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The Family Court Journal aims to provide a forum for sharing good practice and fostering debate about working with children and young people involved in family court proceedings and related matters. Submissions are welcome from anyone with an interest in the family justice system. The views expressed by contributing authors are not necessarily those of the Editor or the Editorial Board.

Notes for Contributors

Contributions will be reviewed in accordance with Editorial policy. Notes and guidance for contributors are available from the Editor.

We are looking for articles on research findings, analysis of policy or law, case

studies or reports of innovative practice. Letters and suggestions for book reviews and films, etc are also welcome.



The Trade Union and Professional Association for Family Court and Probation staff

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The events of 2026 have been a mix of celebration, acknowledgement, endurance, and remembrance. Along the way, milestones have been reached and records broken.

Cafcass has now been in existence for 25 years, inaugurated as a new service in April 2001. The journey has been quite a roadmap, with twists and turns, crossroads and junctions. At one stage, questions were asked at the highest level as to why the fledgling quango should even continue to exist. There have been tough years of change, transition and improvement, encouraging every level of the workforce to aspire to greater professional heights. Some fell by the wayside, a certain number sidestepped into allied agencies, a few persevered [under 30 across the workforce] and made it to the quarter century. The Cafcass that now exits 'on the other side' is an effective agency that primarily serves to safeguard children, endorsed by positive feedback following Ofsted inspections.

The summer weather in 2026 has been a blistering sequence of record-breaking heatwaves. This has prompted a mix of responses, as hot weather is not for everybody, but managing the heat can depend on location. It has opened up a discussion regarding infrastructure upgrades such as air-conditioning in offices to ensure reasonable working temperatures are not exceeded. With future predictions and weather patterns showing signs of more extreme conditions, forward planning is now imperative.

As one Prime Minister handed over to another in July 2026, the departing leader took a step that was long overdue. He formally apologised in Parliament on behalf of the British state, to the 250,000 young pregnant women who were forced to give up their babies between 1949 and

1976. The mother and baby homes are history now, but vigilance is necessary to ensure nothing remotely similar ever happens again.

The passing of twenty-five years also marks the anniversary of the horrific events that unfolded in New York on 9/11. Time stood still and the effects of the attack are still profoundly felt by so many individuals, children and families.

This edition of the Family Court Journal has a range of articles that will hopefully be of interest. The work of the children's charity Coram is extensive and fascinating, Whilst the subject of surrogacy is not a matter frequently encountered, it is becoming more commonplace as an option for childless couples and so greater awareness is timely. The article addressing narcissism and gaslighting might consolidate knowledge already known but provides a helpful reminder about the primary nuances that need to be identified and considered in all too many cases.

A short article reflects upon the importance of placed children maintaining contact with their birth families, and another piece briefly discusses the announcement of a directory for programmes that can offer alternative ways to resolve disputes. Some reflective statistics have been included because hindsight can sometimes help guide future decision-making.

The concluding pages of the Journal contain a round-up of professional notes, law and research, a couple of book reviews, and a long-awaited 'Letter to the Editor' which hopefully will encourage others to contribute to forthcoming editions. There is also a glimpse into a biking charity that many Cafcass colleagues support, and a cartoon depicting the burden of increasing amounts of 'form bashing' we all have to embrace. Now, just waiting for El Nino....

Coram- Creating Better Chances for Children:

UK's first children's charity:

Coram is the UK's first and longest serving children's charity. Established as the *Foundling Hospital* in 1739, today Coram is a group of charities and organisations supporting hundreds and thousands of children, young people, and families every year.

Coram delivers life-skills, reading and drama programmes in thousands of schools nationwide; upholds children and young people's rights and provides free legal advice for children and families who need it; offers support and resources to teachers, social workers, foster carers, childminders and other sector professionals; runs an Ofsted 'outstanding' adoption agency; and delivers adoption services on behalf of nine local authorities.

In 2025 /2026, Coram directly supported over 230,000 children and carers, and 1.8 million users accessed its digital services.

The charity uses its insight and experience to engage with all those in a position to make a difference - to help deliver better practice, systems and laws.

All of Coram's work delivers across seven key outcomes for children and young people: a fair chance; a loving home; a voice that's heard; a chance to shine; skills for the future; no matter where; and a society that cares. Three of these options are now going to be explored in more detail.

A loving home:

Coram adoption welcomes prospective adopters across Greater London and the surrounding areas, hosting the *Coram Ambitious for Adoption* regional adoption agency to deliver services on behalf of local authorities. Coram IAC [Intercountry Adoption Centre] is a voluntary adoption agency and in 2025 /2026, worked with 133 local authorities across the UK, placing 39 children – 26 intercountry, and 13 from the UK.

2026 marks 100 years since the Adoption Act 1926 which was landmark legislation passed in England and Wales, and Coram is marking the centenary with a programme of activities and sharing real-life stories of people whose lives have been touched by adoption over the decades.

At this time, with the number of children being adopted at an all-time low, and the number of available adoptive families decreasing, Coram is calling for greater support for adoptive parents to encourage more families to come forward. The charity is also calling for the reintroduction of the National Adoption Register for England as a proactive matching service, to give children awaiting adoption the best possible chance of finding a loving home.

A voice that's heard:

Coram's work to ensure that the voices, views and experiences of children and young people are heard in the decisions that matter, in their own lives, in policy and practice, supporting care-experienced children and young people directly, addressing

systemic issues of homelessness, disability, and school exclusion.

For over 50 years, Coram Voice has made sure the voices of children and young people in, and around the care system are at the heart of improving their own lives and the systems that support them. In 2025 / 2026, Coram Voice supported 9000 young people through its services, including 3500 supported through advocacy in local areas.

Coram's *Voices in Action* programme is led by young ambassadors with lived experiences of homelessness, school exclusion and adoption, enabling them to empower other young people to help them understand their rights and push for change in policy and practice.

No matter where:

Coram BAAF is the leading professional membership organisation for local authorities and agencies working across adoption, fostering and kinship care, providing professionals with the advice, training and development they need to provide high-quality children's services, no matter what they are.

Another organisation within the Coram group is Coram-i which also supports local authorities and agencies by providing expertise on children's social care and pioneering improvement work to deliver better outcomes for children. It runs a project with leading organisations including Microsoft, using data and innovation to respond to some of the biggest challenges facing children's social care today.

The future for children:

Children currently represent the smallest proportion of the population since records began and by the end of this decade, there will be fewer children than pensioners in the UK. They need to be heard and placed at the forefront of future social policy.

Over the years, Coram has evolved to ensure that it remains relevant and meets the needs of children and young people. In 2025, to achieve its mission of better chances for the next generation, Coram created an *Institute for Children*, the UK's only accredited independent research organisation dedicated to achieving a better future for children. Building on Coram's current work, alongside partners from the private, public and voluntary sector, the Coram Institute uses insight and innovation to meet the challenging needs of children and young people now and in the future.

Coram strives to build a society that cares for the next generation. CEO Dame Carol Homden says, *'Inspired by our founder Thomas Coram and the children who need us, and with the help of many generous trusts, companies and individuals who support us, we shall not rest until every child has the best possible chance in life'*.

For more information about Coram's work, please visit coram.org.uk.

Coram-i

Digital by Design, Human by Default: **How technology is shaping practice in children's services – and why it matters for family practice.**

As digital systems and AI become embedded in children's services, they are quietly reshaping how practitioners work, record and reason. Drawing on learning from across the sector, this article explores what happens when technology is not deliberately designed, and the implications for evidence, judgement, and children's experiences within family justice.

Why this conversation matters now:

Digital systems are now embedded across children's services. They shape how information is recorded, shared and interpreted, often in ways that are overlooked. As artificial intelligence becomes more accessible, interest in how technology might support practice is growing – but so too are questions about how it influences professional judgement, the way evidence is used, and in decision-making.

These questions are no longer theoretical. AI is already being used in many local authorities, sometimes informally and without clear guidance. While there is a high level of interest and excitement about what AI can do, there is also a lack of shared clarity about where to start and how to proceed safely. In that context, decisions about technology might risk becoming practice decisions by default.

Coram-i's convening work, including Collective Insights 2026, highlight a similar tension. There is curiosity and appetite, but also unease, uneven readiness, gaps in confidence, and concern that tools are entering practice faster than governance and ethical frameworks can keep pace.

This article is not intended to offer a roadmap for family justice. Instead, it reflects on what children's services have already learned – often through experience – about how technology shapes practice. Although the examples sit largely outside the courts, the implications for evidence, decision-making and professional judgement are directly relevant to Cafcass practitioners, lawyers and judges.

Digital by design but not digital by default:

Digital by design is often used interchangeably with *digital transformation*, but the distinction matters. Much of what has happened in children's services has not been designed in any deliberate sense. Systems have been added over time, introduced to resolve immediate problems, layered on top of existing processes, and gradually reshaped practice.

Across Coram-i's work, a consistent theme is that digital approaches often evolve through accumulation rather than intention. In complex, highly regulated systems, change tends to happen incrementally rather than through large-scale transformation. Tools intended to reduce workload or increase oversight begin to influence how work is prioritised, recorded and how it is interpreted in practice without

a clear link to improved outcomes for children.

This becomes more acute with AI. As Kevin Yong [AI & Tech Consultant /Managing Director, *Coram-i*] has argued, that the key barrier is not resistance but uncertainty: a lack of clarity about appropriate use and boundaries. In that vacuum, practitioners may experiment informally, creating risks around consistency, accountability, and data use.

Being *digital by design* therefore requires a pause. It means starting with purpose: what problems are we trying to resolve, what matters for the child, and what risks are being introduced? Without that clarity, technology starts to define the work, often with little connection to what improves outcomes for children.

When documenting becomes the work - learning from early years practice:

This dynamic is clearly illustrated in *Coram* Hemsall's work in early education.

As James Hemsall OBE [Managing Director, *Coram Hemsall*] reflects, digital recording systems introduced for efficiency and accountability can gradually reshape practice itself. Time that might otherwise be spent observing children, responding to their cues, and supporting learning through interaction, is displaced by the demands of documentation, image capture, and evidence production. What counts as 'good practice' can shift towards what is most easily recorded and away from what is most meaningful.

These changes are often subtle. They do not arise from poor intent; they follow the logic of the system. What can be captured and reviewed becomes what is valued. Over time, there is a risk that documentation will become a proxy for practice. For children, this shift may mean less direct attention, fewer opportunities to be observed in context, with more emphasis on *recording* their experiences rather than *understanding* them.

There are also practical implications. Hemsall highlights growing risks where digital systems enable images of children to be routinely captured, stored or shared within what should remain safe, relational spaces. These risks sit alongside a wider tension; while systems encourage comprehensive recording, inspectors increasingly expect practitioners to articulate purpose and understanding and not rely on extensive evidence banks.

