

# **Preface**

## **The Research Task**

The Family Law Act 1996 heralded a radically new approach to the legal dissolution of marriage. Recognising marriage as an important and long-established institution that provides a strong foundation for the rearing of children, the Act aims, as its overall objectives, to support marriage wherever possible, and to ensure that people considering divorce have full information about the enormity of the step they are taking and the options available to them. In the four years since the Family Law Act (FLA) received Royal Assent, Parts I, III and IV have been implemented. Part II, which would change the ground for divorce, has not. Part II lays down the reformed process of divorce. In most cases, a person wishing to divorce would need to attend an information meeting at least three months before making a statement of marital breakdown. Parliament decided that information should be delivered on an individual basis, and listed the range of information which must be presented. This includes the opportunity for parties to have a meeting with a marriage counsellor (MWMC), which would be free for those eligible for public funding through the Community Legal Service, (which has replaced the Legal Aid Board). It was agreed in Parliament that these elements should be tested prior to implementation of Part II. In the period between June 1997 and May 1999 six different models of information meeting were piloted and the MWMC was tested between June 1998 and July 1999. Fourteen pilots covered eleven geographical areas in England and Wales.

I was appointed to lead a research team to evaluate these pilots, and we began our work in March 1997. Our primary task was to examine the ‘who, what, where, when and how’ of information provision in order to advise on the best possible model for implementation. The research programme is best described as having been research in action. It has been applied, multi-method, and designed as a phased programme of work to inform policy through carefully constructed, flexible methodologies.

## **The Research Process**

Our evaluation has incorporated the study of eight main elements within a prospective framework. We systematically collected data on every person who contacted the pilots to book an information meeting. All those who attended an information meeting were asked to participate in the evaluation. We followed up as many people as possible who gave research consent, for some six to nine months after they had attended a meeting. Some people were tracked over a longer period. This methodology has given us rich insights into how people approach, experience and manage marriage breakdown and divorce. We have been able to provide research findings well beyond our original research brief.

As is appropriate in this kind of research, we revised the research questions in the light of emerging findings and evolving policy considerations. New elements, such as the provision of information meetings in prison, were added to the study as the pilots progressed. When the pilots began, implementation of Part II was scheduled for 1999. However, the piloting period was extended by the Lord Chancellor’s Department in order that new models could be tested, and this inevitably changed the research timetable. In addition, it became clear in June 1999 that the Government is concerned to know more about the impacts of information meetings, and our research brief was further expanded in

order to allow us to consider a range of policy options in respect of information provision in the light of the research findings as a whole. The Final Report submitted to the Lord Chancellor in August 2000 marks the culmination of the main evaluation, although we are continuing to track our research subjects until June 2001.

### **Interim Research Reports**

During the evaluation period we presented three substantive interim reports to the Lord Chancellor. Those reports all represent accounts of research in progress, and each report has extended and developed the discussion of our evaluation. None has been written as a stand-alone document. All three interim reports are available in the libraries of both Houses of Parliament and in the national libraries. In June 1999, the Lord Chancellor published a Summary of the first three interim reports and announced that he would not be making a final decision in respect of Part II until we had completed our evaluation and he had had time to consider the research findings as a whole. The research story, therefore, has been built up over the years, and the Final Report is the first to take a retrospective look across all the pilots since they finished their work.

We have been limited in the amount of data beyond the interim reports which could be put into the public domain during the life of the pilots. Over the last year the Lord Chancellor's Department has agreed, at the suggestion of the Research Advisory Group and the research team, that articles on the emerging results may be published. Accordingly, during recent months a series of articles have appeared in *Family Law*. Papers were also presented at the President's Conference on September 1999 and these have since been published.

### **Research Reporting**

Early in the life of the research an independent Research Advisory Group was appointed by the Lord Chancellor's Department to guide and monitor our work, and to advise on methodologies and outputs. The Research Advisory Group has been efficiently and effectively chaired by Sir Peter Barclay, who has done a splendid job of ensuring that advisory group meetings have been businesslike, supportive and constructive. During the course of the research, the group has met on nine occasions and members have considered all our reports prior to their submission to the Lord Chancellor.

As Research Director, I have been invited to attend all the meetings of the Lord Chancellor's Advisory Board on Family Law (ABFL), chaired by Sir Thomas Boyd-Carpenter, since its inception. All our reports to the Lord Chancellor have been considered in detail. Research reports have been presented to the National Interdisciplinary Forum (chaired by the Rt Hon. Lord Justice Matthew Thorpe), established to oversee the work of the pilots.

