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Review of the Presumption of Parental Involvement

Methodology Report:

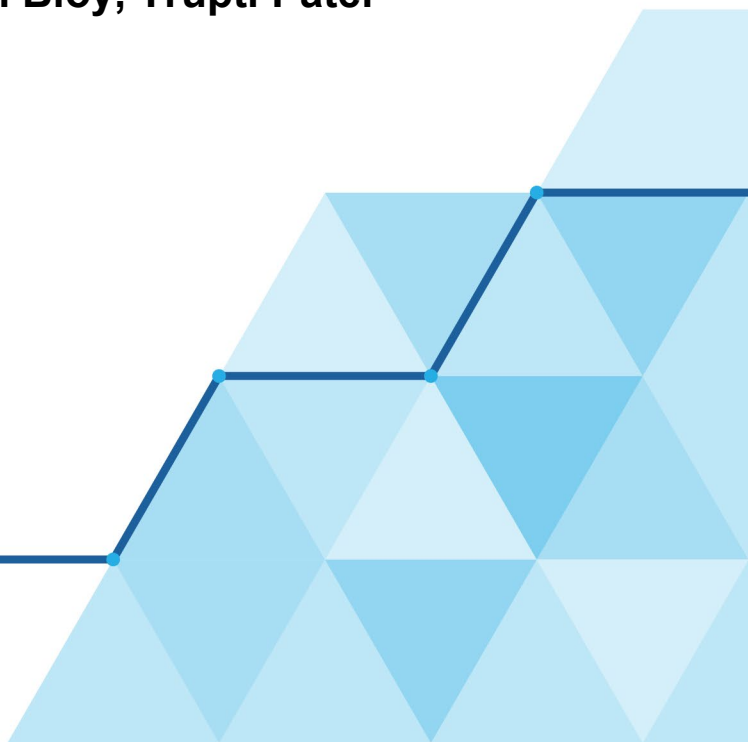
Private family court cases – experiences of Black, Asian and minority ethnic parents and parents in cases of alleged child sexual abuse

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Race Equality Foundation

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1. Summary

Race Equality Foundation were commissioned by the Ministry of Justice (MoJ) to undertake qualitative research to explore how specific groups of parents experience the family court process in private law cases where the presumption could feature. This research is part of a package of research commissioned to support its review of the presumption of parental involvement (the Review) and has sought to ensure the voices and experiences of those parents whose views are less often heard in family justice research inform the findings of the Review.

The research had two strands. The first aimed to gain an understanding of how Black, Asian and minority ethnic parents felt their personal and cultural characteristics impacted upon their experience of making child arrangements through the court and the courts' application of the presumption in their case. The second strand was carried out in partnership with We Stand (formerly known as Mosac), a specialist voluntary organisation that supports the non-abusing parent of a sexually abused child. This strand of the research explored the experiences of parents with cases where sexual abuse had been alleged or proven.

This report details the methodology for this research and documents how this was implemented. For further information on the research findings, please read the full report. This report was finalised in April 2024. References to practice and guidance reflect the information available at the time of writing and no updated research or statistics have subsequently been included.

2. The research and team

Since November 2020, the MoJ has been carrying out a review of the presumption of parental involvement in private family law cases to explore the impact of the implementation of this presumption in cases where there is risk of harm to children.

To ensure the review includes the experiences of parents who are not well represented in family justice research, the Race Equality Foundation and their partners, We Stand, were commissioned to carry out some additional research. This focuses on the experience of Black, Asian and minority ethnic parents and the experiences of parents in cases where sexual abuse was alleged or proven. These two areas of research are referred to as Strand One and Strand Two in this report.

2.1 Race Equality Foundation

The Foundation is the lead partner in this work providing subject expertise and research expertise.

The Foundation is a national charity tackling racial inequality in public services to improve the lives of Black, Asian and minority ethnic communities. The Foundation has extensive experience of carrying out research with Black, Asian and minority ethnic communities and practitioners who work with these communities, as well as the use of this evidence in the development of learning materials, guides and policy recommendations. The research team brings a great deal of knowledge of other areas of relevance to this project, including work for the Independent Inquiry into Child Sexual Abuse which involved securing the views of Black, Asian and minority ethnic people on their experience of child sexual abuse, its reporting and the support provided by organisations and institutions such as the police (Rodger et al, 2020).

2.2 We Stand

We Stand (at the time of this study We Stand were known as Mosac and have since rebranded) is the only UK charity that specialises in helping non-abusing parents and carers to protect and support their sexually abused children. They have supported over

50,000 child victims and their protective families during recovery. They have a team of highly experienced staff and volunteers, with a significant proportion having lived experience of child sexual abuse. They work closely with community organisations and frontline workers to raise awareness, reduce stigma, and increase access to support. The majority of those they work with find themselves in the family courts because their child/children have disclosed sexual abuse by the other parent, leading to a relationship breakup. The majority of their family court dealings are private law and child arrangement cases.

2.3 The research partnership

Each of the partners in this study brought unique expert perspectives which allowed for engagement of the participants who are seldom heard from in research and insight into their experiences.

The Foundation took the lead in research methodology, compiling the topic guide, and research documentation. They also provided training to all interviewers, including We Stand staff. The Foundation also led in engagement with Black, Asian and minority ethnic parents and analysis of interview transcripts. We Stand provided the engagement of participants where sexual abuse had featured in their cases and highlighted key themes from these interviews that needed to be addressed in the report of findings.

There were a number of advantages to this partnership. The different perspectives led to a better understanding and more nuanced approach in the analysis. It provided a point of comparison for each of the strands allowing for a contrast in experiences for the two cohorts of participants. It is likely that this led to greater interrogation of the intersection of race and gender, highlighted particularly in the sections on gender stereotyping and gendered perceptions and expectations of court processes. The sharing of expertise and skills meant that both parties gained from the partnership.

Whilst collaboration provided valuable insights, there were also some challenges faced, mainly relating to the limited time available for this work. The timeframe was challenging from the outset, with interviews needing to start during the summer when parents were least likely to be available, and when staff were taking annual leave. This made it harder to work together on a number of key documents, and consequently resulted in shorter time

frames to consult and provide input for We Stand in particular. The use of an online collaboration platform was vital in this process, alongside flexibility, and understanding around the competing demands that impacted both organisations.

3. Proposed methodology

3.1 The use of individual interviews

To secure the necessary insight into the views and experience of the participants in this piece of research, individual interviews were used. Experience of collecting responses on sensitive subjects from Black, Asian and minority ethnic respondents in past research has demonstrated that this approach was most appropriate and would secure the rich and detailed responses required to answer the primary research questions relating to the experience of the presumption.¹

This was also the preferred methodology for We Stand and the individuals they worked with, where sexual abuse had been a factor in private family law cases. For both cohorts, the events that led to contact with services and the contact itself remained sufficiently traumatic. This meant that an individual interview was the only way to secure their involvement.

3.2 Type of sample

A purposive sampling strategy (Sandelowski, 2000) was used to identify and select participants. Purposive sampling allows the identification of individuals that have experienced a particular phenomenon (in this case legal proceedings in the family court) and have the potential to provide valuable insight.

This strategy requires the willingness of potential participants to participate (Palinkas, 2015) and this was addressed in the methods of contact used to engage participants (through trusted intermediaries, such as voluntary and community organisations). It was also considered in how their consent to participate was secured (clear information, how confidentiality will be maintained, opportunity to review the interview, commitment to feedback on findings).

¹ For example, with work for the Care Quality Commission on the experience of black and minority ethnic people's contact with emergency mental health services (Jeraj et al 2016; Care Quality Commission, 2016).

Two slightly different approaches to sampling for the respective strands were applied.

The aim was to secure a sample of 30 research participants in total: 20 respondents from Black, Asian and minority ethnic backgrounds and 10 respondents where sexual abuse was a feature of their case. This number would ensure the sampling frame was robust, from a qualitative perspective, and hopefully allow the research to reach saturation – when no new topics or themes would be raised by participants in relation to the lived experiences of family court (Creswell, 2009). This approach is further supported by a recent systematic review which suggests that between 9 and 17 interviews can lead to saturation being achieved if study populations are reasonably homogenous, and issues being considered are narrowly defined; as is the case with this study (Hennick and Kaiser, 2022).

