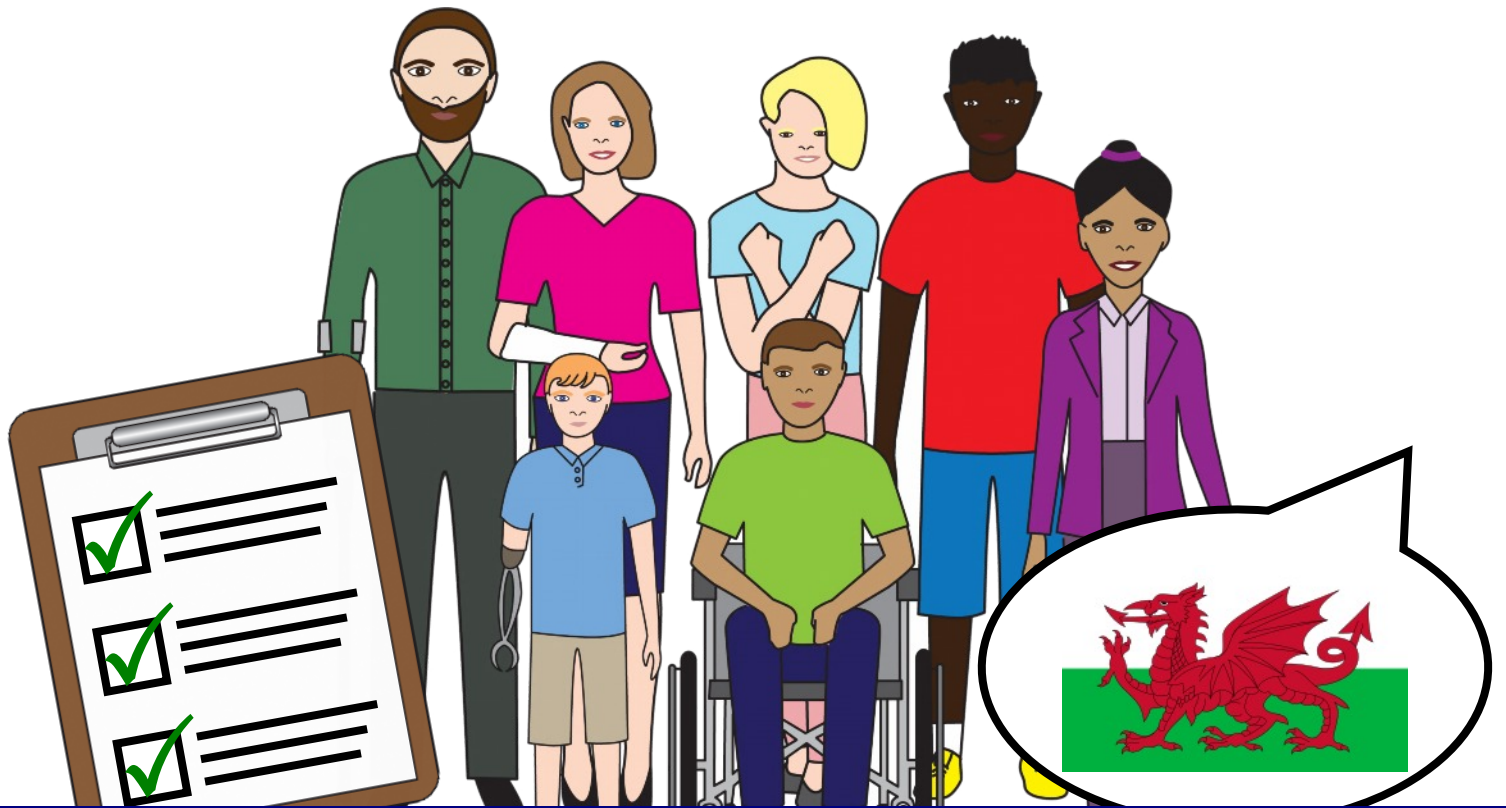




Ministry
of Justice



Asking people about how to settle family disagreements more quickly

Please tell us what you think by: 15 June 2023

Part 5: Impact Assessment, Equalities and Welsh Language

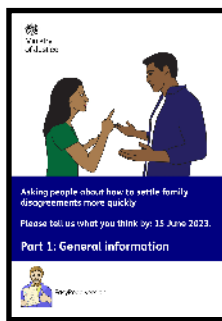


EasyRead version

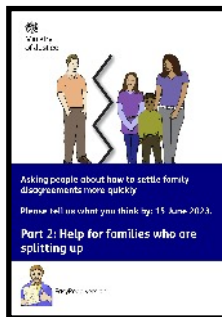
The different parts of this paper



There are different parts of this paper explaining different things and asking you different questions.