It is important to recognise that digital systems, particularly AI-enabled ones, are never neutral. As Hemsall notes, they influence professional judgement, notions of proof, and the balance between reasoning and recorded artefact. Without careful design, they can narrow rather than strengthen practice.

What this teaches us about power, proof, and professional trust:

These experiences point to a broader shift in how evidence functions.

By storing and organising information, digital systems tend to prioritise some forms over others. Material that can be structured, captured, and retrieved

become more visible and often more influential. Over time, this can redefine what counts as good practice, placing weight on what is documented rather than understood. This has implications for how children's experiences are represented, particularly where aspects of their lives are less easily captured in formal systems.

In this environment, it becomes easier for performative evidence to take hold: work being produced to demonstrate compliance rather than to support thinking. Judgement is still exercised but increasingly shaped by what can be evidenced within the system.

For family justice, this is not unfamiliar. Assessments, reports and expert evidence already sit within strong expectations of accountability. Digital systems may intensify these pressures by shaping how information is presented and in turn, how it is interpreted.

This is where transparency becomes crucial. If systems are shaping how information is structured, summarised or filtered, that role needs to be visible. Practitioners must be able to understand how outputs have been generated, what may have been emphasised or omitted, and where judgement has been applied.

Without that visibility, authority can start to shift towards the system itself. We need to be cautious about placing trust in digital tools where their influence is not clearly understood. Ultimately, responsibility for any analysis or report remains with the practitioner. Even where digital tools contribute to the output, the human in the loop is

accountable for the conclusions that are drawn, including where those tools introduce or reinforce inaccuracies that may not be immediately visible.

Responsible use of AI starts with clear boundaries:

Artificial intelligence adds another layer by shaping not only what is recorded but how it is interpreted. Because responsibilities remain with the practitioner, any lack of transparency or understanding carries real consequence.

Kevin Yong's work emphasises that responsible use depends on clear boundaries. AI can support tasks – organising information, drafting text, identifying patterns but it cannot replace professional judgement.

For that to hold in practice, three conditions are particularly important: firstly, outputs must be transparent and interpretable. Practitioners need to understand what they are being presented with and treat it as one source of information among others, not as an authoritative conclusion.

Second, they must be open to challenge. Practitioners need enough visibility of how information has been generated to engage with it critically, particularly where that information informs decisions about a child's life and future outcomes.

Thirdly, accountability of how information must remain human. Where AI contributes to analysis, its role needs to be explicit so that responsibility is not obscured. Seen in this way, restraints help protect the conditions for careful, defensible decision-making.

Designing systems that protect children & practitioners:

Across these examples, a few practical principles start to emerge.

The first is *purpose before platform*. Systems should be introduced to meet clearly defined needs, not simply because they are available or promising.

The second is safeguarding by design. Decisions about what information is collected, how it is stored, and who can access it all affects where risks arise including risks to privacy, safeguarding and misuse of information. These are not technical details – they are central to children's safety.

The third is protecting professional judgement. Systems should support thinking, not constrain it. Structure can help but not at the expense of interpretation, professional uncertainty and the ability to question.

The fourth principle, often overlooked, is transparency – both in how systems are designed and how they are used. Practitioners need to understand not only how to use systems but how those systems shape the information they see. Without that, critical engagement becomes difficult and reliance can increase by default.

Underlying all of this is the importance of practitioner involvement. Where systems are introduced to practice rather than developed with it, misalignment is almost inevitable. Where practitioners are part of design and review, tensions are identified

earlier and systems are more likely to support practice rather than distort it.

This needs to extend beyond professionals. Children and families should also be involved in shaping digital approaches in ways that are meaningful and accessible for them. Coram's storytelling app, developed with care-experienced young people, supports children and young people to capture and share aspects of their lives, experiences and identity in ways that are accessible, creative and child-led. The app demonstrates how digital tools can help amplify children's voices and support continuity of personal narrative particularly for children in care whose histories are often fragmented across multiple systems and records. Importantly, it reflects an approach to innovation, grounded not simply in efficiency, but in participation, relationships, and lived experiences.

At present there is limited evidence about how the use of digital systems in practice is experienced by children and families or how it affects outcomes. As a result, system design is often informed more by organisational need than by lived experience. Unless these impacts are actively captured and understood, they remain largely invisible in decisions about design. Attending to this gap is an important part of ensuring that digital systems serve children rather than simply operating around them.

What family justice might want to avoid repeating:

The reflections drawn from children's services do not map neatly onto the family justice system and it is important to avoid over-extension. Different

statutory frameworks, professional roles, and decision-making processes create distinct contexts. Nonetheless, there are parallels in how digital systems, evidence requirements and judgement interact, and it is in these shared dynamics that the most relevant learning may sit.

Across children's services, one of the clearest risks has been gradual change: systems shaping expectations over time without those shifts being fully recognised. What begins as a support becomes a standard, what begins as optional becomes assumed.

For practitioners, this raises questions about how digital tools are influencing the production of assessments and reports. Where systems structure information, they may also shape the narrative – through emphasis, sequencing or format.

For the Courts, similar questions arise about how evidence is received. Digital formats can improve accessibility and consistency but may also give greater weight to certain types of information, particularly facts that are structured or easily summarised.

A number of questions follow –

- Where is technology shaping the form of evidence rather than simply supporting it.
- How visible is its role in generating or structuring information.
- What forms of knowledge are less easily captured, and how are they weighed.

- How confident are practitioners in questioning or departing from system-generated outputs.
- How are children's experiences being shaped by these systems and how is that understood.

These are not new questions, but digital systems make them more immediate. Experience elsewhere suggests that the effects are often cumulative, becoming visible only once practice has already shifted.

Conclusion: choosing deliberate design over drift:

Technology will continue to advance. The key question is how deliberately and how ethically it is shaped.

Across children's services, the most significant risks have not come from technology itself but from its gradual unexamined integration into practice. Over time, this can reshape priorities, evidence and decision-making in ways that are difficult to see.

For family justice, this points to the importance of attention and transparency: understanding how systems influence information, ensuring that their role is visible, and making sure there is still space for professional reasoning.

This calls for caution without being reluctant, and clarity without simplifying. Above all it requires a continuing focus on children's lived experiences as the measure against which any system should be judged. When these conditions are in place, technology can support better decisions and better outcomes for

children. Without them, it risks doing the opposite.

Services may be digital by design, but they must remain human by default.

Final note:

In the interest of transparency, it is important to share that AI was used by Coram in the development of this article. It supported the synthesis of information from different sources including blogs, thought pieces, and reports produced by Coram, helping to refine thinking and engage with the process of writing more critically.

Coram-i provides expertise and resources that help local authorities improve children's services and the outcomes they achieve with children. To find out more about the Storyteller App, and to read Coram-i's latest Collective Report showcasing collaborative solutions from across children's services, go to the Coram-i website.

Surrogacy – the need for reform:

Abigail Leigh, Barrister

Surrogacy is where a woman [the surrogate] bears a child for another. That child may or may not be genetically linked to the surrogate. She carries and gives birth to the child for another individual or couple [the intended parent/s] and at least one of them must be genetically related to the child.¹ The current law in the UK states it is the surrogate and potentially her partner if married or in a civil partnership [unless they do not consent], who is recognised as the legal parents.² Intended parents must apply to the Court for a Parental Responsibility Order after birth to become legal parents.³

Many academics and commentators have suggested the need for reform is long overdue as surrogacy laws are outdated,⁴ confused, incoherent and poorly adapted to the specific realities of surrogacy practice.⁵ The law is *failing to adequately protect the best interests of children and families*⁶ and does not reflect changes in social attitudes towards surrogacy.⁷

This is very concerning as the prevalence of surrogacy is increasing and in society it is accepted as a method of enabling childless couples to experience the joy and fulfilment of parenthood.⁸ A study found that at the age of 10 years there were no major psychological differences between children born via surrogacy and other types of assisted reproduction or even natural conception.⁹ Where surrogacy is a safe and viable option to reproduce, there

needs to be adequate protection for all parties.

The ethical arguments in favour of surrogacy emphasise that if it is voluntary, it is important that the law recognises that humans are autonomous individuals who should have free choice over their bodies.¹⁰ It can be argued that any concerns with surrogacy, specifically exploitation, can be dealt with sufficiently by safeguards built into the law.¹¹

In 2019, the Law Commission and the Scottish Law Commission published a joint consultation paper that considers the reform of the law of surrogacy in the UK.¹² In March 2023, the Law Commission and the Scottish Law Commission published *the full joint report* which is similar to the joint consultation paper.¹³ The papers do not examine whether surrogacy should be allowed as they take the starting point that surrogacy is recognised by the Department of Health & Social Care as an accepted way of building a family.¹⁴ Throughout both papers, there is a clear theme that the current laws need to be changed to reflect the current attitudes towards surrogacy.

Reform cannot come quickly enough but unfortunately, it seems to have been put on the back burner by the Government. In response to the Law Commission in April 2025, the Government stated that it is unable to prioritise surrogacy reform currently and so does not intend to take forward the recommendations at this time. The letter further explains that the Government will look to consider this issue in the future.¹⁵ In reality, this is not good enough. With the increasing use

of surrogacy, parties involved will be put in legally precarious situations which could be avoided.

An in-depth report completed in December 2025 addressing '*Surrogacy in the UK: myth busting and reform ten years on*' highlights the continued need for reform and recommends that the Law Commission's recommendations should be put before parliament and debated with a view to implementing the new Surrogacy Act and establishing a regulatory body for surrogacy.¹⁶

This article will focus on the following key topics: [1] The 'New Pathway'; [2] the need for the surrogate's consent; [3] the six-month time limit [s54(3) Human Fertilisation & Embryology Act 2008 (HFEA)]¹⁷; [4] the genetic link requirement; [5] payment & expenses to the surrogate from the intended parents; and [6] surrogacy agreements are unenforceable.

The New Pathway

Current Law – one of the key issues with the current surrogacy laws is that at birth, the surrogate is the child's legal mother.¹⁸ If the surrogate is married or in a civil partnership, their partner will be the legal father [unless they do not consent].¹⁹ If the surrogate is not married, the intended father will become the legal father but only if he has a genetic link to the child.²⁰ For the intended parents to become legal parents, they must either apply for a Parental Order under the HFEA or adopt the child.²¹ For several reasons, if possible, a Parental Order is preferable to adoption.²² These are the only options for the intended parents to become legal parents.

This has caused a range of difficulties. Firstly, s54[6] HFEA states that both the surrogate and any other person who is the child's legal parent [e.g. the surrogate's husband or civil partner] must give their free and informed consent to the making of a Parental Order.²³ Secondly, no part of the surrogacy agreement is enforceable.²⁴ Thirdly, there is a six-month time limit from the date of birth for the Parental Order application.²⁵ Fourthly, it is not uncommon for parents to choose not to apply for a Parental Order. This is often due to the perception of the UK's surrogacy legal process being inappropriate; intended parents resent the process.²⁶ Fifthly, the process of applying for a Parental Order is often seen as being complex, expensive and lengthy.²⁷ Finally, surrogates often do not see themselves as *the mother* of the child and are vocal about not having the same emotions as they do towards a baby of their own.²⁸ Therefore, it is not difficult to see that reform is needed in this area.

