedings since having attended the meeting, but in a third of these cases the proceedings had been initiated by their spouse. Fifty-seven per cent of the 107 males who had become involved in proceedings and 21 per cent of the 242 females were not themselves the petitioner: further evidence that females are more likely than males to take the active role in ending a marriage and that the party who does not attend an information meeting will in most cases be the husband.

In some cases, of course, distinction between petitioners and respondents is not particularly meaningful. If both parties agree to divorce, they may have agreed on who will make the application or, under the FLA, the statement together. However, 41 per cent of the men, and 36 per cent of the women, who became respondents in divorce proceedings had indicated that they had not wanted a divorce when they had attended an information meeting. It seems, therefore, that the divorce proceedings were going ahead against their wishes. All the divorce respondents, however, were clearly aware of the possibility of their marriage ending, and some clearly attended an information meeting because they knew divorce proceedings were imminent. They were likely to express a sense of urgency about obtaining information, and one told us:

I thought your information packs were very well presented, but I needed them soon. I had already been separated for about six months.

We attempted to compare people who had petitioned for divorce after the information meeting with those who were divorce respondents. We were, however, unable to detect any differences regarding opinions about the information meeting and neither group appeared more likely to make use of mediation, counselling or a solicitor. This suggests that the information needs of petitioners and respondents are broadly similar. Analysis of comments made, however, suggests that respondents, especially men, seemed apt to

express feelings of bitterness and resentment that clearly need to be worked through if they are to continue to have a relationship with their spouse after divorce:

I am concerned regarding the ease with which one partner can apparently ‘opt out’ of a marriage. Although my wife cited ‘unreasonable behaviour’ as the reason for divorce, the majority of allegations were either exaggerated or untrue. (M)

Having been through a divorce which I did not want, and was not responsible for, I strongly feel that it should be less easy to get a divorce. (M)

My wife divorced me on the grounds of unreasonable behaviour. The grounds were punitive to say the least but I never had the finances or the enthusiasm to fight these accusations. (M)

My ex-husband was granted a divorce citing my unreasonable behaviour. This was totally untrue. I feel that such allegations should have to be proved. (F)

Why is the law sided with the female partner? Why can a woman get away with stealing child access so easily? (M)

Throughout all the legal process, I have found it very biased towards women, including social services who refuse to help because I am a man. Divorce is never easy but finding the system against you makes it worse. (M)

Female respondents were more likely than males to express feelings of lingering sadness over what they felt was ‘rejection’ or ‘failure’:

[Divorce] is the worst thing that can happen to you, especially to be rejected in love. Worse than death, as every time you see your ex-partner all kinds of feelings are brought to the surface. (F)

I was surprised to find out how quickly it was over and wish I had more time to come to terms with things ... I am not sure I will ever get over it. (F)

Such comments lend support to plans to move towards a no-fault divorce system, and suggest that divorce respondents, in particular, require information that will assist them in coping with their anger and/or sense of rejection. Nevertheless, the following comment testifies to the importance of information to people whose spouse takes the initiative in divorce proceedings:

The meetings are a good idea. The information I received in the pack helped me. Just knowing that my wife cannot walk all over me with her demands. I find it hard to believe that my unreasonable behaviour (I bought an expensive book and only worked part-time) could be considered as bad as adultery (which she has done). (M)

If Part II of the Act is implemented, there will be nothing to stop people whose spouse initiates divorce proceeding from attending an information meeting, and our findings suggest that some will indeed attend one. Others, however, will need to be encouraged, and we would suggest that they ought to be informed about their rights to attend a meeting and given guidance on other sources of information when they are informed by a divorce court that their spouse has begun divorce proceedings. Under the terms of the Act, they cannot be compelled to obtain information, but in our view they should be strongly advised of the importance of doing so, and advised as to how to go about it. In

order to facilitate them accessing information it would be advantageous for it to be available in a range of different media. It is clear from the parliamentary debates about information provision that most contributors to those debates anticipated that information would be provided to both parties so that ‘couples’ could reflect on whether their marriage was saveable and access support services if they wished. The assumption that information would be a joint venture was reinforced in the Home Secretary’s consultation document *Supporting Families*, which proposed ‘a new separate group presentation to give couples information about children, finance and property issues and to explain the helpfulness of mediation’, which would be offered at a later date, after ‘couples’ had attended an individual information meeting.⁶ Contrary to the assumptions being made here, the FLA does not require ‘couples’ to attend information meetings or to receive information. This is, perhaps, one of the most serious weaknesses in the Act as it emerged from Parliament.

During the pilots attendance at an information meeting was voluntary, and a relatively small proportion of people who were divorcing or contemplating divorce actually attended a meeting. Those who did tended to find the experience worthwhile, said the meeting was useful, and indicated that they would recommend attendance to others. Few, however, indicated that their attendance had helped them to save their marriage, and attendance did not lead to wide-scale use of mediation. Nevertheless, the indications are that attendance did, for many, lead to increased knowledge about marriage support, the issues connected with separation and divorce and the options available. At this level, provision of information meetings seems worthwhile. Although there remain doubts as to whether people who attend an information meeting reluctantly will reap the same benefits as those who choose to go, improving the aggregate level of knowledge of the divorcing population, and thereby increasing options and enabling divorcing people to establish greater control over the process, seems a worthy objective. It is not possible, however, to predict what people armed with extra knowledge will choose to do. Our research suggests that the link between knowing more about a service such as mediation and actually using it is a tenuous one.

If meetings are voluntary, it seems likely that most people who divorce will not attend one, yet there is not overwhelming support for mandatory meetings even among those who have attended an information meeting voluntarily and have indicated that for them the experience was worthwhile. There is, however, a resounding message that information meetings should continue to be available. It may be that if information meetings were more flexible in content, with a greater degree of personal tailoring to provide information considered to be relevant at the time of delivery, and if the content took account of the stage an attendee has reached in the process of marital breakdown, then even those who may be unwilling to attend would reap some benefit. If Part II were implemented, however, and the culture of and approach to divorce changed over time, people might be inclined to go to an information meeting much sooner, when marital problems are less acute.

⁶ *Supporting Families: A Consultation Document*, Home Office (1998).