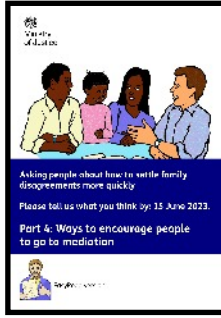
Part 1 is about general information about what we are talking about.



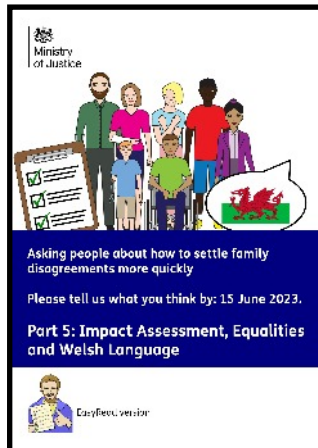
Part 2 is about help for families who are splitting up.



Part 3 is about asking families to go to mediation.



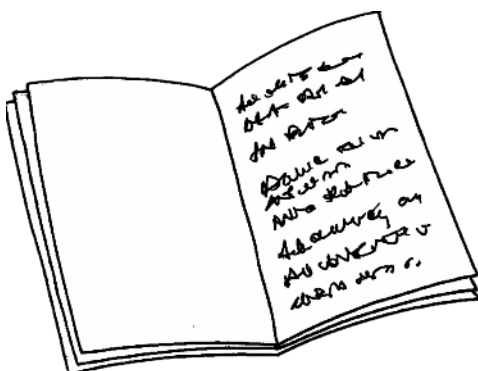
Part 4 is about ways to encourage people to go to mediation.



This is Part 5. It is on the Impact Assessment, Equalities and Welsh Language.



Please read the parts you are interested in or know about and tell us what you think about our ideas.



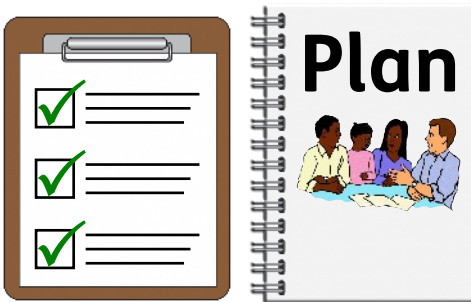
Some of the difficult words in this easy read paper are in **Bold**.

They are explained in the section at the end called What the Words Mean.

Impact Assessment



An Impact Assessment looks at the possible effects of our plan.



We will publish it separately alongside this paper.

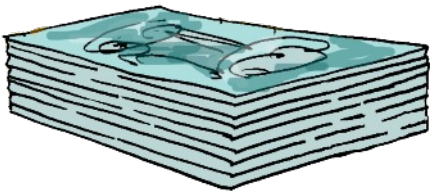
What our paper is about

This Private Family Law consultation looks at how we can help separating parents or couples to agree on:

1. child arrangements

and

2. financial arrangements.



We wrote this paper so people inside and outside of Parliament can tell us their thoughts and ideas.



The consultation covers 3 main areas:

1. Helping parents to settle issues before going to court.



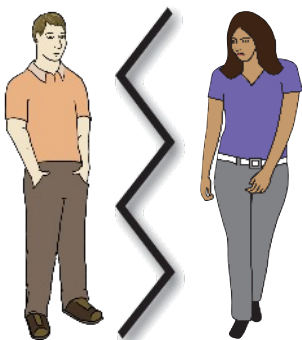
Asking parents to go to a **co-parenting programme**, where suitable.



2. Working out child and money issues through **mediation**.



We want to see people going to **compulsory** pre-court mediation where appropriate to do so.



We look at what this means for separating parents and others.