Black, Asian and minority ethnic sample

Our approach was to ensure diversity rather than representativeness in the sample of Black, Asian and minority ethnic participants secured. This approach was the most effective use of the resources available to us to carry out this research.

A sampling framework was identified for guidance as below in Table 1. We based our definition of ethnic group affiliation on self-ascribed identity, so we were able to recognise communities within communities, for example Kashmiris and Pakistanis (Ali, 2004), and acknowledge inter-racial religious, national, regional, linguistic, cultural, and socio-economic diversity within our ethnic groups (Ford and Kelly, 2005; Chaturvedi, 2001).

Publicly available data on the ethnic make-up of the families going through private law proceedings is limited (Alrouh et al, 2022). The most recent Cafcass (2021) annual report suggests that children of South Asian origin make the biggest minority ethnic grouping, followed by Black African, Caribbean and the other ethnic groups making up the smallest number. The table below shows how we intended the sample in Strand One would be stratified to ensure diversity.

Table 1: Proposed sampling framework for Strand One

Ethnic Group	Gender	Number of participants
Black African & Black Caribbean	Male	4–5
Black African & Black Caribbean	Female	4–5
Pakistani, Bangladeshi, Indian & other South Asian	Male	5–6
Pakistani, Bangladeshi, Indian & other South Asian	Female	5–6
Other minority ethnic groups, including Chinese and Arab,	Male	1–2
Other minority ethnic groups, including Chinese and Arab, Polish & other Eastern European	Female	1–2
Total		20–26

Families where sexual abuse was a feature

For Strand Two, the sample would be selected from the cohort of parents with whom We Stand works directly. Given the nature of the agency, all parents they interact with are non-abusing parents/carers whose children have been sexually abused. A selection process was designed where all those who had experience of the family courts within the inclusion criteria were approached and invited to take part. We Stand clientele is almost entirely female (96 per cent); and they had identified from the outset that this would likely lead to an entirely female cohort for this research. This is in line with evidence which suggests that perpetrators of child sexual abuse and domestic abuse are predominantly men (ONS, 2020). Attempts were made to include fathers amongst their sample, and one was identified, however their status changed prior to their interview, and they no longer fulfilled the inclusion criteria. We Stand also sought to represent a degree of diversity (both ethnic and geographical) amongst their respondents.

For both strands of work, there was an expectation and commitment to secure parents across a range of geographical areas and to actively attempt to ensure respondents from Wales were included.

3.3 Inclusion/exclusion criteria

A key component of the implementation of purposive sampling is the inclusion criteria. The tender specification identified the target population for the qualitative research as parents with experiences of cases where the presumption could be applied. Initially the plan had been to focus on recent cases but, after discussions, it was agreed that all parents with experience of cases from 2014 (chosen because this was the year the presumption was introduced) could be included. This was to take account of likely trauma, particularly for those individuals in cases where there had been allegation of sexual abuse, and the ability of those with recent cases to wish to discuss their experiences.

The inclusion criteria were as follows:

- be from a minoritised ethnic background or involved in a case with proven or alleged child sexual abuse
- have been an applicant or respondent in a case relating to an application or order under Section 8 of the Children Act 1989; and/or an application or order for parental responsibility, and
- a “parent” of the child involved in the case as outlined in the Children Act 1989.

And whose case:

- had been held in a court in England or Wales
- is closed at the time of the research, and
- ideally have started no earlier than 2014.

The exclusion criteria we applied was as follows:

- Individuals who do not self-identify as being from one of the ethnic groups listed in Table 1 or who do not identify that their case included alleged or proven child sexual abuse.
- Individuals who are unable to provide informed consent to take part in the interviews.
- Individuals who have not been an applicant or respondent in a case relating to an application or order under Section 8 of the Children Act 1989; and/or an application or order for parental responsibility.

4. Recruitment of research participants

4.1 Recruitment Strand One

For Strand One, recruitment was twofold. Firstly by drawing on the families that participate in the Race Equality Foundation's Strengthening Families, Strengthening Communities parent programme (SFSC)² which is an extremely ethnically diverse group and includes parents who have experienced private law cases in the family court. Secondly, by working with trusted voluntary and community sector partners to secure participants for interview. This approach had many benefits. It allowed the work to draw on the insight of SFSC facilitators to identify relevant parents and communicate the 'ask' via these trusted relationships. It also facilitated access to parents who had not had this specific support. The shortcut of trusted relationships was essential given the time limitation on data collection (August to October 2022). However, it did not enable the research to ensure participation of those who were not in contact with any agency or support at all.

Direct contact was made with 50 organisations led by or serving Black, Asian and minority ethnic communities. This included organisations that served particular geographical areas, such as Family Support Wales and Rise Cardiff in Wales, and Bristol Somali Resource Centre and Chinese Community Wellbeing Society (formerly Bristol and Avon Chinese Association) in Bristol. Contact was also made with organisations that served particular target groups, such as Future Men to engage fathers and Approachable Parenting to engage Muslim parents.

This was combined with dissemination of the study and calls for participation through:

- A range of organisations working to support parents who are experiencing conflict with their partners, for example One Plus One.

² Strengthening Families, Strengthening Communities (SFSC) is a 13-week group-based parenting programme, which has been used extensively to reach, retain and have an impact on parents from Black, Asian and minority ethnic communities. SFSC helps parents with children aged up to 18 years to think about how their actions and experiences may influence their parenting style, promote children's social skills and self-discipline and achieve positive change in family relationships.

- A number of legal firms that support minoritised parents; this includes Law for Life.
- Networks of organisations like the Violence Against Women and Girls Coalition and the Parenting Programme Alliance.
- The Race Equality Foundation newsletter and social media.

Written resources were developed including accessible information sheets for organisations, as well as for parents, to aid the recruitment process. Team members offered briefing sessions to local partners and carried out four of these with Equal Parenting, Jewish Women's Aid, EYST in Cardiff, and Caribbean African Health Network. This strategy allowed organisations to understand who the research was seeking to recruit, so that they were able to approach individuals that were in line with the sampling strategy. It also provided an opportunity for the organisations to answer practical questions about how the research could best engage with parents they support.

This combination of accessible documentation and briefings worked well. However, it also required numerous follow-ups to ensure that partners were persistent in their approaches to potential interviewees. As well as this, SFSC facilitators with pre-existing relationships with parents were key in identifying relevant parents and having conversations with them directly about the research to ensure that those coming forward made an informed choice to participate.

4.2 Recruitment Strand Two

Recruitment for Strand 2 was straightforward and came directly from the cohort of families that We Stand supports. A list of those eligible was generated, applying the exclusion and inclusion criteria above, and these were approached to participate until 10 parents had been secured and interviewed. Again, a crucial part of the recruitment strategy was the use of trusted relationships. The subject matter for Strand Two interviews was extremely sensitive and potentially retraumatising. Without the involvement of an organisation like We Stand, it could have been incredibly difficult to identify participants and secure their participation in this research.

The research budget for both cohorts of parents also included funds to allow removal of the barriers to participation, including meeting the travel costs of participants and providing them with a thank you voucher for their contribution. To incentivise partner agencies to support the work, researchers agreed to hire space at their venues to carry out the interviews, which also worked well in engaging their service users and building trust.

5. The interviews

A semi-structured topic guide was developed based on the project objectives, conversations with the commissioning team at MoJ and with the Advisory Group supporting the Review.³ The topic guide also built on Barnett's (2020) literature review carried out to support the work of the Expert Panel on Harm in Private Law Children Cases. There is extensive expertise within the Foundation on the development of interview schedules and topic guides for semi-structured interviews for numerous research projects. Once developed, the topic guide was reviewed by other members of the Foundation's team, including researcher Dr Trupti Patel. It was then subject to peer review by two parents with lived experience of the family courts. This review stage is particularly important to ensure question comprehension, test timing, and understand the prompts that might be required.