Law Commission recommendations

The Law Commission has recommended a 'new pathway' to combat these issues.²⁹ There are various criteria for intended parents to be accepted on the new pathway. This includes: [1] The surrogate is over the minimum age of 21 years required for surrogates; [2] the intended parents are over the minimum age of 18; [3] at least one of the intended parents has a genetic link to the child; [4] where the intended parents are a couple [married, civil partnership, or living as partners] in an enduring family relationship with each other, and [5] the intended parents and surrogate must be domiciled or habitually

resident in the UK when they signed the Regulated Surrogacy statement [the document which must be completed for an agreement to proceed on the new pathway] and similarly at the birth of the child, and that the assisted reproduction procedure is carried out in the UK.³⁰

There are also various checks that will be delivered by a Regulated Surrogacy Organisation that will cover; [1] health; [2] implications counselling; [3] legal advice; [4] criminal records checks; and [5] a pre-conception assessment of the welfare of the child.³¹

The *Regulated Surrogacy Statement* is the 'surrogacy agreement' containing all the terms agreed by the intended parents and the surrogate. If after birth, the surrogate does not object to the intended parents becoming the legal parents, this would happen automatically and the intended parents could register the birth themselves.³² However, if the surrogate objects, the intended parents would apply for a Parental Order using the reformed route.³³

If the new pathway is not taken, there will still be the option of applying for a Parental Order. There will, however, be a few changes to the Parental Order route. These options will run in tandem.³⁴ They will all be overseen by a Regulated Surrogacy Organisation who will not only have to fulfil the roles required by statute but also continue to function in the same way as the existing surrogacy organisations.³⁵

Analysis

It can be argued that the new pathway protects the child's welfare more than the current law as well as recognising intention in the surrogacy

arrangement.³⁶ The fact that this is a shift from the model of ex-post facto regulation to one where authorities can exercise control over the agreement before it takes place is a very positive change.³⁷ However, there are concerns that to be eligible for the new pathway, stringent criteria need to be met, and it may not be as attractive as it seems to prospective parents and surrogates. Also, the new pathway only applies to domestic surrogacy agreements and not those that are international which has raised concerns over their level of regulation although that point is beyond the scope of the discussion in this article.³⁸ Overall though, the new pathway can be seen as providing very positive changes that have the potential to reduce delays and streamline the process.³⁹

The need for surrogate's consent

Under current law, s54[6] HFEA states that both the surrogate and any other person who is the child's legal parent [e.g. the surrogate's husband or civil partner] must give their free and informed consent to the making of a Parental Order.⁴⁰ /⁴² If they do not give consent, the Parental Order cannot be made. Throughout the Parental Order application, it is the child's welfare that is the paramount consideration for the Court.⁴¹

Issues begin to arise if the surrogate refuses consent as the Court cannot make a Parental Order under any circumstances except where a person cannot be found, is incapable of giving consent, or refuses to give consent less than 6 weeks after the birth⁴³ even if it is in the best interest of the child.⁴⁴ The alternative options would be to adjourn the Parental Order application in the hope that the surrogate changes their

mind⁴⁵; seek a s8 Order under the Children Act 1989; or apply for adoption proceedings.

Most surrogacy arrangements are successful.⁴⁶ Some, however, are not and this should not mean they are an unimportant concern. Where the surrogate has refused consent, this has caused several difficulties for judges, and hard outcomes for the intended parents and surrogates.⁴⁷ Particularly challenging situations for the intended parents would be if the surrogate refuses to hand over the child. If there are no issues identified regarding the surrogate's parenting, it would likely be in the child's best interest to remain with her.⁴⁸ It is clear there are issues with the current law which are having a detrimental impact on all parties.

Law Commission recommendations

In the Law Commission's full report, where the new pathway was followed, they recommended the surrogate should have the right to withdraw her consent to the surrogacy agreement in the period from treatment leading to the pregnancy until 6 weeks after birth. It can be in any recorded format and should be sent to the intended parents and the Regulated Surrogacy Organisation. It does not apply where the intended parents have died or cannot be traced after taking all reasonable steps, or where the Regulated Surrogacy Organisation has ceased to exist.⁴⁹ After the surrogate withdraws her consent, the intended parents would then have the right to instigate Parental Order proceedings.⁵⁰ The Regulated Surrogacy Organisation should also notify the Human Fertilisation & Embryology Authority of the surrogate's withdrawal of consent.⁵¹

Where the reformed Parental Order route is then taken, the Law Commission recommend that Courts should have the power to dispense with the consent of the surrogate where the welfare of the child requires it,⁵² the test being '*nothing else will do*'.⁵³ It aligns closer to the adoption process. The recommendation also states that there should continue to be a requirement that, at the time of the Parental Order application, the child's home must be with the intended parents.⁵⁴

It can be seen as an improvement from the current law under which the surrogate has almost complete protection and control with the child, and the intended parents fall secondary because as soon as the surrogate withdraws consent, it is absolute. In addition, s54[6] HFEA does not strike a fair balance between the rights of the surrogate - Article 8 ECHR [*protects everyone's right to respect for their private and family life*] - and those of the child, as the best interests of the child are not considered.⁵⁵ However, the Law Commission argues that their recommendations redress this and correctly balances the rights of the surrogate and the child.⁵⁶

The Law Commission's recommendations are not without criticism. The recommendations for the new pathway include screening and safeguarding mechanisms. The checks will cover health, implications counselling, legal advice, criminal records checks, and a pre-conception assessment for the welfare of the child.⁵⁷ There will also be a Regulated Surrogacy Statement signed by the intended parents, surrogate and the Regulated Surrogacy Organisation

stating the approval that the intended parents will be the birth parents and that the required checks have been carried out.⁵⁸

Considering the surrogate is given the right to break the agreement and object to the Parental Order at almost any point, it could seem to contradict the intentions evidenced by the Surrogacy Statement and the stringent requirements needed. Particularly so where the gametes of both parents were used so the child would be 100% genetically linked to the intended parents.⁵⁹ It has been suggested that a surrogate's rights to withdraw contact could or should be limited to extreme situations where the child's welfare is at risk.⁶⁰

Some argue the recommendations do not go far enough and that consent from the surrogate should be required as it would be better for the child's experience rather than only the lack of an objection.⁶¹ Overall, these recommendations regarding the surrogate's ability to withdraw consent are a dramatic improvement to the current law where there is little protection for the child or intended parents. However, this could still be a lengthy process for intended parents wanting to be rightfully recognised as legal parents.

The six-month time limit - s45 [3] HFEA

Originally, there was a strict six-month time limit to file a Parental Order application, the time starting from the day the child was born.⁶² This was until the case of *Re X* where Sir James Munby concluded that it could not have been parliament's intention to bar all applications for a Parental Order that were a day late.⁶³ Therefore,

applications should no longer be the subject of a strict six-month time limit.

Although this has provided some relief in this difficult statutory regime, the decision is not without criticism. It shows that the Courts must stretch, manipulate or potentially disregard the statutory wording to achieve justice.⁶⁴ Arguably, this has undermined the rule of law as the statutory provisions are not being enforced because that would be contrary to the rights of the child.⁶⁵ Commentators have questioned how far these statutory rules should be bent to achieve justice.⁶⁶

The Law Commission recognises these difficulties and whilst recommending the current time limit of six-months from the birth of the child to apply for a Parental Order should be retained, acknowledges that the Courts should have the power to discharge this requirement when looking at the paramount consideration of the lifelong welfare of the child.⁶⁷

Currently, to apply for a Parental Order where there are two applicants, at least one intended parent must be genetically linked.⁶⁸ Where there is one applicant, they must be genetically linked.⁶⁹ Therefore, some intended parents are prevented from accessing surrogacy because of the lack of a genetic link. Some surrogacy agencies will also refuse to work with intended parents if there is no genetic link.⁷⁰ Due to this, there may also be some surrogate-born children where the intended parents are not recognised as the legal parents as they have no genetic link.⁷¹

The fact that there is a genetic link requirement to only one parent was supported by the Court of Appeal in the case of *Whittington Hospital* when it was stated in the skeleton argument of the appellant that there is no lesser value within the family simply because there was only a genetic connection with one of the parents.⁷² This statement was approved by the Court of Appeal.

The Law Commission has recommended that the law should not change, and the genetic link requirement should remain for both the new pathway and Parental Order route. They state there are other options where there is no genetic link including adoption.⁷³ The Law Commission recognises this may disproportionately impact single women who want to be intended parents but are unable to use their eggs.⁷⁴ This is accepting that it may be discriminatory⁷⁵ although they ultimately concluded there should be no change.

The Law Commission did suggest in the 2019 Consultation Report that there could be a caveat, that the genetic link requirement should remain unless there was a medical reason to justify a double donation.⁷⁶ However, this was later excluded in the Full Report due to the difficulties in deciding what would fall under *medical necessity*.⁷⁷

There has been some criticism of the requirement for a genetic link and there is an argument that if there is no genetic link, it moves surrogacy closer to adoption.⁷⁸ However, there is growth in the diversity and definition of a '*modern family*', and by removing the genetic link, the surrogacy laws would

be moving with the evolving *modern family*. It could allow a full evaluation of the child's best interests that is not obscured by fragmented considerations of identity and commodification.⁷⁹ Bracken argues that relying on the genetic link requirement raises questions about why a commitment to care is not enough to '*qualify*' as the legal parents as this is the *lived reality*.⁸⁰ It is important to note that for the formation of a loving parent-child relationship, a genetic link does not need to be a pre-requisite.⁸¹ Therefore, it is a missed opportunity for the Law Commission to be inclusive to all types of families, genetically linked or otherwise.

While it is clear the medical necessity element would have had practical difficulties, the Law Commission notes that the UK government could consider a policy permitting double donation in surrogacy [i.e. no genetic link requirement].⁸² Welstead also suggests that it could be more appropriate to have traditional surrogacy with no genetic link and not involve a licensed clinic which could include a reformed Parental Order with judicial oversight.⁸³

There are clear difficulties if the medical necessity element was included. However, just because this method would not work does not mean there is no workable solution. Although it would have been preferable for the Law Commission to have considered how to make the no genetic requirement work, it is clear that this would be something for the UK Government to decide.