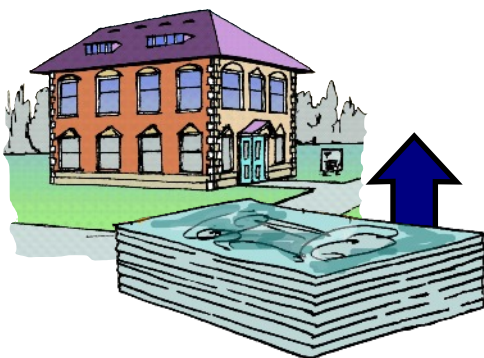
We will look at how to get mediation services ready.



We want to know if we need more mediation services and how mediators will be trained.



3. We will look at charging money to encourage people to go to mediation.



We will ask you how we could change the court fee so that it is closer to the real costs of coming to court and how to then encourage people to try to settle their disagreements outside of court.



Equality Duties

By law we must promote **equality**.

Equality means everyone having access to the same support and the same chances in life.



Some people may need extra support to have access to the same chances in life.

It is against the law to discriminate, which means to treat people differently. This can be because of their:



- age



- disability



- civil partnership



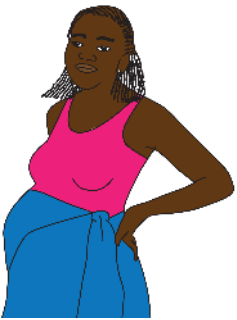
- race



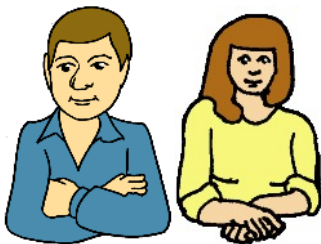
- gender reassignment



- marriage



- pregnancy



- sex



- sexual orientation

These are called **protected characteristics**.



Direct discrimination

We think we do not discriminate against people with protected characteristics. This is because the proposals apply to everyone.



Indirect discrimination

We have found a high number of people from certain backgrounds are going through the courts.



These are:

- people from a white Gypsy or Irish Traveller background



- a mixed or multiple ethnic background and in particular two of the mixed ethnicity backgrounds



- any other mixed or multiple ethnicity background



- a mixed white and black Caribbean background



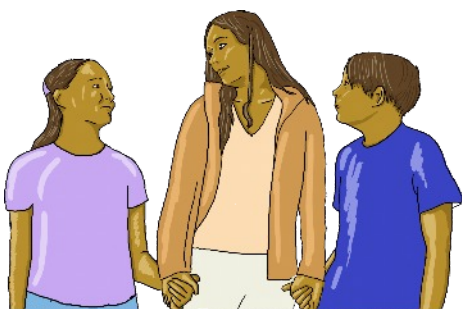
- children with an autistic spectrum diagnosis.

Other high users of the family law court are:



- men applying to court

People applying to court are called **applicants**.



- **respondents** who are mothers

Respondents are the other **party** who is asked to come to court.



- children in the 5–10 year old age group.



We think these groups will be helped by earlier resolution of conflict outside of the courts.

Discrimination arising from disability

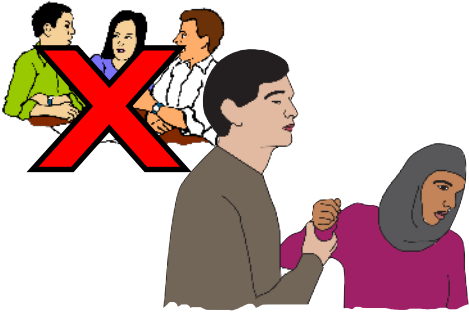


We know it is important to make **reasonable adjustments** for individuals with disabilities.

Reasonable adjustments mean making our service accessible to people with disabilities.



We think the mediation sector and parenting programmes already try to ensure accessibility for persons with disabilities.



Harassment and victimisation

People will not have to go to mediation if domestic abuse is present.



Equal opportunity

We think this consultation will help all families reach agreements more quickly and easily.



Build good relations

We have tried to build good relations between people who share protected characteristics and those who do not.



We are suggesting parents resolve issues outside of court.



Resolving disagreements away from court and faster will help build separating parents to get along better and benefit any children involved.

Evidence and Analysis



To help us with our consultation, we looked at information about people using the family courts. This was from the Ministry of Justice (MoJ), Children and Family Court Advisory and Support Service (Cafcass) and from wider academic research about the characteristics of the children, adults, and Cafcass employees.