The focus of the interviews centred on the respondent's knowledge and experience of the presumption. However, the interview was wide enough in scope to get a sense of the parents' journey through the court and their feelings on how they had been treated or supported at various points throughout the process. This included by the courts, as well as the decisions that were made about parental involvement and the enforcement of court orders. Barnett's (2020) literature review highlighted the challenges posed by Practice Direction 12J and this was raised as a topic too. Although children were not interviewed, attention was paid to parents' views on the impact of the process on their children, including how this was taken into account by the courts.

As this research was commissioned to secure the views of two particular cohorts of parents, there was a focus on how their identity either as Black, Asian or minority ethnic individuals or as someone who had alleged abuse played a part in their experiences within the process. The role of gender in this process was also explored.

³ For more information on members of the Advisory Group, please see the press release announcing the Review: [Child protection at heart of courts review - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/press-releases/2022/04/child-protection-at-heart-of-courts-review).

Prior to the interview a number of activities were carried out with potential participants in line with the research protocol (Appendix 1):

- A full explanation was provided about the nature of the research.
- A screening questionnaire was completed to ensure that that exclusion and inclusion criteria could be applied, and the individual could continue through to the interview.
- A demographic questionnaire was completed including questions on ethnicity, religion, spoken languages, age, country of birth, living arrangements, to collect all necessary background and demographic information.
- Information on consent was provided and full informed consent secured.

The preferred approach was to carry out interviews in person, however an online interview using Zoom was also offered to facilitate participation. This was useful for those who felt more comfortable being interviewed from their own home, who were unable to be accommodated in person at a time that worked for them or in order to complete all interviews in the necessary timeframe.

In keeping with good practice highlighted by organisations such as INVOLVE,⁴ all the travel costs of interview participants were reimbursed, and a £25 voucher was provided to all interviewees. The offer of the thank you voucher was both a recognition that the participant's time is valuable, and that their contribution is valued.

Recording the discussions

All interviews were recorded either using a digital recorder and multi-directional microphone or via the recording functionality of Zoom where the interview was recorded directly to the researcher's laptop. Recordings were carried out using devices supporting file encryption and password protection. All respondents agreed to their interviews being recorded.

Data storage and confidentiality

In line with the research protocols, recordings were stored securely on non-networked password protected laptops and deleted from recording devices. All audio files transferred

⁴ <https://www.invo.org.uk/>

between the Foundation and We Stand used the Egress secure system. Once transcription had been completed and had then been reviewed and signed off by the interviewer, the original recording was permanently erased.

The approach to protecting data was explained to all participants, including being clear what information they would be asked for, how their information would be recorded and securely retained, and how it would be used. The data protection approach was in line with best practice and relevant legislation (the Data Protection Acts and now the requirements of General Data Protection Regulation).

Ethical considerations and consent

All participants received a participant information sheet and were given a minimum of twenty-four hours to consider and complete this. In most cases participants had longer to consider the 'ask' before deciding whether to take part in the interview. In addition, a range of other sheets with written information were provided covering:

- consent
- confidentiality and privacy, and
- legal information.

All of this information was also reviewed in either a telephone conversation, Zoom meeting or in person meeting with the participant, prior to the interview taking place. This was to ensure that this information was clear and understood and to answer any questions that the participant might have.

The discussion on the legal information included ensuring that participants understood that they were allowed to talk about their case for the purpose of this research and that the President of the Family Division had designated this project as "approved research."

Confidentiality was explained to participants as well as the limits to this, which were essentially where there were safeguarding concerns and/or where a court requested information to be released.

The research team were concerned that the latter issue might cause potential interviewees to decide against taking part in the research, or to put them or their children at risk of more litigation, and so worked hard to ensure the process would minimise this risk. This included

advice to participants and encouraging participants not to disclose any information the court had specifically ordered them not to discuss (these are often referred to as gagging orders) as well as ensuring a quick turnaround between recording the interview, transcribing it, and then anonymising it (and deleting the recording).

Consent was obtained from all participants after they had read and understood the information sheet and before the interview took place. Further, consent was revisited at the beginning of the interview, with the researcher introducing each element of this verbally and explaining anything that the respondent was unclear about. The consent information is included in the appendices to this report.

During transcription, all participants were assigned an ID number to maintain the participants' anonymity. Details of who each ID pertains to was kept on a password protected non-networked laptop.

5.1 The interviewers

The interview team was led by Tracey Bignall and included Eleni Bloy, Safo Kordestani, and Trupti Patel. There was significant research expertise across the team as well as expert knowledge of the population groups being interviewed.

The team was constructed to ensure ethnic diversity of interviewers. It was hoped that the lived experience amongst the research team allowed for a sensitivity and openness in discussions around ethnic identity and impact on experience. A male interviewer was available, however whilst offered, this was not requested by any of the participants. Neither were there any requests for community language or British Sign Language interpreters. All interviewers had current enhanced Disclosure and Barring Service checks in place and completed project and protocol training before beginning interviews.

6. Achieved sample

In total 31 participants agreed to take part in the study, but 29 interviews were carried out. Two individuals were unwell and unable to make their scheduled interview and it was not possible to rearrange, prior to the analysis phase of this research.

Table 2 demonstrates the difference between the proposed sample for Strand One and the achieved sample. The final number of interviews stands at 19 in this strand. While just below the minimum target number of 20, this is nonetheless a reasonable sample size that allows for some diversity in gender and ethnicity.

As identified previously, the sample in Strand Two was simply those who fulfilled the criteria and were known to We Stand. There was no structured sampling framework but rather an expectation that participants were likely to be women, would come from across England and Wales and would include some ethnic diversity, if possible.

6.1 Gender

Interviews in Strand One were carried out with nine men and ten women, seven in person and 12 over Zoom.

Table 3 contains information on the ten respondents interviewed by We Stand. All those were women in line with their client group who are predominantly women. Eight were carried out in person and two were over Zoom.

In total, this research considered the views of 20 women and nine men.

6.2 Ethnic diversity

The cohort of participants in the Foundation's strand of the study were in line with the proposed sample. In total, interviews were carried out with seven individuals who identified as Black African and Caribbean (three African, three Caribbean and one mixed African/white), seven who identified as Asian (four Pakistani, two Indian and one mixed

Indian/white) and then five individuals from other minority groups, which included two who identified as White/Jewish, one White European, one Arab and one Latino.

Table 2: Breakdown of proposed and actual sample structure for strand exploring experience of Black, Asian, minority ethnic participants

Ethnic Group	Gender	Proposed number of participants	Actual number of participants
Black African & Black Caribbean	Male	4–5	5
Black African & Black Caribbean	Female	4–5	2
Pakistani, Bangladeshi, Indian & other South Asian	Male	5–6	1
Pakistani, Bangladeshi, Indian & other South Asian	Female	5–6	6
Other minority ethnic groups, including Chinese and Arab	Male	1–2	3
Other minority ethnic groups, including Chinese and Arab, Polish & other Eastern European	Female	1–2	2
Total		20–26	19

Whilst the cohort in Strand Two were less ethnically diverse, it did include one person who identified as Black African/Caribbean, one who identified as Asian, and one who identified as Mixed (no further information provided). In addition, there were four White British respondents, and two White other respondents. There was one interviewee for whom there is no demographic information.

Table 3: Actual sample structure for strand exploring experience of We Stand participants

Ethnic Group	Gender	Number of participants
White British	Female	4
White Other	Female	2
Black African & Black Caribbean	Female	1
Pakistani, Bangladeshi, Indian & other South Asian	Female	1
Mixed	Female	1
Not known	Female	1
Total		10

6.3 Geographical diversity

The research team made efforts to ensure the sample came from across England and Wales and achieved some success across England. Significant effort was put into recruitment in Wales. A number of avenues were explored, including: MoJ and the Review's Advisory Group shared contacts in Wales, Race Equality Foundation and We Stand pursued their own contacts, and the research opportunity was shared through a number of networks. Unfortunately, only one Welsh participant was secured. The consequence of this is that the research is not able to disaggregate the experience of Welsh parents in this research.