Payment & expenses to the surrogate from the intended parents

Intended parents currently pay surrogates *reasonable expenses* as no other payments are allowed unless authorised by the Court.⁸⁴ Although this is what the statute states, there has not yet been a case where an application for a Parental Order has been refused on these grounds.⁸⁵ This is because the Court's paramount consideration is the child's welfare and it is only in the 'clearest cases of the abuse of public policy that the Court will be able to withhold an order'.⁸⁶

There have been cases that potentially cross the boundary into payment but have still been authorised due to the child's welfare.⁸⁷ Therefore, it can be argued that this legislation is almost obsolete except in the most serious of cases; this cannot be what Parliament intended. However, the HFEA is silent on the basis that payments greater than expenses reasonably incurred can be authorised by the Court. There is an unclear position within the legal regime. On the one hand, payments are being restrained and then on the other hand, condoned. In practice, the Courts have taken a 'permissive approach'.⁸⁸

The current law is causing a lack of transparency and encouraging dishonesty as parties will not declare gifts and payment which creates anxiety for both parties.⁸⁹ Prosser and Gamble state they are frequently asked by clients the sum that the Court would 'like to hear'.⁹⁰ Intended parents and surrogates are likely to be aware that payments will highly likely be authorised by the Courts.⁹¹ This is not creating an honest environment for the

process. It is argued that it is creating a lax environment for commercial agreements as it is almost a foregone conclusion that they will be authorised.⁹²

The Law Commission recommends that the intended parents should be able to pay the surrogate as follows – [1] costs relating to the decision to enter into a surrogacy agreement for example, travel and refreshments at meetings; [2] medical, wellbeing and related costs such as vitamins, private medical care, or antenatal support; [3] the cost of pregnancy related items like maternity clothing and sanitary items; [4] cost of additional dietary requirements related to the pregnancy; [5] cost of specified types of domestic support such as cleaning or additional child-care; [6] the cost of travel and occasional overnight accommodation for a purpose linked to the surrogacy agreement such as IVF appointments; [7] costs of the surrogate maintaining contact with the intended parents and the child after birth; [8] the surrogate's lost earnings which means the difference between the surrogates usual earnings and any maternity /sick pay for time taken off work, and any commission or overtime she does not get due to the pregnancy; [8] loss of earnings for up to two weeks for a person who takes time off work to support the surrogate post-birth.⁹³

Regarding holidays and gifts, they recommend that the intended parents are permitted to pay for a recuperative holiday for the surrogate and family as well as modest gifts, both of which should be disclosed to the Regulated Surrogacy Organisation.⁹⁴

Intended parents are required to pay [1] the cost of life and critical illness

insurance plus screening and safeguarding requirements; [2] medical checks, implications counselling, and independent legal advice.⁹⁵

Prohibited payments include – [1] a payment for carrying the child; [2] compensation for any pain or inconvenience; [3] for the *handing over of the child* [language of the 2008 Act]; general costs of living that the surrogate would need to incur if not pregnant such as rent /mortgage, utility bills, entertainment subscriptions, groceries [other than additional costs to meet the dietary requirements of the surrogate during pregnancy].⁹⁶

There will be no specific cap on payments.⁹⁷ On the new pathway, each agreement will set a maximum amount on payments in the Regulated Surrogacy Statement.⁹⁸ Where the new pathway is not used, and a Parental Order is applied for, the Court will check the payment and be able to authorise payment outside permitted categories and excessive amounts.⁹⁹ However, the intended parents may face enforcement action if they make unauthorised payments.¹⁰⁰

Whilst this is an improvement from the current laws, it can be said that it is not dissimilar especially when parents do not follow the new pathway. The fact that there is no cap on payment could still result in exploitation for not just the surrogate, but also the intended parents as well as the potential to undermine free choice and attract the wrong type of surrogate.¹⁰¹

On the one hand, Prosser and Gamble argue there is no evidence that payments of reasonable compensation detract from the surrogate's altruism,

taint the relationship with the intended parents or create an exploitation risk.¹⁰² On the other hand, it can be argued that the Law Commission needed to go further and define reasonable payments to ensure complete transparency and honesty and to act as a guide for intended parents and surrogates.

In the Consultation Paper, there was a suggestion that there should be a payment of a fee for being a surrogate however, this was not carried through to the final Full Report.¹⁰³ Although it was controversial, it is potentially a missed opportunity for the Law Commission to move with current society and see surrogacy as a socially useful enterprise that should be rewarded.¹⁰⁴ *Welstead* argues surrogates should be remunerated for the nine months of gestation, birth and recuperation. Creating a baby is no mean feat and potentially it could be exploitative to not pay the surrogate for valuable work.¹⁰⁵

Solutions that have been suggested to resolve the current issue of payments include the Court taking a stricter approach or completely reforming the Parental Order approach. While this could have added valuable reform, it is clear the Law Commission is going to keep the Parental Order route. *Brown* even argues that it would be simpler to remove any provision regarding the extent of payments from the Parental Order process, thereby eliminating the comparison between international commercial surrogacy and domestic surrogacy.¹⁰⁶

The fact that payments are considered by the Regulated Surrogacy

Organisation before birth [on the new pathway] would arguably provide more protection for the surrogates as well as an incentive to use the new pathway.¹⁰⁷ However, there is still the issue of excessive payments being approved through the Court via the Paternal Order route as at that point, the welfare of the child is the paramount consideration. Therefore, if the new pathway is not chosen, it could still result in the same outcomes as the current law produces albeit a smaller number. The problem with the current law remains unresolved.

Surrogacy agreements are unenforceable:

Currently, surrogacy agreements are unenforceable.¹⁰⁸ This means that the intended parents cannot sue the surrogate in contract law if she refuses to hand over the child. And the surrogate cannot sue the intended parents if they refuse to take the child or fail to make payments.¹⁰⁹ There are some positives to this, as making the agreements enforceable could affect the paramount consideration for the welfare of the child [it will not always be in the child's best interest to go to the intended parents]. An enforceable contract could, however, also be oppressive to a surrogate if there was an equitable remedy of specific performance or pay damages. Therefore, some have opposed a change to the law.¹¹⁰

How can it be fair when the surrogate does not give the intended parents the child and they have paid the surrogate expenses. They cannot even claim the sum of money, let alone the child that genetically could be theirs. In essence, the surrogate has kept the child and the money. Due to this, many

academics have called for change.¹¹¹ It gives the surrogate a disproportionate amount of power which is not necessarily a positive.

98% of surrogacy agreements with *Through Surrogacy* have been successful and surrogates will often hand over the baby as they do not view themselves as the mother.¹¹² *Schuz* also argues that a rigorous approval process that precedes the surrogacy agreement minimises the chance that the surrogate will change her mind.¹¹³

However, just because surrogacy breakdowns are rare [or minimised], does not mean it is an unimportant concern.¹¹⁴ As surrogacy agreements are on the rise, it is likely the number of breakdowns will also increase.¹¹⁵ There have been several reported cases of surrogacy agreement breakdowns.¹¹⁶ This includes a case where the surrogate kept the child and the money. The intended father still had to pay child support to the surrogate until the child's eighteenth birthday.¹¹⁷

When a surrogate refuses to hand over the child but there are no issues with the surrogate's parenting, it is unlikely the child will be given to the intended parents because the Courts paramount consideration is the child's welfare.¹¹⁸ This can cause many difficult situations for the intended parents. Some argue that making surrogacy agreements enforceable would offer more security to intended parents and could act as an incentive to surrogates.¹¹⁹

The Law Commission has decided to retain the current position and keep surrogacy arrangements

unenforceable.¹²⁰ They state this is to ensure the child is not affected by a private agreement that does not place the best interests of the child at the centre. They believe their recommendations would retain the surrogate's autonomy by allowing her to withdraw from the agreement.¹²¹ The surrogate would never be required to hand over the baby.¹²²

There are differences from the current legal position, specifically financial recovery, for both the surrogate and the intended parents.¹²³ The surrogate will now be able to recover from the intended parents the payments that are included in the financial annex to a Regulated Surrogacy Organisation.¹²⁴ The only exception would be payment for a recuperative holiday that would be included in the annex but not enforceable.¹²⁵ The intended parents will also be able to recover payments made [according to the Regulated Surrogacy Statement] when the surrogate did not spend all the money given by the intended parents plus the recovery of any over payments. This applies to the new pathway.¹²⁶ The Law Commission hopes that small sums can be resolved by agreement and not litigation.¹²⁷

This is a clear improvement from the current position of no party being able to recover any payment. However, from the initial inspection, it seems as though this will only be an option if the surrogacy arrangement is through the new pathway or at least through a Regulated Surrogacy Organisation with a Regulated Surrogacy Statement. Whilst this could encourage the use of a new pathway, ultimately, agreements that do not follow the pathway could end up in the same

difficult situation as the current law, essentially, solving some of the issues by providing increased security for both the surrogate and the intended parents but also leaving some unresolved gaps.

There have been many criticisms of the current law not allowing the intended recovery of payments where the child remains with the surrogate. It seems this will continue to be the case.

Purshouse suggests that the law of unjust enrichment would produce an outcome fairer in financial terms to the intended parents and surrogates than the status quo but also ensure the best interests of the child are not subordinate. No statutory changes would be required. It would be used where the surrogate has not relinquished the child to the intended parents and allow the parents to recover some of the funds.¹²⁸

The Law Commission has not provided any mechanism for what occurs when the surrogate does not relinquish the child. Although the Courts would have the means to dispense with the surrogate's consent, there may still be cases where the surrogate keeps the child, and the suggestion of unjust enrichment could be the solution where that is the case.¹²⁹

Some, like *Jackson*, still suggest that surrogacy contracts should be enforced. She recommends a contractual model which does not necessarily mean a surrogate would be compelled to hand over the child.¹³⁰ It is argued that contract law is adapted to resolve disputes without violating individual freedoms. The remedy of damages would protect the

surrogate's rights to keep the child and compensate the intended parents for their losses. However, *Purshouse* notes this could be oppressive, and there are difficulties with this method.¹³¹

While the Law Commission's recommendations offer some financial protection for intended parents and surrogates, it still leaves the question as to what would happen when the surrogate does not hand over the child and the Court decides it is in the best interests of the child to remain with the surrogate, or even where the new pathway or Regulated Surrogacy Statement are not used. Therefore, some more thought is needed as to what should or could happen in these circumstances.

Conclusion

The overall feedback from both papers is positive in that it could provide more safeguards, a streamlined process, more checks and balances for all parties involved, and potentially strike the correct balance by putting the child first and protecting both the intended parents and the surrogate.¹³² There are also criticisms such as the consultation paper [and the full report] showing little concern for the possible exploitation of the intended parents by the surrogate.¹³³ There is also the need for more detail on the regulation of non-profit Regulated Surrogacy Organisations as these organisations would represent both the interests of the intended parents and surrogates.¹³⁴ The other suggestions for reform, including *Purshouse's* recommendations of unjust enrichment, need some further thought as to whether they could fit within the system of the UK's surrogacy laws.

The Law Commission's recommendations could, however, provide some relief for parents wanting to use the surrogacy process. Both reports keep the best interests of the child at the heart of their recommendations.¹³⁵ Ultimately, the recommendations will hopefully streamline the process and attempt to correct the balance of protecting both the surrogate and intended parents.

