



## The Law, the Authorities and You!

### *FNF* survey: experiences of the Family Justice System

Families Need Fathers have conducted a survey amongst its members entitled 'The Law, the Authorities, and You!' to ascertain what experiences individuals have in their dealings with the British Family Justice System. Questions concerned the lengths of time involved between court applications and orders being made, the amounts of parenting time requested, recommended, and granted, the standard of the professionals involved throughout the process as perceived by the respondent, and the number of Judges to Hearings involved.

**61 individuals (men and women) responded to the questions, a few findings from which have been produced below.**

#### **1) Time from court application to 1<sup>st</sup> order being made: 35 answers**

- The longest length of time given was 2 years
- The shortest length of time given was 1 month
- The average length of time given was 6 months 3 weeks

#### **2) Time from court application to final order being made (for those who have reached that stage): 34 answers**

- The longest length of time given was 5 ½ years
- The shortest length of time given was 4 months
- The average length of time given was 1 year 11 months

#### **3) Amount of parenting time requested and granted: 57 answers**

- 33 respondents had made applications for a Contact Order

- 10 (30%) were given less parenting time than requested
- 14 (42%) were granted their request
- 7 (21%) were denied any parenting time at all
- Remainder not given
  
- 15 respondents had made applications for a Shared Residence Order
  - 3 (20%) were not granted Shared Residence
  - 6 (40%) were granted Shared Residence
  - 6 (40%) were denied any parenting time at all
  
- 9 respondents had made applications for a Residence Order
  - None of our respondents were granted Residence
  - 1 (11%) was denied any parenting time at all
  - 7 (78%) were granted less parenting time than requested
  - 1 still pending
  
- From this data, overall, from the 57 answers:
  - 20 (35%) were given less parenting time than requested
  - 14 (25%) were denied any parenting time at all
  - 20 (35%) respondents were granted their request

#### **4) Respondents were asked to grade the standard of the Judges, CAFCASS officers, and lawyers involved throughout their proceedings**

Options were:

- Excellent
- Good (I have placed responses of 'excellent' and 'good' under 'positive' for ease; on the spreadsheet where 'positive' is in bold this denotes 'excellent')
- Average
- Bad
- Appalling (I have placed responses of 'bad' and 'appalling' under 'negative'; on the spreadsheet where 'negative' is in bold this denotes 'appalling')
  
- **Experiences of Judges: 60 answers**
  - 30 (50%) respondents said negative
  - 10 (17%) respondents said positive
  - 20 (33%) respondents said average
  
- **Experiences of CAFCASS: 56 answers**
  - 36 (64%) respondents said negative
  - 7 (13%) respondents said positive
  - 13 (23%) respondents said average
  
- **Experiences of lawyers: 44 answers**

- 29 (66%) respondents said negative
- 2 (5%) respondents said positive
- 13 (30%) respondents said average

**5) Respondents were asked how many Judges had been seen throughout the process, during how many hearings**

The statistics taken from these responses indicate cases where our members have gone before multiple Judges during multiple hearings, and have therefore experienced **a lack of judicial continuity**.

Looking at the numbers of Judges to hearings provides shocking figures. A snapshot from 8 case studies can be seen below:

Judges	Hearings
11	16
8	25
10	50
5	20
8	15
11	16
9	21
13	26

Experiences which can arise from this inconsistency have been documented in an FNF compilation of case studies (see accompanying appendix; 'Openness in the family courts: case studies'), such as Judges overturning an order made by previous Judges for example, causing delay, confusion, and distress.

The highest number of hearings that any respondent had attended was 50. The least number of hearings was 1.

39 of the respondents had acted as a Litigant in Person.

Several comments which came out of this survey described the system as slow (enabling the development of parental alienation), expensive, the ease of making false allegations, a lack of penalties for a non-compliant parent, lack of continuity, "a lottery".

From this sample one gains the impression of a Family Justice System which is not administering justice in a way which is seen to be efficient and effective by its service-users.

In a system where the average length of time from a court application to only the first order being made is 6 months, there will inevitably be many undeserving victims, i.e. the children, whose entire lives will be disrupted, often unnecessarily so, whilst a new 'status quo' is established, which can then determine the way an order will go when it finally is made. This can have life-long destructive effects on these children.

Furthermore, the majority opinion of experiences with Judges, CAFCASS, and lawyers was shown to be 'bad/appalling', and where judicial continuity can be lacking to the extent that 1 individual can see 13 Judges throughout their case, as we saw with one of our respondents, it is hardly surprising that the resounding experience is such.

This is a system which clearly needs radical improvement.

To view the survey and spreadsheet of data, or to discuss the issues further please contact Georgina Brereton, FNF Policy & Information Officer:  
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