In the achieved sample, the majority of parents were based in the South East, with 11 of the 29 resident in London and a further five resident in East and West Sussex and Surrey. Six parents identified as residing in Birmingham, and two in Manchester. There were four respondents from across the South West including, Hampshire, Avon and Somerset, Wiltshire and Gloucestershire. The one remaining participant lived in Wales.

Table 4: Participants by region

Geographical region	Number of participants
London	11
West Midlands (Birmingham)	6
South East (East and West Sussex, Surrey)	5
South West (Wiltshire, Gloucestershire, Avon & Somerset, Hampshire)	4
North West (Manchester)	2
Wales	1
Total	29

6.4 Other participant information

Parents stated their family court cases started for a number of reasons including a change of personal circumstances, such as either the participant or other parent having a new partner, relationship breakdown or fears that one parent would abscond with the child. Domestic abuse was a factor in a number of the family court cases across both cohorts.

Most of the parents interviewed had been the respondent to a child arrangements application, but some had initiated the proceedings themselves. Some were also involved with other social services or criminal procedures related to their family situation.

All participants had experience of cases heard in the family court since 2014, with cases starting between 2008 and 2022. For Strand One parents, there were two cases starting in 2020, five in 2019, six in 2018, and five that started in 2014/15. One case ran from 2010–2016. For Strand Two parents, one case started in 2020, two in 2019, two in 2018, three in 2017, one in 2016, and one started in 2008 but continued beyond 2014.

6.5 Retention of participants

There were four additional participants who had identified they wanted to participate but did not do so. Two of those had given a provisional agreement to one of the Foundation's parenting team, however they did not respond to the research team's attempts to follow up with them. Of the other two, one had agreed and then was unwell on the day of the interview and the other found themselves subject to another court proceeding which meant they were no longer eligible to be included. It was the case that many of the parents who were approached for Strand One were not able to participate because, whilst they had relevant experience with the family court, they had ongoing court proceedings and so were excluded.

6.6 Consent and participants

All those who were interested in taking part in the study responded positively to the information about consent. There were no individuals who withdrew their consent at any point during the research.

The consensus from participants was that they appreciated the clarity of information provided to them and the transparency about the process. Participants also expressed confidence in the information shared about confidentiality and the communication that permission to speak about the case, secured by the MoJ from the President of the Family Division, was in place. It was clear that this was an important and valuable contribution to the recruitment process.

7. Analysis plan

A thematic framework approach has been used to analyse the data (Mason, 2018; Ritchie and Spencer, 1994) and answer the research questions. This approach involves a detailed familiarisation with the data, identification of key themes to form a coding frame, indexing the material according to the coding frame, interpreting the findings in the context of other research in the area and policy and practice considerations.

Based on previous successful research, the number of interviews achieved across the two cohorts are sufficient to generate adequate thematic depth and answer the research questions (Silverman, 1993). The researchers reviewed interviews individually and across teams, with researchers each cross-reviewing transcripts to guarantee a degree of inter-rater reliability and transparency to ensure a consensus has been reached on the themes and sub themes emerging from the interviews (Creswell, 2014). These themes related to the specific patterns along the journey and interaction with the family court process. Throughout analysis, discussions took place between both research partners – Race Equality Foundation and We Stand. These discussions included exploring research themes and analysis of the transcripts, as well as considering the implications for policy and practice. We Stand oversight was crucial to the analysis of the Strand Two interviews as well as helping to explore issues of gender stereotyping across the two cohorts.

MoJ staff have also provided relevant information and useful commentary to help the team consider the data and its analysis.

Importantly, the interview participants were invited to attend focus group sessions following the production of a draft report, as agreed when they signed up to participate in this research. Two groups were held for Strand One (one in person and one online). For Strand Two, the findings were presented to a number of respondents individually as it proved a challenge to get them together in the time frame. Overall, around half of the research participants took part in this activity. The researchers presented the key findings and recommendations from the interviews and participants were able to comment on these directly, identifying areas of resonance and interrogating the analysis and recommendations.

References

- Alrouh, B., Hargreaves, C., Cusworth, L., Broadhurst, K., North, L., Griffiths, L., Doesbler, S., Akbari, A., Farr, I. and Cowley, L. (2022) What do we know about ethnicity in the family justice system in England? London: Nuffield Family Justice Observatory. https://www.cfj-lancaster.org.uk/files/pdfs/nfjo_report_diversity_england.pdf (Viewed 11 April 2024)
- Barnett, A. (2020) Domestic abuse and private law children cases: A literature review. London: Ministry of Justice Analytical Series. <https://assets.publishing.service.gov.uk/media/5ef3dd32d3bf7f7142efc034/domestic-abuse-private-law-children-cases-literature-review.pdf> (Viewed 11 April 2024)
- CAFCASS. (2021) Annual Report and Accounts 2021-22. <https://www.cafcass.gov.uk/about-cafcass/reports-and-strategies/annual-reports/> (Viewed 12 March 2024)
- Chaturvedi, N. (2001) Ethnicity as an epidemiological determinant—crudely racist or crucially important? *International Journal of Epidemiology*. 30(5), 925–927. <https://doi.org/10.1093/ije/30.5.925> (Viewed 12 March 2024)
- Creswell, J. W. (2014) *Research Design: Qualitative, Quantitative and Mixed Methods Approaches*. Thousand Oaks, CA: Sage.
- Ford, M. E., and Kelly, P. A. (2005) Conceptualizing and Categorizing Race and Ethnicity in Health Services Research. *Health Services Research*, 40(5), 1658–1675. <https://doi.org/10.1111/j.1475-6773.2005.00449> (Viewed 12 March 2024)
- Hennick, M. and Kaiser, B. (2022) Sample sizes for saturation in qualitative research: A systematic review of empirical tests. *Social Science & Medicine*, Vol: 292, Page: 114523 <https://pubmed.ncbi.nlm.nih.gov/34785096/> (Viewed 11 April 2024)
- Mason, W.J., Mirza, N. and Webb, C. (2018) *Using the Framework Method to Analyze Mixed-Methods Case Studies*. London: Sage. <https://methods.sagepub.com/case/using-the-framework-method-to-analyze-mixed-methods-case-studies> (Viewed 11 April 2024)

Office for National Statistics (2020) Child sexual abuse in England and Wales: year ending March 2019.

<https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/articles/childsexualabuseinenglandandwales/yearendingmarch2019> (Viewed 11 April 2024)

Palinkas, L. A., Horwitz, S. M., Green, C. A., Wisdon, J. P., Duan, N., and Hoagwood, K., (2015) Purposeful sampling for qualitative data collection and analysis in mixed method implementation research. *Administration and Policy in Mental Health*. 42(5), 533–544.

<https://doi.org/10.1007/s10488-013-0528-y> (Viewed 12 March 2024)

Ritchie, J. and Spencer, L. (1994) Qualitative Data Analysis for Applied Policy Research. In: Bryman, A. and Burgess, R., *Analysing Qualitative Data*. London: Routledge.

https://doi.org/10.4324/9780203413081_chapter_9 (Viewed 12 March 2024)

Rodger *et al.* (2020) “People don’t talk about it”: Child sexual abuse in ethnic minority communities. London: Independent Inquiry into Child Sexual Abuse.

<https://www.iicsa.org.uk/reports-recommendations/publications/research/child-sexual-abuse-ethnic-minority-communities.html> (Viewed 11 April 2024)

Sandelowski, M. (2000) Combining qualitative and quantitative sampling, data collection, and analysis techniques in mixed-method studies. *Research in Nursing and Health*, 23(3), Pages 246–55. [https://onlinelibrary.wiley.com/doi/abs/10.1002/1098-240X\(200006\)23:3%3C246::AID-NUR9%3E3.0.CO;2-H](https://onlinelibrary.wiley.com/doi/abs/10.1002/1098-240X(200006)23:3%3C246::AID-NUR9%3E3.0.CO;2-H)

(Viewed 11 April 2024)

Silverman, D. (1993) *Beginning Research. Interpreting Qualitative Data: Methods for Analysing Talk, Text and Interaction*. London: Sage.