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Impact of Narcissism & Gaslighting on Criminal & Family Matters:

Shoba Aziz, Barrister

Shoba Aziz, a barrister at Great James Street Chambers, spoke about *narcissistic behaviour and gaslighting* through a Today's Family Lawyer podcast [todaysfamilylawyer.co.uk]. She explained their manifestations and the current view of Courts as they are not subjects which are easily understood.

The podcast:

It is important to understand the psychological consequences and the real-world impact on people which is very much underestimated. Gaslighting and narcissism go hand in hand, particularly in abusive and controlling relationships which would constitute domestic abuse.

We all know what domestic abuse is; it doesn't just mean physical violence. It can include emotional and psychological abuse as well as manipulation. Gaslighting is a psychological manipulation tactic which is designed to make someone question their own reality, memories and perceptions. It is a subtle yet devastating form of emotional abuse that can leave the victims feeling confused, disorientated and doubting their own sanity.

Narcissistic personality disorder is a mental health condition where people have an unreasonably high sense of their own importance. They need to seek out a lot of attention and want people to admire them. People with this disorder lack the ability to

understand or care about the feelings of others. Narcissistic personality disorder affects more males than females, probably beginning in adolescence or early adulthood. Because the cause of narcissistic personality disorder is unknown, there is no way to prevent the condition. Narcissistic behaviour on the other hand, is a pattern of self-centred manipulation and exploitative actions.

The narcissist lacks empathy, refuses to take accountability, and uses coercive tactics such as intimidation and emotional abuse to maintain control over their victims. They have an intense focus on themselves and a deep need for admiration.

Examples of gaslighting /narcissistic behaviour can be the following:

- Isolating a person from their friends and family.
- Depriving a person of their basic needs such as food, sleep, or financial independence.
- Controlling their daily life by dictating where they can go, who they can see, and what they can wear.
- Claims of acting in the best interests of victims while belittling them, creating a cycle of dependency.
- Making them feel worthless and incapable of doing anything.
- Humiliating, degrading, and dehumanizing the victims.

These behaviours are designed to strip the victim of confidence and autonomy, making it harder for them to break free. One of the greatest challenges with this subject is being able to recognise when someone is

being impacted by gaslighting or narcissism as a form of domestic abuse.

How do these issues manifest themselves and how can practitioners identify them during the professional relationships they are building with their clients? It is very important for practitioners and victims to understand how these behaviours work because many victims of narcissistic abuse and gaslighting have endured years of emotional and psychological control without even realising it, which is particularly unsettling. Many victims are emotionally drained, but they believe the way they are treated is normal or it is their fault until someone helps them see the truth. Such controlling behaviour is deeply damaging and victims often come to realise the extent of the abuse only when they begin a legal process.

When this controlling behaviour is paired with gaslighting, a form of psychological manipulation designed to make someone question their own reality, the effects can be very damaging. Victims find themselves trapped in a cycle of confusion, self-doubt, emotional dependency, and unable to trust anyone or their own instincts.

Narcissism and gaslighting may manifest in the following ways –

- Parental alienation – when one parent systematically manipulates a child to turn them against the other parent, often making false accusations of abuse or neglect to sever their bond.
- Fabricated allegations where the narcissistic individual may

create exaggerated or entirely false claims, positioning themselves as a victim while portraying the other parents as an abuser.

- Legal harassment and financial control where the abuser may make excessive Court applications.
- Deliberate delays and refusal to comply with Court Orders to exhaust the victim, making it harder for them to fight back.
- Contradictory behaviour – the narcissist appears charming, co-operating in front of professionals, while being manipulative and abusive behind closed doors.

Recognising these patterns is the first step towards seeking any kind of justice. Gaslighting is one of the narcissists most effective tools because it attacks the victims' perception of themselves and the world around them.

Gaslighting is not listed as a stand-alone criminal offence. It is recognised as a form of coercive control under s26 of the Serious Crime Act which *criminalises controlling, coercive behaviour within intimate or familial relationships*. Additionally, the Domestic Abuse Act [2021] broadened the legal definition of domestic abuse to include emotional and psychological harm, explicitly capturing gaslighting behaviour.

The current options for victims to seek legal protection through the Court are the following – [1] a Non-Molestation Order preventing the abuser from harassing, intimidating or threatening

the victim; [2] an Occupation Order which restricts the abuser's rights to reside in or enter the family home; and [3] a Restraining Order which would follow criminal proceedings to prevent ongoing harm.

The legal framework to ensure that the child's welfare remains the top priority is enshrined in the Family Procedure Rules and specifically Practice Direction 12J which also governs how the courts handle child arrangements. The Children Act [1989] gives the courts the power to restrict contact or impose supervised contact where it is assessed that a parent's behaviour poses a risk to the child's welfare.

Shoba Aziz is a barrister who specialises in representing clients caught up in complex child arrangement disputes, high conflict cases and situations where psychological manipulation plays a significant role. A large part of her career has been dedicated to legal aid work, enabling her to represent vulnerable individuals who might otherwise struggle to access justice. She is committed to raising awareness of domestic abuse and narcissistic behaviours. She regularly speaks at conferences and provides training on how these issues intersect with the law, equipping professionals with the tools they need to provide better support to victims.

To see or not to see, that is the question:

Paul Walker

The importance of maintaining birth family links for children facing parental separation or removal to alternative care is a familiar one to social workers. This is further complicated by the legally binding rights attached to adoptive family life. Research has shown greater levels of satisfaction from adopters and adoptees than long-term fostering [Howe & Feast, 2000]. It is generally accepted that adoption offers advantages to children in terms of emotional security, legality and sense of belonging.

Long-term fostering keeps open the possibility of a return home and assures ongoing contact with birth parents and other significant adults. However, the probability is that most children in long-term foster care will not return home beyond a certain point where little change is shown by parents. Those connections to birth family origins are nonetheless usually maintained through some direct contact in long-term foster care.

Most judges recognise the advantages of adoption over long-term fostering. Residual hopes of reunification and anxiety over contact reduction around adoption can be softened by *Placement Orders* which impose a time limit on searches for adoptive homes. However, the time, frequency and purpose of contact beyond the granting of an *Adoption Order* have become increasingly significant issues for debate.

Guardians must balance the benefits of contact against the possibility of emotional and psychological harm. The likelihood of the child having a good experience during direct contact is essentially removed for adoptive newborns whose parents continue to deny the need for change. Under these circumstances, requesting prospective adopters to consider direct contact at some stage seems unreasonable.

On the other hand, birth parents may argue that childhood covers an 18-year period with no means of them showing a change of circumstances to support an application to vary contact beyond an indirect letterbox arrangement. As such, it could restrict the child's lived experience and disable them from feelings of importance to that parent for a large part of their childhood.

Life-story work recognises children's rights to an accurate account of an experience beyond their control and influence at a time when decisions were made on their behalf. This includes the identity of parents, siblings and the unfolding events which led to adoptive family life. The *Open Adoption Directive* opens the way to explore their own emerging need for explanations. Contact within the adoptive context can also maintain some potential for building a positively meaningful relationship with birth parents in the future.

Paul Walker
Bank FCA

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From conflict to co-parenting:

John Mallinson

For many years, high-quality parenting programmes have existed across England and Wales, but details of such programmes have not always been easy to find by parents and practitioners. The provision of parenting programmes remained unregulated, the quality of the programme was inconsistent, and availability patchy. It was difficult to know if any of the programmes could help families to reduce conflict and protect children.

The first national, quality-assured directory of separated parenting programmes has now been created by a coalition of leading figures in the field with the intention of providing families with clear, trusted routes to early intervention, and to give professionals confidence in what they are signposting to parents.

The *Separated Parenting Programme Directory* allows practitioners and parents to make searches by region, delivery style, cost of the programme, and content details. The most significant element is confidence that every listed programme meets agreed standards developed by experts with many years of experience in mediation, child contact and co-parenting support.

Backlogs and delays in listing cases at Court is worsening so non-Court dispute resolution is becoming central to the Family Procedure Rules in the hope that early access to effective parenting programmes can avoid litigation. The earlier parents engage with structured support, the more likely they are to

resolve issues without going to Court. Separation can be a very challenging time for families, but the right support can make all the difference. By attending a separated parenting programme, parents can gain the tools they need to continue parenting effectively as separated individuals.

The *Separated Parenting Programme Directory* now needs funding alongside greater awareness and for more programme providers to be listed in the directory thereby creating a domino effect as the directory platform expands.

For more information -

separatedparentingprogrammedirectory.org

<https://seperatedparentingprogrammedirectory.org>

Article based on a podcast recorded by *Today's Family Lawyer*, June 2026.

Family Court: some reflective statistics 2024 – 2025

John Mallinson

Statistics are always going to be a reflection of past events, providing an opportunity to monitor trends and enable changes to be reviewed and implemented. It is by no means a foolproof system and, depressingly, can simply show failings and slippages that never change or even worsen. However, statistics can help practitioners and policy makers to maintain a grasp of real-life events and lived experiences in the hope that they will shine a light on the future and subsequently, a focus on the important areas of practice that warrant change and improvement.

The current average waiting time in all Family Court proceedings in England and Wales is 35 weeks although about 52% of cases conclude within 26 weeks. There are regional variations to the delay periods, pushing up to more than 60 weeks in London.

When s7 reports are ordered, the completion times range from 14 weeks regionally to 23 weeks in London. These waiting times have come down in recent months.

New listing guidance caps listings, limiting Courts to scheduling no more than four First Hearing Dispute Resolution Appointments [FHDRAs] each day to reduce waiting times inside Court buildings. However, reduced sitting days due to cuts in judicial resources continue to put a strain on Court processing speeds especially in major hubs like London.

Are domestic abuse disputes in Family Courts increasing?

- Approximately 3.8 million adults [7.8% of the population] in England and Wales experienced domestic abuse in the year ending March 2025.
- 2.2 million females [9.1% of the female population] and 1.5 million males [6.5% of the male population] experienced domestic abuse.
- Courts made 9756 domestic abuse remedy orders in Q3 2025 which was a 6% increase from Q3 2024.
- 94% of domestic abuse orders granted were Non-Molestation Orders [9172] whilst 6% were Occupation Orders.
- 166 individuals were identified as alleged victims in the sample of 126 females and 40 males.
- Physical abuse was recorded most frequently [262 records] followed by coercive control [159 records] and sexual abuse [17 records].
- Domestic abuse-related crimes represented 15.4% of all offences recorded by the police in the year ending 2025.
- Females accounted for 72.1% of all domestic abuse-related crime victims recorded by the police.
- Referrals of domestic abuse suspects from police to the Crown Prosecution Service increased to 76,393 in the year ending March 2025.

How long do cases take to resolve?