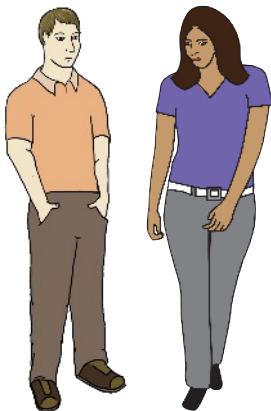
Adults

Some of our older information counts both adults and children.

2021			
Jan	Feb	Mar	Apr
May	Jun	Jul	Aug
Sep	Oct	Nov	Dec
↓			
2022			
Jan	Feb	Mar	Apr
May	Jun	Jul	Aug
Sep	Oct	Nov	Dec



The section below on children has separate information on people who used the family courts for the year 2020/21.



Age: Most mother and father applicants were in their late twenties and thirties, like parents in the general population.



Disability: We do not have information about private family court users in England.

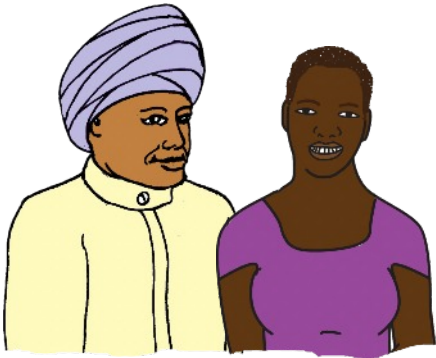


Some projects in Wales found it difficult to engage with adults who have mental health or addiction issues.



Ethnicity:

a. Gypsy or Irish Traveller background: we found a high number of adults and children with this background compared to the general population.



b. Mixed or multiple ethnic background: we found a high number of adults and children with this background compared to the general population.



c. Any other mixed or multiple ethnicity background: we found a high number of adults and children with this background compared to the general population.



d. A mixed white and black Caribbean background: we found a very high number of adults and children with this background compared to the general population.



- e. Any other ethnic background: we found a small number of adults and children with this background compared to the general population.



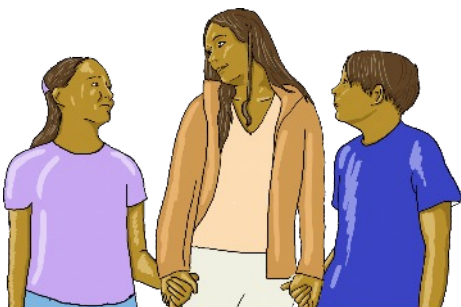
Religion: No information.



Sexual orientation: No information.



Sex and gender reassignment: Men mostly apply for private law cases.



A high number of mothers are respondents.



There is no information about users who have undertaken gender reassignment.

2021			
Jan	Feb	Mar	Apr
May	Jun	Jul	Aug
Sep	Oct	Nov	Dec



Children

We took our information from the Cafcass 2021/22 annual report.

↓

2022			
Jan	Feb	Mar	Apr
May	Jun	Jul	Aug
Sep	Oct	Nov	Dec



Age: In 2021/22, 2 of every 5 children in private law proceedings 5 to 10 years old.

This is higher than public law proceedings and the wider population.



Disability: 1 in 10 children had just one condition or disability.



A small number had multiple conditions or disabilities recorded.



The numbers were not as high as the number of children with an Educational Health Care Plan or Special Educational Need.



We think the difference may be due to under-recording rather than a real difference in incidence.



4 in 10 children with an **autistic spectrum disorder** were involved with a private family law case.

This is lower than the population as a whole.



Ethnicity: By the end of March 2022 ethnicity was recorded for almost 9 in 10 children in private law proceedings.



There were 10 in 100 children with any other mixed or multiple ethnicity.

This is higher than the national child population which is 5 in 100.



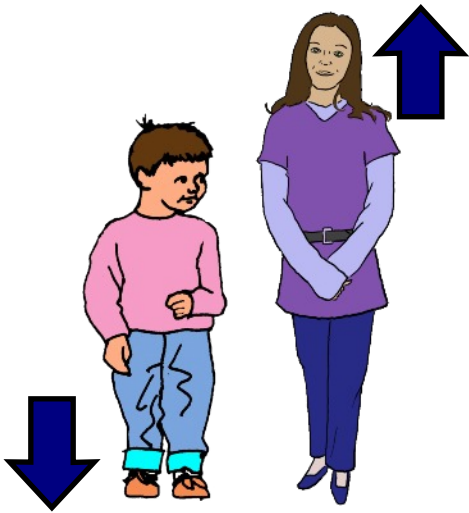
Gender Reassignment: No information.