Appendix A

Organisations engaged to recruit interview participants Strand One

Acacia Family Support

African Community Centre

Approachable Parenting

Asian Single Parents Network

BAWSO

Bethel Health and Healing Network

Black Mums Upfront

Bristol Somali Resource Centre

Caribbean and African Health Network

CAIS

Chinese Community Wellbeing Society (formerly Bristol and Avon Chinese Association)

Claudia Jones Organisation

Community Care & Wellbeing Service (CCAWS)

Conwy Family Life

Diverse Cymru

Equal Parenting

Equal Start

Ethnic Minorities & Youth Support Team Wales (EYST)

Europia

Faith in Families

Family Information Service Carmarthenshire

Family Support Wales

Father2father

Fathers Direct

Future Men

<https://www.blackmumsupfront.com/>

Jewish Women's Aid

Kiran support services

Manor Gardens Centre

North Wales Regional Equality Network (NWREN)

Only Mums

Open Door Family Services

Pakistani Youth and Community Association

Parenting Programme Alliance

Race Equality First

Rise Cardiff

Somali Youth Development Resource centre

Swansea YMCA

Tros Gynnal Plant Cymru

The Halo Project

The Monitoring Group

Violence Against Women and Girls Coalition

Voluntary Action Leeds

Wahida Kent

Wai Yin Society

Wellspring Settlement

Women Connect First

Appendix B

Research Protocol

Before the interview

Step/reason	Resource/when
- Introducing ourselves and the project - Contacting prospective interviewees and helping them understand the purpose/aims of the research and their role	<i>Information sheet</i> [Link to external document] When first contacting parents <i>REF info sheet</i> [Link to external document] <i>We Stand info sheet</i> [Link to external document]
Identify interviewees/to ensure eligibility for the project	<i>The screening tool</i> [Link to external document] - Before arranging interview - Review at start of interview when completing consent
Provide eligible interviewees with information regarding confidentiality and their court case so that interviewees understand that they allowed to share information relating to their private law case	<i>Legal information document</i> [Link to external document] - Before interviewee attends appointment for interview - Review at start of interview when completing consent
Provide clarity regarding the limitations of confidentiality as a result of risk and safeguarding/for the interviewee to understand limitations of confidentiality for safeguarding reasons	<i>Privacy and confidentiality document</i> [Link to external document] - In writing by email when interview date and details are confirmed - Again pre interview before beginning interview and before consent is signed
Arrange interview (ideally in person, but if necessary, via Zoom): - in a space with suitable access for interviewee, which is comfortable and allows for a confidential conversation to take place without interruption - Provide Zoom link with instructions of how to access and requirements to be in a private, comfortable, quiet space	Interviewers to use/access local knowledge to identify suitable venues for interviews/before appointments are arranged - Confirm via email and text - Remind via call/text

Step/reason	Resource/when
Obtain clear written consent from the interviewee/to comply with GDPR and ensure interviewee is happy for interview and recording to begin Ensure form is • completed and signed. • electronic/paper copy uploaded. • For Zoom only interviews, ask respondent to confirm all items so this is recorded.	<i>Consent form</i> [Link to external document] • Prior to interview or at start of interview appointment <i>Upload consent form</i> [Link to external document]

During interview:

Step/reason	Resource/when
In the event that at any time during the interview the interviewee states or suggests that: • They want to harm themselves. • That they or someone else is at risk of being harmed. • There is a crime that has not previously been reported. To safeguard the interviewee, other vulnerable adults and children at all times during/after the interview process.	<i>Safeguarding protocol</i> [Link to external document] • At any time a disclosure is made
In the event that the interviewee becomes distressed at any time during the interview: • Consider a 5 minute 'time out' to allow the interviewee to collect their thoughts and compose themselves. • Consider use of safeguarding protocol if the distress relates to risk of harm or unreported crime.	<i>Safeguarding protocol</i> [Link to external document] • If applicable
In the event of any interruption to the interview, e.g. fire alarm, internet issues, etc., the interviewer should ensure the safety of themselves and the interviewee before continuing. If interview is stopped, interview must be rescheduled.	• At start of online interview tell respondent that if there is a tech problem, you will call them to agree plan. • Confirm nature of interruption and how it was dealt with if applicable.
If parent withdraws their consent to continuing with the interview/being part of the research project at any time.	• Parents can withdraw consent at any time.

Step/reason	Resource/when
	- Advise them that their data and any information they have given before consent was withdrawn will be deleted. - If reason is provided, make note.
Respondent/interviewer identifies need that we can signpost to.	Signposting list national agencies and local contacts. Note any signposting.

After the interview:

Step/reason	Resource/when
End of interview signposting	<i>Signposting list</i> [Link to external document] - Record any signposting that has taken place. - Signposting to organisations. <i>Presumption signposting sheet</i> [Link to external document]
Next steps info for respondent	- Thank respondent. - Explain the interview will feed into a report that will be produced for the MoJ. - Remind them they will not be identified in the report, confidentiality and storage of their data. - Tell them we may invite them to discuss the report once written. - Tell them we will share the report with them. - Identify who they can contact if they have any questions following the interview.
What to do with the digitised recording: - Send file via Egress email. - File stored securely.	https://www.egress.com/products/email-security-and-encryption-suite mail to xxxx@racefound.org.uk - LB to label with ID number and store safely - Add record to <i>anonymised spreadsheet</i> [Link to external document] allocate ID number.

Step/reason	Resource/when
How to produce the written transcript: • using otter ai • anonymising • sense checking with interviewer	https://otter.ai/signin • Upload and transcribe file. • Anonymise transcript. • Interviewer review, correct and sign off interview.
Storing the transcripts	Transcript stored on non-networked computer, password protected.
Deleting the audio once the transcript has been produced and agreed	Once transcript has been signed off • Delete audio file. • Confirm file deleted on spreadsheet.
Written thanks to respondent	<i>Thanks template</i> [Link to external document] On completion of interview: • Email thanks to respondent using thanks template.
Respondent withdraws consent after interview	• Parents can withdraw consent at any time. • Advise them that their data and any information they have given before consent was withdrawn will be deleted. • If report has been written, tell them we can no longer remove their data but reassure that it is anonymous. • If reason is provided, make note.
Complete protocol form for each participant and submit.	<i>Protocol form upload</i> [Link to external document] When interview is complete and all data is transcribed and ready for analysis.

Text in italics were links to additional documentation.

Appendix C

Topic Guide

Strand One topic guide

Introduction – 15 mins

- Introduce self
- **Project background** – The Ministry of Justice is currently carrying out a review of the presumption of parental involvement, which is a legal provision that assumes both parents should be involved in a child's life, as long as they can be involved in a way that furthers the child's welfare and does not put the child at risk of suffering harm. As part of this review, we are interested in finding out about the experiences of Black, Asian and minority ethnic parents of the family court process and how the presumption of parental involvement has affected these experiences.
- We will talk to you about your experiences, including your feelings on how you were treated or supported at various points in that journey, the decisions that were made about parental involvement and your views on the impact of the process on yourself and your child(ren).
- We will record the interview to help with our notetaking. What you say will be held securely and you will remain anonymous when we write up our report. That is, you and others from your family will not be named and identifiable. We will delete the interview as soon as we have a written note of what you have told us.
- We are aware that talking about this situation might be upsetting or distressing for you so would encourage you to think about your self-care and wellbeing during the interview. You do not have to answer any question you don't want to, and you can stop or pause the interview at any time. After the interview we would suggest you do something relaxing or nice, be aware that some feelings may persist or emerge over several days. We can signpost you to further support at the end of the interview.
- **Outcomes** – We will use your experience, and the experience of other parents, to write a report to let the Ministry of Justice know what parents think and this will feed into the

review. This report will then be published by the Ministry of Justice when the review is completed. It will not be possible for you, your children or anyone else you discuss to be identified in this report. It is also not possible for us to guarantee that what you say will necessarily lead to changes you may have identified as being desirable.