Contested Private Law cases can take an average of 47 weeks to complete from start to finish.

Public Law care proceedings average 38 weeks despite the statutory 26-week time limit that has not been met since 2014. Only 35% of care cases conclude within the 26-week statutory limit. Over 4000 children are in proceedings lasting nearly 2 years [100+ weeks] or more as of December 2024. Nearly two-thirds of the cases lasting 100+ weeks are concentrated in London and the South-East.

The outstanding Family Court caseload stood at 47,662 in December 2024, down by 27% compared to the peak of 65,000 in August 2021.

Wales has the best statistics with average case duration of 24 weeks for Public Law cases and 18 weeks for Private Law cases. London averages 53 weeks for Public Law cases and 70 weeks for Private Law proceedings which is nearly four times longer than Wales.

Cost of pursuing Family Court proceedings:

Family breakdown costs the UK economy about £41.74 billion annually which is £1364 bourn by each taxpayer. Part of the costs are to cover Legal Aid fees amounting to £846 million a year. 80% of cases in Private Law proceedings have at least one party without legal representation and 39% of cases where neither party is represented. Only 19% of cases have parties who are both legally represented which represents a decrease of 41% over the course of a decade. Private Law matters were removed from legal aid scope following the introduction of legislation in 2012.

Approximately 75% - 80% of litigants in person appear without representation not from choice but because they cannot afford to pay the legal fees. The Law Society characterised the situation as a *perfect storm* as the cases without representation have nearly tripled since the legislative changes in 2012. This has coincided with the reduction in mediation services including those linked to legal aid contracts.

Solicitors hourly rates range from between £190 - £495 plus VAT. Cases that are seeking relatively simple child arrangements outcomes could cost between £15,000 - £30,000. If the case is more complex and disputed, then the costs are likely to exceed £100,000. Barristers fees range between £1500 - £3000 per hour and the preparation of an expert witness report [for example, a psychologist's report] would cost in the range of £5000 - £20,000.

Mediation

However, family mediation does work when available and has achieved a 69% success rate with some specialist providers reporting 82%. Over 27,000 separating parents have been supported through the Family Mediation Voucher Scheme with two thirds subsequently avoiding court. 51% of families only engaged with mediation because of the £500 voucher and could not have self-funded otherwise. When families topped up and spent over the £500 voucher amount, they showed a 76% dispute resolution success rate. The parents who mediated all together in one room achieved a 73% success rate. Approximately 37,000 mediations

are conducted annually by registered mediators across England and Wales.

A typical mediation session costs £150 an hour per person and most cases require 3 – 6 sessions. The total costs for mediation represent a fraction of the costs for contested court cases. Mediation can also mean cases conclude quickly within 2 – 4 months compared to 47 – 74 weeks for court proceedings and only 39% of MIAM [Mediation Information & Assessment Meetings] result in full mediation sessions although it has been noted that when both parties attend a MIAM, the success rate rises to 73%.

One in ten Private Law applications involves non-parents, with grandparents accounting for 58% of non-parent applications in England. The number of grandparents seeking court orders has increased by 25% since 2017.

Mental Health impact & long-term outcomes:

36% of children whose parents separated reported poor mental health compared to 22% of children whose parents had remained together. Children in Private Law proceedings show 60% higher rates of depression and 30% of anxiety compared to their peers. It is noted that over 100,000 were trapped in the Family Court backlogs across England and Wales in 2025. 74% of children in Private Law proceedings felt that they *had a say* but only 50% thought it had made a difference. Children report feeling unheard and experiencing distress during proceedings.

Children from separated families are likely to experience poor outcomes across multiple domains. Higher rates of school exclusion and educational disruption especially during prolonged court proceedings, behavioural problems, physical illness and long-term health problems have been recorded. This means that in early adulthood, children who have been through the Family Court system experience mental health difficulties, relationship instability, lower educational attainment and qualifications, substance misuse, and involvement with the authorities including criminal courts. A higher incidence of homelessness has also been noted.

What out-of-court support is available for families in dispute?

As already mentioned, there are *mediation services* available which come at a cost of approximately £125 - £150 per hour, offset via the Family Mediation Voucher Scheme [£500]. However, the number of registered mediators has dropped by 36% since 2020.

Collaborative law is when each party instructs a specially trained lawyer and all parties commit to resolving issues through joint meetings without the need to attend court. If the process does break down, both lawyers are disqualified from representing their clients in subsequent litigation. The typical cost for collaborative law initiatives is between £3000 - £5000 per person for between 4 – 6 sessions.

Arbitration requires the parties to appoint a qualified arbitrator to make binding decisions regarding children matters and financial matters if

required. Arbitration provides a more private and flexible alternative to court, and the scheduling can be faster. The costs for this option depends greatly on the fees charged by the arbitrator [the solicitors if instructed] and the complexity of the case.

There is a *Help with Fees Scheme* which can waive or reduce court fees for parties receiving means-tested benefits or with a low income. This relates to court fees only [cost of C100 applications, etc] and not the costs of legal representation.

Legal Aid is available for Private Law matters where there is evidence of domestic or child abuse. Evidence must relate to incidents which occurred in the previous two years and be provided from specific sources [police crime reference numbers, Level 2 checks, police disclosure], court proceedings [Non-Molestation Orders, criminal proceedings] or health professionals /medical records. Applications for legal representation supported by evidence involving domestic /child abuse have increased by 26% in Q1 2025. It has been noted that 81% of legal aid applications have been granted.

Domestic Abuse Support includes specialist services such as Women's Aid, Refuges, and Men's Advice Line. Applications for Domestic Abuse Protection Orders incur no court fees. Multi-agency risk assessment conferences [MARACs] co-ordinate responses in high-risk cases whilst Domestic Abuse Commissioners provide oversight and drive through improvements.

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Obituary -

Dr Sharon Bond has died aged 77. Born in Kitty, British Guiana [now Guyana] she was the second of five children of Doreen [nee Mingo] a seamstress and Jaslin Bond, an engineer. Sharon came to UK in 1957 aged 9 years with her parents and an older sister, Yvonne. After her secondary schooling, she became a member of the *British Black Panthers* and created a Saturday supplementary school named 'Heads' in east London to support black children who were being failed by the existing education system. Sharon also volunteered for *West Indian World*, the first widely distributed black weekly newspaper in the UK.

In 1985, after qualifying as a social worker at Goldsmiths College in south-east London, Sharon started working as an education social worker in Tower Hamlets and then for many years, as a principal psychiatric social worker before moving to the Hackney Child & Family Consultation Service in 1989 where she worked with families and children in mental health clinics and with teachers in schools.

She qualified as a family psychotherapist in 1993 and while still working in Hackney, she set up *Chiron* in 1997 to help people who felt excluded by the existing training institutions at the time, subsequently leaving Hackney Child & Family Consultation Centre in 2003 to concentrate on running *Chiron* as Director. Sharon never retired and continued with *Chiron* until her death. Her mission had been to build up the self-belief of practitioners who had been made to feel they could never

make the grade and in doing so, she brought many people into the family therapy profession who otherwise would not have completed the journey.

Over the years, Sharon held a number of other positions while carrying on with her core work, including clinical director at the Kensington Consultation Centre which was where she had completed her family psychotherapy training, and visiting lecturer in family therapy at the Tavistock & Portman NHS Foundation Trust. In addition, she was an external examiner for the master's degree courses in family therapy at the Institute of Family Therapy in London and at Birmingham University. In 2006, she gained a doctorate in systemic psychotherapy from the Tavistock Clinic in London.

Across everything she did, Sharon was committed to empowering and supporting people facing racism and discrimination.

There are many whose lives have been enriched and healed by her passion, generosity, dedication and spirit. She was in the vanguard of staking a claim as a black female in a field that had been dominated by white male clinicians. She was the first black woman to qualify as a psychotherapy supervisor.

Sharon is survived by a son, Darren, a granddaughter, Nia, and her siblings Yvonne, Mikloth, Sheril, and Eglah. Sharon is also survived by her partner, Alex Smith.

Reflection –

Sharon was a multi-faceted, extremely approachable person. She radiated a gentle curiosity that helped me in my Cafcass role, and she was extremely effective with families. Her written assessments and verbal evidence in Court were highly persuasive. I was fortunate enough to attend a foundation course in family psychotherapy run by Sharon's 'Chiron' organisation and was able to experience at first hand her capacity to encourage and inspire. She combined a strong and assertive approach with a warm accessibility and will be much missed. With her passing, one can say without hyperbole that a light has gone out.

Peter Brooks

Retired Bank FCA

Professional notes /short articles- Law & Research:

'Child-focus' is the biggest change to Family Courts in 30 years:

Sir Andrew McFarlane, who recently retired as President of the Family Division, said the move '*turns the old approach on its head*'.

The scheme, initially known as Pathfinder and now renamed Child Focussed Courts, has been piloted since 2022. It is now established in 10 areas across England and Wales [March 2026] and is set to extend nationwide by 2029.

Thousands of parents in dispute regarding their children are being

affected by the changes introduced by the Pathfinder /Child Focussed Courts. Currently, in areas still operating the CAP system, parents are required to state their own version of events when attending Court. Cuts to legal aid mean that many people are representing themselves as litigants in person. Cases have been taking much longer to resolve [some taking years to complete] which can be traumatic for parents and can have a serious negative impact on the children.

One such case involved parents who had been in dispute regarding their six-year-old daughter almost her entire life. It was only within the last year or so that the little girl's voice had been reported to the Court by a Cafcass practitioner, reflecting her wishes and feelings.

The Child Focussed Courts will change all that. Before the case reaches Court, a Cafcass practitioner will meet the child, and the parents. A Child Impact Report will then be filed which the judge will read before the first hearing.

The judge will reflect upon what is happening and in particular, look at the impact of the parents' dispute upon the child or children. A problem-solving approach will then be considered, which requires more resources, especially from Cafcass.

It has been estimated that Cafcass will need to recruit 200 more practitioners to staff the new Child Focussed Courts. A budget of £17m per year has been set aside but Cafcass will need to be clear about any additional resources that are needed as the scheme is extended. The Government has promised more funding over the three-

year rollout, moving from the 10 pilot areas to all 43 court centres across England and Wales. This will mean specific training for practitioners, court staff, judges and magistrates.

Former Justice Minister Baroness Levitt KC said the new Child Focussed Courts could *'help spare more children the pain of drawn-out proceedings, deliver swifter justice for families while making sure support comes earlier when it is needed most'*.

The new system of courts in the pilot areas had already halved backlogs and resolved disputes months faster with more children feeling heard.

The Domestic Abuse Commissioner for England & Wales Dame Nicole Jacobs was *'thrilled'* that the Government had heard the calls from both children and adult victims for a family justice system that *'truly understands domestic abuse, listens to their concerns, and prioritises their safety'*.