### **The Research Team**

The evaluation task has been complex and multi-faceted. In order to ensure that all the varying aspects of information provision could be investigated carefully we convened a highly experienced multi-disciplinary Research Programme Team which brought together academic experts from several disciplines and universities. Within Newcastle University,

senior members of the Centre for Urban and Regional Development Studies (Professor Mike Coombes and Dr Simon Raybould), Economics (Professor Peter Dolton) and Law (Professor Richard Collier) have taken responsibility for specific elements of the study. In addition, Mrs Caroline Bridge, Senior Lecturer in Law at Manchester University, led the work on domestic violence and ethnicity; Emeritus Professor Douglas Hooper provided expertise in the field of marital counselling; Professor Martin Richards guided the work in respect of information for parents and children; and Emeritus Professor Noel Timms has provided an overall perspective on the conceptual and theoretical thinking which has underpinned the evaluation process. Between us, we represent the fields of law, sociology, social policy, social studies, psychology, geography and economics.

The entire research programme has been co-ordinated and managed from the Newcastle Centre for Family Studies, with Mr Peter McCarthy (Principal Research Associate) and Dr Cathy Stark (Senior Research Associate) taking responsibility for managing two clusters of research staff. Inevitably, in a study spanning over three years, a number of research associates and interview staff have joined and left the team at different times. Over the course of the evaluation, a total of 20 research staff and 41 interview staff have been employed in the Newcastle Centre for Family Studies to work on this project. All of them have contributed substantially to the research programme (including conducting 2,900 hours of interviews) and many of them have contributed to interim reports and to the Final Report.

As independent academic researchers we have had no vested interest in the outcomes of the evaluation, and we have approached the study with open minds and without prejudice as to the decisions which might be taken in the future in respect of Part II of the FLA. We have endeavoured to report the findings openly and honestly at all times.

### **Acknowledgements**

In order to conduct a study of this kind, researchers need the co-operation of many people. Officials in the Family Policy Division have had to manage the tensions between political priorities and research protocols and this has been achieved in a way which has been supportive of the research endeavour. Without their commitment and support our task would have been impossible.

Members of ABFL and of our Research Advisory Group have shown interest, wisdom and insight throughout the study, challenging us about our findings and asking us to consider specific issues and questions in particular ways when it has been appropriate to do so. We are very grateful to all of them for their support and for regularly considering and approving the methodology and the approach we were taking.

The pilots were established precisely so that they could be evaluated. We would like to thank everyone, particularly pilot staff, presenters, facilitators and counsellors, who allowed us to enter the professional world of service delivery. The majority of the data obtained for the study have come from members of the public who have attended information meetings in the pilots and agreed to participate in our research. They have been prepared to share a great deal of detail about their lives and about the way in which a variety of interventions have influenced the decisions they have taken. Thousands of people have spoken to us and we offer them our heartfelt thanks. We will be continuing to talk to some of them well into the future.

We assured everyone that we would respect their confidentiality and we have made every possible effort to ensure that no one is personally identifiable, although we appreciate that people may well recognise what they themselves have told us. It is our belief that those who have experienced the pilots are best able to comment on them, and that policy decisions should reflect the informed views represented here.

No one could describe this research as easy or straightforward. It has created many challenges. The research is inevitably richer for the breadth and depth of experience that has been brought to bear on it, and working in such a dynamic multi-disciplinary team has been an exciting and rewarding experience. As the Research Director of a diverse project, I have had to rely on the integrity and wisdom of my colleagues on many occasions. I have been enormously fortunate to have had such a committed and steadfast team and I am truly grateful to all of them for their dedication and their support.

### **The Final Report**

The Final Report builds on the interim evaluation reports and we do not repeat the findings and discussions contained in them. It has been written, however, as a stand-alone document although cross-references to the interim reports are made where appropriate. It is a lengthy report (some 900 pages) but it addresses a number of substantive issues on which important policy decisions in family law, welfare provision and professional practice are likely to be made, and we make no apology for discussing them in such depth. The study has taken over three years to execute and has involved collecting data from over 10,000 people. The data are extensive and rich, and inevitably we have not been able to analyse all of them, nor include all the analyses in the report.

There are seven main sections to the Final Report, and 36 chapters in all. In this Summary we have endeavoured to reflect the key findings and point to their policy implications. Obviously it is impossible to do justice in a summary to the breadth of material presented in the full report, which we believe merits close scrutiny.

The report and this summary represent the views of the research team and do not necessarily reflect those of the Lord Chancellor's Department, ABFL or our own Research Advisory Group. As a team, however, we are agreed about the messages which should radiate from the study and our conclusions reflect common understandings of the issues and the remedies which might be applied to them.

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