- To thank you for your time in taking part in this research, you will receive a £25 thank you voucher for taking part.
- Do you have any **questions**?

Ensure you are aware of the protocol for interviews and refer to if needed:

- There are a few procedures we need to go through before we start. Firstly, you were sent the **privacy, confidentiality and legal information**. Did you understand this?
[read through with parent]
- Secondly, we need to **gain your consent** to take part in the interview *[Check consent form and ensure parent understands about withdrawal of consent and has signed this. Inform parent of our **safeguarding obligations** and that you might need to take action, if risk of harm is disclosed]*

Start the recording

1. Background to involvement in family court (5 mins)

1.1	How did your family court case start? Can you tell me about this? Secure the following information: • divorce/domestic violence proceedings/public law (social services) started the case the dropped out/applicant or respondent/cross applications/how many hearings	
1.2	What did you understand the family court process to be before you made or received an application?	
1.3	What were your expectations of the overall family court process?	
1.4	Do you think your family background as someone from a <i>Black and minority ethnic community</i> [interviewer specify ethnicity if we have it rather than general], had any bearing on your experience of court? • In what way?	

Steps throughout the family court journey

2. Advice

2.1	What advice (legal and from non-legal sources) did you receive before either making an application or receiving one? • Who was this from? e.g. informal networks, religious councils such as sharia courts, Advice Now website? • Were you aware of the need to raise any specific concerns you had about parental involvement? (<i>If abuse is mentioned here, ensure questions are asked from other topic guide</i>)	
2.2	We are interested in what you think about whether your personal characteristics made a difference to the advice you received. • How do you think your gender affected how you were advised? (<i>e.g. gender impacting on decisions made; women experiencing hostility where domestic abuse is claimed; stereotyping of women</i>) • How do you think that being from a Black and minority ethnic background affected how you were advised? (<i>e.g. stereotyping of particular ethnic groups</i>) • Are there any other aspects of your identity you think affected how you were treated – such as your faith, sexuality, or if you have a disability?	

3. Mediation process

3.1	Did you attend any mediation appointments? What was your experience of this process? • What, if anything, did the mediator say about the involvement of both parents in the life of children? • Was the presumption discussed by the mediator or the other parent? • What did you understand by this presumption principle?	
3.2	We are interested in if you think your personal characteristics made a difference to the way the mediation process went? • How do you think your gender affected how you were treated (e.g. gender impacting on decisions made; women experiencing hostility where domestic abuse is claimed; stereotyping of women) • How do you think that being from a Black and minority ethnic background affected how you were treated? (e.g. stereotyping of particular ethnic groups) • Are there any other aspects of your identity you think affected how you were treated – such as your faith, sexuality, or if you have a disability?	

4. Notification of Hearing

4.1	When you got the court date and papers, what did you do?	
4.2	In most cases, Cafcass will speak to both parents involved in a case to conduct safeguarding inquiries. Do you remember this happening in your case? What did you understand their role to be at this stage?	
4.3	What was your experience of speaking to the Cafcass officer during this safeguarding discussion? • Do you feel that you had a chance to tell them everything you wanted to? • Did they hear all of your concerns? • Do you think they understood the concerns you raised? • Did the safeguarding letter (the letter that Cafcass produce for the court) represent all of your concerns/thoughts accurately? • How fair did you feel they were to everyone involved?	
4.4	What if anything did the Cafcass officer say about the importance of both parents being involved in the life of a child/ren?	
4.5	What did the Cafcass Officer say if anything about the presumption of parental involvement to you?	
4.6	Do you feel that your personal characteristics made a difference to the way you were treated by Cafcass officers? • How do you think your gender affected how you were treated (e.g. Gender impacting on decisions made; women experiencing hostility where domestic abuse is claimed, stereotyping of women) • How do you think that being from a Black and minority ethnic background affected how you were treated? (e.g. stereotyping of particular ethnic groups) • Are there any other aspects of your identity you think affected how you were treated – such as your faith, sexuality, or if you have a disability?	

5. Representation and the court hearing (15–20 mins)

5.1	Overall, what was your experience of going into court like?	
	<i>If not covered in the answer, please ask some of the following questions.</i>	
5.2	<i>Please tell me how you were represented at court?</i> • Was the representation by a solicitor or barrister in court? • Were you alone at court as a 'litigant in person'? (which means, acting on your own behalf in court proceedings without assistance from a solicitor).	
5.3	Were you aware that you could have non-legal support at court like a McKenzie Friend or IDVAs/ISVAs? • Did you attend with any support like this? • Can you tell us how you found it?	

5.4	<i>How did you feel about seeing a Cafcass Officer at court?</i> • Did this happen separately to the other parent or were you both seen together? • Were you encouraged to reach an agreement by the Cafcass Officer at court? How so?	
5.5	<i>Was the other parent represented in court? How did this affect the conduct of the case?</i>	
5.6	Did you feel you participated enough at court for them to make an informed decision? Please explain more? • Were you able to give/present all of the evidence you needed to? • Were you listened to and understood?	
5.7	We are interested in what you think about whether your personal characteristics made a difference to the way you feel you were treated. • How do you think your gender affected how you were treated at the hearing(s)? (e.g. gender impacting on decisions made; women experiencing hostility where domestic abuse is claimed; stereotyping of women) • How do you think that being from a Black and minority ethnic background affected how you were treated at the hearings? (e.g. stereotyping of particular ethnic groups) • Are there any other aspects of your identity you think affected how you were treated – such as your faith, sexuality, or if you have a disability?	
5.8	How did the Magistrates or Judge promote parental involvement during the court hearing? • Referred to child contact/parental involvement • Referred to presumption of parental involvement by name (or the Children Act) • Did they explain what they meant by this? • Whether this was promoted more than the concern raised about harm/potential harm? • Were there any specific concerns over the promotion of parental involvement with the other parent?	
5.9	Overall, how do you feel your rights were respected in the proceedings?	
5.10	How do you feel your children's rights were respected in the proceedings?	

6. Safety and support

6.1	What support did you receive, if any during the family court process? • From whom was this? McKenzie friend, domestic or sexual abuse worker?	
6.2	How were your practical or safeguarding needs met? • Did you feel court staff were aware of safety issues? • How was handling of any request for a separate waiting area to the other parent dealt with? • Were you aware that special measures for the court hearing could be asked for? (E.g. layout, screens) • Were any special measures taken based on your circumstances? If so, what?	

7. Further evidence

7.1	Was an agreement made at court at the initial hearing? If yes, go to section 8 If no, the court would have requested further evidence [<i>continue with questions below</i>]	
7.2	If there were concerns about child welfare, were you aware of the possibility of a fact finding hearing ? A fact finding hearing is a type of court hearing that considers the evidence surrounding allegations, and the court will make a decision as to whether alleged incidents did or did not happen. Evidence is heard, which will normally include parties being cross-examined. After having heard the evidence, the judge will decide whether the alleged incidents happened or not.	
7.3	Was a fact finding hearing discussed/ordered? What was your experience of the fact finding? • Do you feel the hearing was held fairly? • Do you think the decisions were fair?	
7.4	Overall, were you able to submit all the evidence you wanted to for the further evidence stage?	