While the Association of Lawyers for Children welcomed the Child Focussed Courts rollout, it warned the model would not achieve genuinely transformative change unless it was accompanied by wider reform and adequate financing of the chronically under resourced legal aid scheme, proper funding of Cafcass and the family courts.

It was acknowledged by Sir Andrew McFarlane that the role of family judges and all professionals who work in family justice do get used to protecting themselves from all that goes on but equally, the job could not be done without having enormous

empathy for the children and parents before the court, being *'emotionally connected enough to understand what's going on but sufficiently protected to avoid being drawn in to the emotional fallout'*.

Scratching the surface: victim-blaming and bias in family court judgments:

Published in June 2026, the *Right to Equality [Breaking Bias, Building Justice]* report found that 72.5% of 91 analysed family court judgments in England and Wales contained at least one instance of judicial victim-blaming or gender bias. Of the 530 instances of victim-blaming made by court professionals in judgments analysed, the majority were made by judges.

Disproportionate impact on mothers: mothers' behaviour, credibility and reactions to trauma faced intense scrutiny, while fathers' abusive or problematic conduct was frequently minimised and contextualised. Women were far more likely to be described as *'emotional'* by judges which is a well-documented gender stereotype.

Prevalent categories: the research identified 530 instances of victim-blaming across more than 90 judgments, split primarily into discrediting survivor testimonies, behavioural blame and trivialisation.

Subtle bias: roughly 62.5% of the identified victim-blaming language was subtle, meaning it is easily embedded within judicial reasoning and difficult to challenge making it significantly harder to recognise in a courtroom setting.

Systemic Transparency Barriers: because family court hearings largely take place in private, and only a small fraction of the judgments are publicly published, researchers note that even these findings probably only scratch the surface of wider, unrecorded practices.

The report forms part of the Right to Equality campaign *Breaking Bias, Building Justice* which calls for mandatory, specialised judicial training on gender bias, rape myths and domestic dynamics which mirrors the requirements in criminal courts.

Increased government resources are required to publish a far higher volume of family court judgments. A broader use of ethical AI tools such as the ViDA model could help to accurately track and expose judicial bias on a larger scale by analysing transcripts and judgment publications.

Bias distracts judges from properly assessing risk, fulfilling their obligation to safeguard and putting the needs of children first. Some judges have been seen to normalise abuse, trivialise trauma, and silence survivors which affects children's safety and results in irreparable harm, mishandled under the guise of neutrality in the family courts.

President of the Family Division Sir Stephen Cobb has said, *'the Family Court's approach to understanding and determining cases involving domestic abuse continues to be a key priority for the judiciary'*.

The emerging Child Focussed Courts being rolled out across England and

Wales are showing positive results. The problem-solving approach enables judges to draw on information from a range of professionals, working with local partners including domestic abuse support agencies and Independent Domestic Violence Advisers [IDVAs]. Judges, magistrates and legal advisers undertake mandatory training which is regularly reviewed to make improvements that reflect developments in law, legal practice and society.

What irritates judges the most:

Family Court judges get frustrated by wasted time, emotional venting instead of legal facts, and a lack of respect for court rules.

Focussing on emotion over law:

The venting of personal grievances, spending court time on the exchange of petty insults, reliving past relationship dramas and character attacks instead of legal standards all irritate judges.

Ignoring the child's welfare: Where parents frame every argument in applications for Child Arrangements Orders [live with] around punishing their ex-partner causes them to lose credibility. Judges want parents to focus on the needs of the children.

Talking too much - including interrupting proceedings, rambling or repeating points they want to make wastes court time and public money.

Violating past orders or disobeying temporary orders shows a lack of respect for the court.

Missing deadlines such as failing to file evidence or witness statements within timescales disrupts court schedules.

Unpreparedness is when parties show up at court without organised documents or relying on unclear unverified screenshots which consequently makes the case much harder to process and progress. Relying on memory instead of keeping clear records regarding communications can result in being disadvantaged. Making false claims or fabricating facts will destroy any credibility when timelines or records do not match up.

Speaking out of turn might seem a natural or instinctive reaction in the course of proceedings but interjecting when the judge or the opposing lawyer or party is speaking, or trying to argue after a final ruling has been pronounced creates unnecessary tensions.

Making dramatic gestures like eye-rolling, sighing loudly, pulling faces or displaying negative body-language all signals immaturity.

*Bringing emotional support entourage*s like new partners, friends who might intimidate or inflame the situation and is done for the sole purpose of dramatic moral support only adds unnecessary friction.

Angry digital footprint is when spiteful texts, angry emails, and aggressive social media posts are frequently used in court to try and prove a lack of emotional control.

Bad mouthing the other parent by criticising, especially in front of the

children, signals to the judge that a parent cannot fully support the child's relationship with both parents.

Using children as messengers usually entails asking the child to relay schedules of contact arrangements, forthcoming events and passing messages that the parents should convey between themselves by an appropriate means of communication. This can draw the children into taking sides, confused by a sense of split loyalties and place an unfair emotional burden upon them.

Safety and lifestyle can be red flags. Evidence of irresponsible drug and alcohol use raises immediate concerns about child safety and can lead to all contact being supervised until evidence of change and safety has been restored.

Unsafe environments can include chaotic living conditions, unconventional lifestyle choices, introducing volatile partners, unregulated mental health and criminal behaviour.

Unilateral major decisions most commonly entails relocating a child some distance away or changing schools and GPs without consulting the other parent or seeking a court order.

Judges evaluate everything through the lens of evidence, co-operation, the child's safety, emotional ties, a stable environment and what is in the child's best interests. Judges favour parents who try to communicate, support a stable routine and encourage a positive relationship with the other party. Showing a genuine willingness to

try mediation or reach an agreement outside the litigious dispute in court makes a positive impression upon the judiciary.

Anti-psychotics are increasingly prescribed to children and teenagers:

Prescriptions of anti-psychotics for children and teenagers in England doubled between 2000 and 2019. These drugs are treatments for mental health conditions such as bi-polar disorder and schizophrenia.

The prescribing of anti-psychotics to children and teenagers is increasing worldwide despite a lack of safety data to support their use in the under 18 years age group. Researchers analysed data on more than 7 million children from a national database to assess the trends of anti-psychotic prescribing for children and young people in primary care in England.

Overall, very few children and young people received anti-psychotics. But prescriptions doubled over 20 years due to an increase in new and repeat prescriptions. Children were prescribed anti-psychotics for conditions such as autism which had no approval. Children from deprived areas were more likely than children in wealthier areas to be prescribed anti-psychotics.

The findings suggest more young people are prescribed anti-psychotics for longer periods and for more conditions. There are calls for the use of anti-psychotics in children and teenagers to be monitored. The safety of these drugs, especially over the long-term, needs to be assessed.

There is a lack of data regarding the safety of anti-psychotics in young people because they are rarely trialled in people under 18 years old. Most anti-psychotics are not approved for use by children and young people. There is concern that these medications could affect young people's physical and mental development and, for instance, increase their risk of diabetes and conditions affecting the heart.

In the UK between 2011 and 2013, The National Institute for Health & Care Excellence [NICE] approved three anti-psychotics for use with children and teenagers with specific conditions. *Aripiprazole* was approved for schizophrenia and bi-polar disorder, *clozapine* for schizophrenia when a young person has not benefited from other treatment, and *risperidone* for children over 5 years of age with severely aggressive conduct disorder [children who find it difficult to behave and follow rules]. Guidelines state that children and young people should be assessed by a psychiatrist before being prescribed these medications.

Researchers reviewed trends in anti-psychotic prescribing for children and young people in primary care in England.

What's new?

The researchers examined patient records for children and young people aged between 3 – 18 years between 2000 – 2019. More than 7 million children and teenagers were included in the analysis, half [48%] of the study group were girls.

Between 2000 – 2019, researchers determined - [1] 3% [1 in 300] children

and young people were prescribed anti-psychotics at least once; [2] prescriptions of anti-psychotics increased year on year by 3% on average and roughly doubled over the research period; [3] first prescriptions were most likely to be for autism [13%], psychosis [9%] and anxiety [8%].

Repeat prescriptions issued within 18 months of the first prescription made up 1 in 3 [35%] of prescriptions issued in 2000. This increased by almost half [48%] by 2018. New prescriptions increased by 2% per year on average. The most prescribed anti-psychotics were risperidone, aripiprazole and quetiapine. Overall, prescription rates were similar in most areas regardless of deprivation. However, children in deprived areas were more likely to be prescribed older-style, cheaper, first-generation anti-psychotics which were more likely to cause some kind of side effect such as sudden twitches and uncontrollable movements caused by *tardive dyskinesia*. Twice as many boys received anti-psychotics as girls, almost every year.

Why is this important

Between 2000 and 2019, prescriptions of anti-psychotics doubled among children and adolescents in primary care in England. This was due to increases both in new and repeat prescriptions. The findings suggest that more young people are being prescribed anti-psychotics for longer periods and for more conditions. However, overall, prescriptions of anti-psychotics for children and young people remain low.

What's next?

The findings highlight the need for continued monitoring trends in anti-psychotic use and for further research into the safety of long and short-term use. A national audit of existing prescribing practices of children and adolescents could help to ensure clinicians are following current recommendations and identify gaps between guidance and practice that may be harming young people.

Further research could explore why clinicians are prescribing anti-psychotics for a wider range of conditions; and the reason why older anti-psychotics are prescribed in deprived areas.

Read the full article:

[https://www.thelancet.com/journals/lanpsy/article/PIIS2215-0366\(22\)00404-7/fulltext](https://www.thelancet.com/journals/lanpsy/article/PIIS2215-0366(22)00404-7/fulltext)

[a] Centre for Women's Mental Health, Division of Psychology and Mental Health, Faculty of Biology Medicine and Health, University of Manchester, Manchester, UK.

[b] Greater Manchester Mental Health NHS Foundation Trust, Manchester, UK.

Book Reviews -

'My Name is Why' by Lemn Sissay:

This is an autobiography and reflects upon Lemn Sissay's childhood in the care system. It covers the time he spent with a foster family, being rejected by them, and the placements in various care homes that followed. The book contains extracts from his official records which, alongside Lemn's memories, piece together the story of his childhood.

It is a very moving story and one that is often difficult to read; Lemn was frequently mistreated by those around him, and the records are very impersonal. He is referred to throughout as *Norman Greenwood*, the name he was given when placed in foster care, and it was not until he was 17 years old that Lemn learns the name his mother gave him. Lemn is often labelled as being *difficult* with no consideration of the hardships he is facing or how little he understands.

Through Lemn's memories, we learn about his pain when taken away from his foster family which was the only family he had known, and his desperate attempts to reconnect with them while blaming himself for the situation. We learn that Lemn is Ethiopian, and that his mother spent time in a home for unmarried mothers before Lemn was placed in foster care with a white family against his mother's wishes. Later, we learn that his mother had been pleading for him to be returned to her care. We follow his life as he begins to discover his real name, his heritage, and the discrimination he faces as a black child in the care system.