Religion: No information.



Sexual orientation: No information



Sex: There were a few more boys than girls in private law proceedings.

This is the same as the general population.



What this information tells us

We think the information does not show all the facts about adults and children from some ethnic minority and age groups.



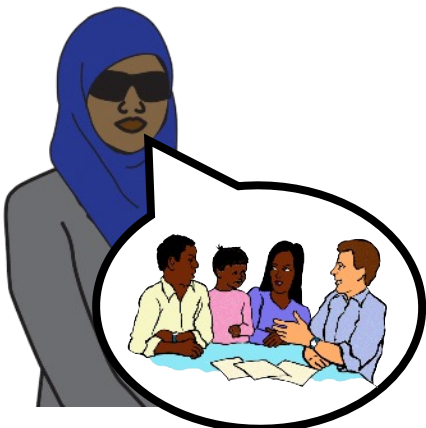
We know there are gaps in our information.



We think there may be a bigger number who will be affected by the Private Family Law consultation.

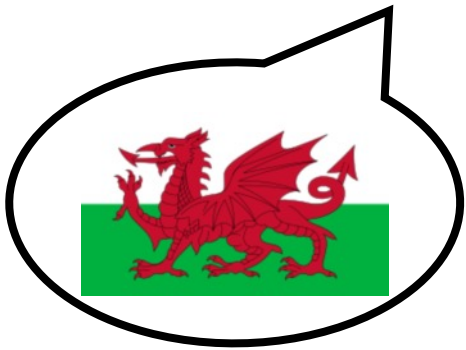


We think that the changes we are suggesting will work well for these adults and children.



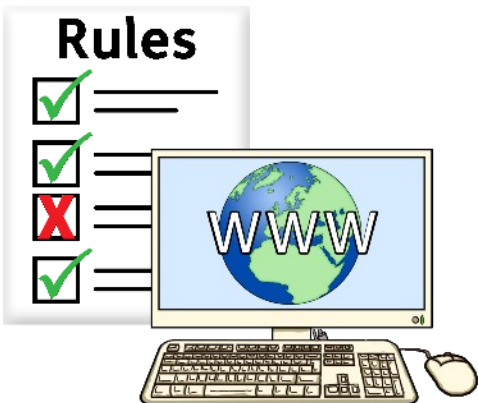
If you have protected characteristics we would like you to tell us how mediation has been for you.

Welsh Language Impact Test



The Welsh language impact is addressed in the Impact Assessment published alongside this paper.

Consultation principles



We followed the rules that Government departments and other public bodies must follow in consultations:

tinyurl.com/Consultation-principles-2018

What the words mean

Applicants are people applying to court.

Co-parenting means you and your ex-partner talk about how you will bring up your children.

Co-parenting programmes are courses where you learn ways to co-parent to have a positive impact on any children involved.

Compulsory means you have to do something, unless there are reasons that this would be harmful.

Dispute resolution is the process of finding an agreed solution to a disagreement. Mediation is a form of dispute resolution.

Disputes or conflicts are when people disagree or argue about something.

Equality means everyone having access to the same support and the same chances in life.

Family mediation is where a trained professional called a mediator helps separating couples work through plans for their children, finance or property.

Mediation means you talk to an independent person called a mediator who helps you sort out a problem without going to court.

Party. People involved in a court case are called parties.

Respondents are the other party who is asked to come to court.

Reasonable adjustments means making our service accessible to people with disabilities.

Credits



This paper has been designed and produced by the EasyRead service at Inspired Services Publishing Ltd.
Ref ISL381 22. May 2023.

www.inspiredservices.org.uk



It meets the European EasyRead Standard. © European Easy-to-Read Logo: Inclusion Europe.

More information at
www.easy-to-read.eu



Inspired•pics

Artwork includes material from the Inspired EasyRead Collection and cannot be used anywhere else without written permission from Inspired Services.

www.inspired.pics