7.5	Were you aware of the welfare checklist when preparing your statements? What guidance if any, was given by the court? <i><u>Welfare check list as in the Children's Act</u></i> <i>All judges must have regard to when deciding to make a Section 8 order under the Children Act 1989</i> • <i>the wishes and feelings of the child</i> • <i>the child's physical emotional and educational needs</i> • <i>the likely effect on the child of any changes in circumstances</i> • <i>the child's age, sex, background and any other of his or her characteristics which the court considers relevant</i> • <i>any harm which the child has suffered or is at risk of suffering</i> • <i>how capable each parent (and any other relevant person) is of meeting the child's needs.</i>	
7.6	Were any expert reports ordered? What was your experience of these?	
7.7	Can you talk to me about meeting with the allocated Cafcass Officer or social worker for the preparation of the Section 7 report? What was your experience of this? • Do you feel your views were recorded? • Do you feel your child/ren's view/s were recorded? • What do you feel the report focused on? • How was parental involvement, the child/ren's welfare and the presumption dealt with? • What did the report recommend? • How did you feel about the recommendations? <i>The court will often ask Cafcass to prepare a report which will assist in determining the outcome of a family court dispute. A Cafcass officer will prepare this report after meeting with both parties and the child (alone where possible and only if the child has sufficient maturity and understanding). This more detailed report is known as a Section 7 Report.</i> <i>When writing a report the Cafcass officer will have specific regard to what is known as the 'welfare checklist'.</i>	

8. Decision

8.1	How do you feel about the outcome of your case?	
8.2	What did you think the judge/magistrate focused the most on when making their decision? Did the judge/magistrate focus on: • child wishes and feelings? • risk of harm? • benefits of parental involvement? • right of child/parent to family life and involvement in each other's lives? What weight do you think they put on this? Do you think this was right?	
8.3	Did the judge explicitly refer to the presumption? What weight do you think was placed on this?	
8.4	We are interested in whether you feel your personal characteristics made a difference to the outcome of the case • How do you think your gender affected the outcome of the case? (e.g. gender impacting on decisions made; women experiencing hostility where domestic abuse is claimed; stereotyping of women) • How do you think that being from a Black and minority ethnic background affected the outcome? (e.g. stereotyping of particular ethnic groups) • Are there any other aspects of your identity you think affected how you were treated – such as your faith, sexuality, or if you have a disability?	
8.5	How have the decisions made at court affected you and your child? Have the decisions supported your child's welfare?	
8.6	What do you think would improve the experience of family court for parents from a Black and minority ethnic background?	
8.7	Is there anything else that we have not covered related to the subject that you would like to raise?	

Appendix – follow up questions if abuse is mentioned in Section 5

	Do you think the court understood the position of abuse in your relationship and your concerns? How? • Re traumatised by the experience? • Able to raise domestic abuse as part of your evidence? • That domestic abuse was considered in the context of parental involvement? • That allegations of domestic abuse counted against you?	
	What were the challenges to both parents being involved with the child/ren where there are domestic abuse concerns?	
	How do you feel concerns about risk of harm to the child was handled by the court?	

Go back to remainder of interview questions

End of interview

- Thank you for taking part in this session.
- Remind parents that we will take a written record of the interview from the recording and immediately delete the recording so no one else can listen to it and make sure that the written record does not contain any names or personal information to identify them.
- Next steps – the interview will feed into the final report and we will let parents know once the final report has been produced to be shared with the Ministry of Justice. This is likely to be in late November.
- Voucher – check details for postal or online
- Safeguarding/signposting to support if necessary

Strand Two topic guide

Introduction – 15 mins

- Introduce self
- **Project background** – The Ministry of Justice is currently carrying out a review of how parents have experienced the presumption of parental involvement, which is the assumption that both parents should be involved in a child's life. As part of this review, we are interested in finding out about the experiences of parents where there have been allegations of sexual abuse, of the family court process and how the presumption of parental involvement has affected these experiences.
- We will talk to you about your experiences, including your feelings on how you were treated or supported at various points in that journey; the decisions that were made about parental involvement and your views on the impact of the process on your child(ren).
- We will record the interview to help with our notetaking. What you say will be confidential and you will remain anonymous when we write up our report. That is, you and others from your family will not be named and identifiable. The interview will be deleted as soon as we have a written note of our conversation.
- We are aware that talking about this situation might be upsetting or distressing for you so would encourage you to think about your self-care and wellbeing during the interview. You do not have to answer any question you don't want to, and you can stop or pause the interview at any time. After the interview we would suggest you do something relaxing or nice, be aware that some feelings may persist or emerge over several days. We can signpost you to further support at the end of the interview.
- **Outcomes** – We will use your experience, and the experience of other parents, to write a report to let the Ministry of Justice know what parents think and this will feed into the review. This report will then be published by the Ministry of Justice when the review is completed. It will not be possible for you, your children or anyone else you discuss to be identified in this report. It is also not possible for us to guarantee that what you say will necessarily lead to changes you may have identified as being desirable.
- You will receive a £25 thank you voucher for taking part.

- Do you have any **questions**?

Ensure you are aware of the protocol for interviews and refer to if needed

- There are a few procedures we need to go through before we start. Firstly, you were sent the **privacy, confidentiality and legal information**. Did you understand this?
[Read through with parent]
- Secondly, we need to **gain your consent** to take part in the interview *[Check consent form and ensure parent understands about withdrawal of consent and has signed this. Inform parent of our **safeguarding obligations** and that you might need to take action if risk of harm is disclosed.]*

Start the recording

1. Background to involvement in family court (5 mins)

1.1	How did your family court case start? Can you tell me about this? Secure the following information: divorce/domestic violence proceedings/public law (social services) started the case the dropped out/applicant or respondent/cross applications/how many hearings.	
1.2	What did you understand the family court process to be before you made or received an application?	
1.3	What were your expectations of the overall family court process?	
1.4	Do you think your family background, involving sexual abuse, had any bearing on your experience of court? In what way?	

Steps throughout the family court journey

2. Advice

2.1	What advice (legal and from non-legal sources) did you receive before either making an application or receiving one? - Who was this from? e.g. informal networks, religious councils such as sharia courts, Advice Now website? - Were you aware of the need to raise any specific concerns you had about parental involvement? - Were you made aware of the need to raise domestic abuse in the court forms?	
2.2	We are interested in what you think about whether your personal characteristics made a difference to the advice you received. - How do you think your gender affected how you were advised? (<i>e.g. gender impacting on decisions made; women experiencing hostility where domestic abuse is claimed; stereotyping of women</i>) - How do you think that being from a Black and minority ethnic background affected how you were advised? (<i>e.g. stereotyping of particular ethnic groups</i>) - Are there any other aspects of your identity you think affected how you were treated – such as your faith, sexuality, or if you have a disability?	

3. Mediation process

3.1	Did you attend any mediation appointments? What was your experience of this process? • What, if anything, did the mediator say about the involvement of both parents in the life of children? • Was the presumption discussed by the mediator or the other parent? • What did you understand by this presumption principle?	
3.2	We are interested in if you think your family circumstances and/or personal characteristics made a difference to the way the mediation process went? <i>(Ask the ones that apply; if you don't know, ask if they apply first.)</i> • How do you think sexual abuse being a factor in your case affected the process? • How do you think your gender affected how you were treated (<i>e.g., gender impacting on decisions made; women experiencing hostility where domestic abuse is claimed; stereotyping of women</i>) • How do you think that being from a Black and minority ethnic background affected how you were treated? (<i>e.g. stereotyping of particular ethnic groups</i>) • Are there any other aspects of your identity you think affected how you were treated – such as your faith, sexuality, or if you have a disability?	

4. Notification of Hearing

4.1	When you got the court date and papers, what did you do?	
4.2	In most cases, Cafcass will speak to both parents involved in a case to conduct safeguarding inquiries. Do you remember this happening in your case? What did you understand their role to be at this stage?	
4.3	What was your experience of speaking to the Cafcass officer during this safeguarding discussion? • Do you feel that you had a chance to tell them everything you wanted to? • Did they hear all of your concerns? • Do you think they understood the concerns you raised? • Did the safeguarding letter (the letter that Cafcass produce for the court) represent all of your concerns/thoughts accurately? • How fair did you feel they were to everyone involved?	
4.4	What if anything did the Cafcass officer say about the importance of both parents being involved in the life of a child/ren?	
4.5	What did the Cafcass Officer say if anything about the presumption of parental involvement to you?	