Lemn's story is incredibly powerful. It shows how important it is for children to have a sense of who they are, where they come from, and a home to which they can return.

Charlotte Burns

Operational IT Training Officer, Cafcass

'educated' by Tara Westover

Many of us working with situations of domestic abuse and adult mental health must consider the impact on the child of a closed family system, that is, when the language used and explanations given act as a barrier of collusive denial to advice, guidance and support.

As professionals, we usually look for a way to filter out the worst excesses of adversity, so that some element of normality can offer an opportunity for children to understand what is going on around them. That may take the form of a safer haven provided by school, grandparents, or close friends. However, any moderating influences in Tara's childhood also ran the risk of disavowal and rejection.

Tara gives an account of an upbringing strictly bound by religious values and beliefs. Her father would dictate the order of things reinforced by daily extracts from the Old Testament. This is a family environment which rigidly set its own norms and expectations and fiercely resisted outside interference of any kind.

She was expected to play a part in preparing for the breakdown of social order driven by the overwhelming demands of family loyalty. It included, literally, being ready to *man the armed barricades* in the event of any state trespassing on their land. Breaking wild horses, slopping out the pigs, and working full time at the family scrap yard were the staples of Tara's childhood. She also had to support her mother who acted as community midwife. This remarkable woman was forced to learn midwifery skills from

scratch as part of her upbringing and went on to create a successful business in homeopathic cures. Tara's lived social experience rarely ventured beyond the confines of the family. However, she found solace in the wild natural beauty of the changing seasons of the mountain which overshadowed the farm.

This is an account of a childhood spent with the ultimate sacrifice of any aspiration outside of religious dogma, its relentless intensity allows no breathing space for non-conformity or dissent which makes it even more important to recognise and respect Tara's struggle to emerge as an individual in her own right.

Paul Walker
Bank FCA

Letter to the Editor –

Dear Sir,
I read with interest in the last Edition of the Family Court Journal [Vol 11 No 2 Winter 2025] the research undertaken by Atifa Laeeqa and its focus on such a key element of effective social work intervention. Whilst agreeing with the conclusion, I am inviting the readership to explore a wider contextual explanation, that concerns the question of how the current system is sustained and how to help turnover. As a systemic psychotherapist, I am aware that we cannot alter one part of any system without experiencing unintended consequences on the other parts, so it is important to keep in mind we cannot change one part in isolation and hope this will make the

difference we had intended. In addition, I am always curious about the way families keep repeating patterns. What holds 'dysfunction' together. Why do they continue with *First Order Change*, where nothing actually changes.¹

So why is this important? I suggest that the most crucial aspect of Atifa Laeeqa's formulation is about the objectives to which we are working. Is it about paying staff more? Is it about reducing the work pressures? Is it about finding a strategy that supports the principles around the Children Act assertion – *the child's needs are paramount*? If we take this as a starting point, then what begins to emerge is something more coherent and systemic in which the very important points Atifa Laeeqa proposes have more chance of coming into play.

I would be curious about the function of this level of under-resourcing. Why is it allowed to persist? We can begin to find hypotheses which may be more or less correct. For example, financial pressures, political will, disinterest, and a lack of public awareness. But in doing this exercise, we begin to map out the terrain and start to shape a different kind of approach. We can begin to explore ways to create a new narrative and achieve *Second Order Change* [a change to the system itself rather than one that makes little difference]. This would help to understand better the statement '*due to the nature and significance of the profession, the issue needs immediate attention*'. Yes, this may be true. Yes, there are other wider systemic issues that need to be considered if *immediate attention* is to be gained and sustained.

What has been emerging is *continued* under-funding, increased demands, and stretched resources with the wider agenda of meeting '*children's needs*' for example [1] midwife support [2] NHS under-funding [3] GP surgeries [4] The consequences of closing *Sure Start* [5] Mental Health and SEND budgets [6] Education budgets.

Cafcass plays a crucial role in supporting parents who cannot agree contact [spend time] and residence [live with] arrangements, where the children suffer the consequences of contentious parenting. What is less clear is where they fit into an overall strategy. We can take each of these contributions and resource them but find that little has actually happened because the other aspects have not been considered.

So, what paradigm of change might be considered? My own starting point would be a political one combined with a concerted effort to get children's issues on to the agenda. Without this kind of support, we are less likely to achieve what we want. Currently, we allow the continued deleterious impact on children and families. The current level of dysfunction is maintained through a set of political choices. To return to the models of working with families, dysfunction is maintained because parents continue to blame their children and do not '*see*' that *they* are part of the '*problem*'. Until parents own their part, change is very difficult to achieve.

Despite political rhetoric and soul-soothing mantras, the reality is that children continue to suffer. Words are insufficient. I invite a quite different

trajectory which is one where the high level of stress and burnout, in any part of this system, *is acceptable*.

A possible way out of this splitting and dysfunction would be to demand a *Child Strategy*, which clarifies the objectives and budgets needed in each part, and that agencies are required to work together, identify gaps and overlaps, and finding efficiencies. Their needs would move from the rhetoric of being *paramount* to an enactment that helps vouchsafe them.

Rory Worthington

Family & Systemic Psychotherapist
Registered Social Worker
[Formerly Head of Policy & Planning – Cafcass]

1 Watzlawick, Paul; Weakland, John; Fisch, Richard;
O'Hanlon, Bill [FRW]; Erickson, Milton H [FRW]; Change:
Principles of Problem Formulation & Problem Resolution
[2004] Norton

Letters to the Editor -

This is a new section to the Journal, introduced in the Summer Edition 2025. It provides an opportunity for open letters to be sent to the Editor for publication. Correspondence can be anonymous and refer to any relevant subject that the writer wishes to raise. See page [2] for editor contact details.

And finally.....

Biking for Children in Care

Back in 2001 Gill Timmis, a Children's Guardian based in London, decided to organise a bike ride from Lands End to John O'Groats to raise money to support children in care and care leavers. After some consideration, Gill decided she would give the money to the charity *Become* [formerly The Who Cares? Trust]. Gill and a handful of

friends did the ride with others joining them for sections along the way.... and thus, *Biking for Children in Care* was born.

Gill had no idea then what she had started. She encouraged more and more people to join her fundraising rides. This year [2026] saw the 25th annual ride for *Become*. The rides have taken place in the Netherlands, Belgium, Germany and France as well as all over Britain. Every year, 50 cyclists undertake the challenge of cycling 220 miles in three and a half days backed by a support team of 15. The cycling is a challenge, but so too is the scale of the logistical operation.

In recognition of her outstanding fundraising work, Gill was awarded an MBE in 2013 for services to children. Every year, the ride raises over £50,000 for *Become*. In 2024, the total raised reached the milestone of £1 million. This was celebrated at a reception hosted at the House of Commons.

The ride this year [25th -29th June 2026] was from Lincoln to York. It was particularly tough due to the high temperatures. The group is diverse in terms of age and background with participants coming from all over the country. What binds everyone together is a shared commitment to supporting the charity. The group is friendly, mutually supportive and always open to new members.

The work of 'Become'

The vision of the charity is that care-experienced people have the same chances as everyone else to live happy, fulfilled lives. *Become* helps care-experienced young people get

the right support and advice for their personal lives, education and careers. The charity organises training for carers and professionals. It amplifies the voices of young people, campaigns and lobbies government on key issues to effect positive change. It also co-ordinates the work of the All-Party Parliamentary Group for Care-experienced Children and Young People. For a small charity, *Become* punches well above its weight.

Donations –

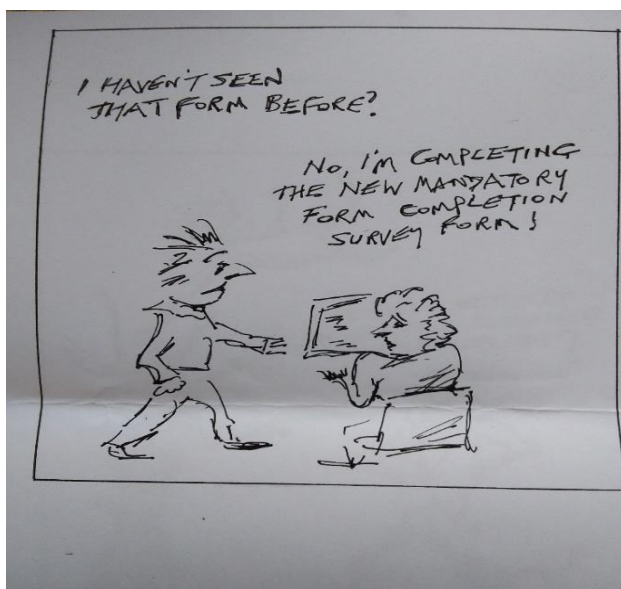
<https://www.justgiving.com/page/catrina-flynn-11>

For more information –
catrina.flynn123@gmail.com

Correction –

In an article published in the Family Court Journal [Volume 11 No 2 Winter 2025] by Atifa Laeeqa entitled, 'Identifying the Reasons for High Attrition Rates among Social Workers in England', Atifa wanted to clarify in her biography that she **hopes** to study for a PhD in social work as it was incorrectly stated that she was already studying for a PhD.

A Musing..... drawn by Peter Brooks



The Editorial Board invites anyone reading this Journal to make contact, submit an article, send in details of a case [redacted] or relevant experience, an interesting or controversial judgment, concerns about practice, or commentary relating to codes and conditions of service, positive or negative. Book or film reviews that link in some way to our role are always welcomed, news about meetings, lectures, seminars, or training courses can be of interest. Submissions can name the author, be anonymous or sent as suggestions for the Editorial Board to undertake further research and create an article from the idea sent in. Anything submitted can be very brief or longer, serious, light-hearted, or even a quip. Cartoons are also welcomed.

The Family Court Journal is for all colleagues within Cafcass and further afield working with children and families, on the frontline or behind the scenes. The Journal strives to provide an interesting read that informs, educates, entertains and enthuses but most of all unites colleagues. It is also intended to stimulate new professional /Trade Union membership within Napo Family Court Section so please feel free to signpost /send on a copy of the Journal in the hope that colleagues who have not yet become members will see that Napo is a credible, worthwhile, and focused union that works hard for the benefit of its membership.

The Family Court Journal needs to have a wide range of articles in each publication which will hopefully be produced at least biannually. However, this will only happen if sufficient

material is received. The Editorial Board is doing its best to create articles, but it is hoped everyone will become equally invested. Time, commitment, and confidence are the key elements to creating a flow of ideas.

As a footnote – the Editorial Board is keen to expand its numbers and would invite expressions of interest from anyone who might feel they could commit time and contribute to the bi-annual production of the Family Court Journal.

Initially, an email to the Editor [*contact details are on page 2*] would suffice with some brief details of your current professional role and interests.