4.6	Do you feel that your family circumstances and personal characteristics made a difference to the way you were treated by Cafcass officers? <i>(ask the ones that apply, if you don't know, ask if they apply first)</i> • How do you think sexual abuse being a factor in your case affected the way you were treated? • How do you think your gender affected how you were treated (<i>e.g. gender impacting on decisions made; women experiencing hostility where domestic abuse is claimed; stereotyping of women</i>) • How do you think that being from a Black and minority ethnic background affected how you were treated? (<i>e.g. stereotyping of a particular ethnic groups</i>) • Are there any other aspects of your identity you think affected how you were treated – such as your faith, sexuality, or if you have a disability?	
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5. Representation and the court hearing (15–20 mins)

5.1	Overall, what was your experience of going into court like? <i>If not covered in the answer, please ask some of the following questions</i>	
5.2	Please tell me how you were represented at court? • Was the representation by a solicitor or barrister in court? • Were you alone at court as a 'litigant in person? (which means, acting on your own behalf in court proceedings without assistance from a solicitor).	
5.3	Were you aware that you could have non-legal support at court like a McKenzie Friend or IDVAs/ISVAs? • Did you attend with any support like this? • Can you tell us how you found it?	
5.4	How did you feel about seeing a Cafcass Officer at court? • Did this happen separately to the other parent or were you both seen together? • Were you encouraged to reach an agreement by the Cafcass Officer at court? How so?	
5.5	Was the other parent represented in court? How did this affect the conduct of the case?	
5.6	Did you feel you participated enough at court for them to make an informed decision? Please explain more? • Were you able to give/present all of the evidence you needed to? Were you listened to and understood?	

5.7	We are interested in whether you feel your personal circumstances and characteristics made a difference to the way you feel you were treated. <i>(Ask the ones that apply; if you don't know, ask if they apply first.)</i> • How do you think sexual abuse being a factor in your case affected the way you were treated? • How do you think your gender affected how you were treated at the hearing(s)? <i>(e.g. gender impacting on decisions made; women experiencing hostility where domestic abuse is claimed; stereotyping of women)</i> • How do you think that being from a Black and minority ethnic background affected how you were treated at the hearings? <i>(e.g. stereotyping of a particular ethnic groups)</i> • Are there any other aspects of your identity you think affected how you were treated – such as your faith, sexuality, or if you have a disability?	
5.8	How did the Magistrates or Judge promote parental involvement during the court hearing? • Referred to child contact/parental involvement • Referred to presumption of parental involvement by name (or the Children Act) • Did they explain what they meant by this? • Whether this was promoted more that the concern raised about harm/potential harm? What concerns did you have, if any, over the promotion of parental involvement where there were sexual abuse allegations?	
5.9	Overall, how do you feel your rights were respected in the proceedings?	
5.10	How do you feel your children's rights were respected in the proceedings?	

6. Safety and support

6.1	What support did you receive, if any during the family court process? • From whom was this? McKenzie friend, domestic or sexual abuse worker?	
6.2	How were your practical or safeguarding needs met? • Did you feel court staff were aware of safety issues? • How was handling of any request for a separate waiting area to the other parent dealt with? • Were you aware that special measures for the court hearing could be asked for? <i>(e.g. layout, screens)</i> • Were any special measures taken based on your circumstances? If so, what?	

7. Further evidence

7.1	Was an agreement made at court at the initial hearing? If yes, go to section 8. If no, the court would have requested further evidence. [<i>Continue with questions below</i>]	
7.2	If there were concerns about child welfare, were you aware of the possibility of a fact finding hearing? <i>A fact finding hearing is a type of court hearing that considers the evidence surrounding allegations, and the court will make a decision as to whether alleged incidents did or did not happen. Evidence is heard, which will normally include parties being cross-examined. After having heard the evidence, the judge will decide whether the alleged incidents happened or not.</i>	
7.3	Was a fact finding hearing discussed/ordered? • What was your experience of the fact finding? • Do you feel the hearing was held fairly? • Do you think the decisions were fair?	
7.4	Overall, were you able to submit all the evidence you wanted to for the further evidence stage?	
7.5	Were you aware of the welfare checklist when preparing your statements? What guidance if any, was given by the Court? <u><i>Welfare check list as in the Children's Act</i></u> • <i>All judges must have regard to when deciding to make a Section 8 order under the Children Act 1989</i> • <i>the wishes and feelings of the child</i> • <i>the child's physical emotional and educational needs</i> • <i>the likely effect on the child of any changes in circumstances</i> • <i>the child's age, sex, background and any other of his or her characteristics which the court considers relevant</i> • <i>any harm which the child has suffered or is at risk of suffering</i> • <i>how capable each parent (and any other relevant person) is of meeting the child's needs.</i>	
7.6	Were any expert reports ordered? What was your experience of these?	

7.7	Can you talk to me about meeting with the allocated Cafcass Officer or social worker for the preparation of the Section 7 report? What was your experience of this? • Do you feel your views were recorded? • Do you feel your child/ren's view/s were recorded? • What do you feel the report focused on? • How was parental involvement, the child/ren's welfare and the presumption dealt with? • What did the report recommend? • How did you feel about the recommendations? <i>The court will often ask Cafcass to prepare a report which will assist in determining the outcome of a family court dispute. A Cafcass officer will prepare this report after meeting with both parties and the child (alone where possible and only if the child has sufficient maturity and understanding). This more detailed report is known as a Section 7 Report.</i> <i>When writing a report the Cafcass officer will have specific regard to what is known as the 'welfare checklist'– The 'welfare checklist.'</i>	
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8. Decision

8.1	How do you feel about the outcome of your case?	
8.2	What did you think the judge/magistrate focused the most on when making their decision? Did the judge/magistrate focus on: • child wishes and feelings? • risk of harm? • benefits of parental involvement? • right of child/parent to family life and involvement in each other's lives? What weight do you think they put on this? Do you think this was right?	
8.3	Did the judge explicitly refer to the presumption? What weight do you think they placed on this?	

8.4	We are interested in whether you feel your personal circumstances and characteristics made a difference to the outcome of the case (Ask the ones that apply; if you don't know, ask if they apply first.) • How do you think sexual abuse being a factor in your case affected the outcome? • How do you think your gender affected the outcome of the case? (<i>e.g. gender impacting on decisions made; women experiencing hostility where domestic abuse is claimed; stereotyping of women</i>) • How do you think that being from a Black and minority ethnic background affected the outcome? (<i>e.g. stereotyping of particular ethnic groups</i>) • Are there any other aspects of your identity you think affected how you were treated – such as your faith, sexuality, or if you have a disability?	
8.5	How have the decisions made at court affected you and your child? Have the decisions supported your child's welfare?	
8.6	What do you think would improve the experience of family court for parents where sexual abuse has been alleged?	
8.7	Is there anything else that we have not covered related to the subject that you would like to raise?	

End of interview

- Thank you for taking part in this session.
- Remind parents that we will take a written record of the interview from the recording and immediately delete the recording so no one else can listen to it and make sure that the written record does not contain any names or personal information to identify them.
- Next steps – the interview will feed into the final report and we will let parents know once the final report has been produced to be shared with the Ministry of Justice. This is likely to be in late November.
- Voucher – check details for postal or online.
- Safeguarding/signposting to support if necessary.

Appendix D

Consent information

PARTICIPANT CONSENT FORM

Presumption of parental involvement project

Thank you for taking part in this research.

Please read all the statements below and, if you agree with them, please tick the box next to the statement.

I have read the information sheet and understand what the research is about.	
I agree to take part in an interview lasting around 1 hour.	
I agree for the interview to be audio recorded so the researchers can remember what I say.	
I understand that the recording will be deleted from the recorder and securely stored on a computer that only the research team have access to.	
I understand that once we have used the recording to write an anonymised (without your name or other personal information) record of our discussions, the recording will be permanently deleted.	
I understand that the Ministry of Justice has given permission for me to speak about my case in this interview without facing sanctions but that I should avoid naming individuals in my case.	
I understand that I do not have to take part in this research and it is okay for me to withdraw at any time, before or during the interview, without giving a reason.	
I understand what information you will keep confidential and when you will need to pass information on to other agencies (when there is a risk of harm to another person or myself or a crime has been disclosed).	
I understand that what I say will be contributing to a report, paper and/or presentation that may be published.	
I understand that although quotes from me may be used in the report, it will not say my name so no one will be able to identify me.	

Participant name:

Signed by participant:

Date