

Building bridges? An evaluation of the costs and effectiveness of the Separated Parents Information Programme (PIP)

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The views expressed in this report are the authors' and do not necessarily reflect those of the Department for Education.

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Executive Summary

The context

The Separated Parent Information Programme (PIP) is the first nationally available parent education programme for parents involved in litigation over contact and residence in England. The programme is a Contact Activity, introduced by the Children and Adoption Act 2006 as an additional tool for courts to facilitate contact.

PIP is a four hour group programme for parents referred by the court. Both parties, i.e. the applicant and respondent, are required to attend the programme, but former couples attend separate groups. The groups are designed to include both men and women. The aim of the programme is to encourage parents to focus on children's needs and perspectives. The programme is delivered by trained providers from mediation, counselling or contact services backgrounds.

The evaluation: aims and methods

The evaluation was designed to identify the actual and future potential of the Parenting Information Programme as an effective and value for money intervention for parents with disputes over parenting arrangements, with a particular goal to inform the deliberations of the Family Justice Review. To achieve this overall aim we had four specific objectives. These were to:

1. Understand the court and non-court pathways undertaken by parents attending PIP, and how this compares to the experiences of comparable non-PIP cases.
2. Measure the impact on families of PIPs compared to other court-based pathways.
3. Measure the average cost of providing PIP and the cost-effectiveness of PIPs in comparison with other court-based pathways.
4. Understand in more depth why PIP might work better in some circumstances than others, including what parents and professionals perceive to be helpful and unhelpful about PIPs and what changes may be required.

The research design involved the following methods:

- A telephone survey of 349 PIP parents and a matched comparison sample of 292 non-PIP parents to provide data on pathways, impacts, costs and processes.
- Purposively-sampled qualitative telephone interviews with 12 parents reporting positive outcomes from PIP and 12 parents reporting negative outcomes from PIP.
- Four focus groups with parents shortly after completing the final session of PIP.
- Focus groups and individual interviews with 24 judges, 11 family lawyers, 28 CAFCASS staff and 26 PIP deliverers.
- A survey of the average unit costs of delivering a single PIP cycle based on a specially-designed tool.

The study was conducted over a three month period in early 2011.

Case pathways – getting to and through PIP

- The number of referrals to PIP has risen rapidly over the last year due to greater awareness of PIP, wider availability of courses and the removal of fees. There remain wide disparities in the rate of referrals between courts.
- Decisions about whether to refer to PIP or not seem to be based on local custom and practice. There was limited evidence of clear criteria being used to assess for suitability or appropriateness.
- As a result, the profiles of PIP and non-PIP cases look very similar, including litigation history and parental relationship quality. The one area of difference is that PIP parents tend to be better educated and with more economic resources.
- PIP is not designed to handle cases involving safety concerns. But we found equal numbers of ‘risk’ cases, including current injunctions, in the PIP and comparison samples. This related to a lack of systematic screening, very high thresholds and a lack of clarity about why referral to PIP might be inappropriate.
- PIP cases appeared to be more likely to return for a second hearing, but as part of a planned case review. Once back at court the likelihood of reaching an agreement was no different for PIP and comparison samples, although PIP parents were more likely to have a review and less likely to have solicitor negotiations or a court hearing or trial.
- Although the PIP course promotes the use of mediation, the uptake of mediation was equally low in both PIP and non-PIP samples.
- Overall, our analysis suggests that PIP is used as an additional tool intervention alongside existing court pathways rather than as a substitute or alternative to continuing court involvement.

Impacts – quantitative data

- For parents attending PIP as it was running in 2010, the PIP participation had a positive impact on contact rates between children and non-resident parents, the size of impact on ‘any contact’ being about eight percentage points.
- Almost all of this impact was on ‘less than weekly’ contact. There is no evidence that PIP increased rates of very regular contact.
- There is no firm evidence from the survey data of impacts on the quality of the relationship between ex-partners, despite the course focus on dealing with conflict and communication.
- There is evidence that PIP increases contact arrangements that parents believe will need to be renegotiated in the future. However, much of this is likely to be renegotiated privately rather than within court.
- PIP appears to be equally effective from the perspective of resident parents and non-resident parents, although it has more impact on the perceptions of resident parents about their situations. There are, however, a potential sub-group of ‘risk’ cases for whom PIP may worsen outcomes for parents and children.
- Most of our evaluation evidence suggests that the earlier PIP is used in a case the better. However, the survey evidence suggests that even for older cases PIP can be beneficial.

Transferring to PIP

- There was considerable variation in the systems and processes adopted in each local area for managing the transfer of referral information from court to providers. In some areas booking procedures were slow, inefficient and unreliable.
- Briefing parents about the nature and purpose of the course was similarly inconsistent. Some parents arrived at the course poorly informed and angry about referral to a parenting programme.
- Administrative delays and lack of appropriate preparation or misinformation may

The course

- Both providers and parents were very positive about the course overall. Even parents who had negative outcomes overall were generally positive about the course.
- According to the PIP parents, the course was reported to have some modest impact on understanding others' perspectives, especially children's perspectives.
- The group process, including the mixed gender format and some of the perspective-taking tools such as the DVD were seen as particularly valuable in facilitating change, including the greater numbers of PIP cases starting or restarting contact.
- The limited impact of the course on parental cooperation and conflict may stem from problems with the relevance of the material for the diverse families that attend the course, the lack of skills development in the programme and problems with addressing safety concerns in a group context.

Following through

- The majority of PIP cases are scheduled to return to court.
- Most parents do not opt to go to mediation after PIP and few appear to start communicating directly with each other after PIP and before returning to court.
- There was limited evidence that the court process sought to explicitly build upon the work achieved by the parents independently in each group.

Distinguishing between positive and negative outcomes

- Based on qualitative data, positive outcome parents reported being very engaged by the course, had taken on board the key message of focusing on the children and were actively seeking solutions to the conflict, including greater efforts to communicate effectively with ex-partners.
- The negative outcome parents were more likely to report that the course was not or less relevant to their personal situations, that communication had completely broken down with their ex-partner and highlighted their ex-partner's resistance to change.
- There was a feeling across both groups that any change after the course is dependent on what individuals choose to take away from the course.

Costs

- There was little difference in the costs we estimated for PIP and matched comparison sample cases. We estimated the case pathway costs (legal costs, CAFCASS and courts) at £4,636 per case for our matched comparison sample. The case pathway costs plus the cost of delivering PIP was £4,726 for PIP cases.
- The implications for the cost-effectiveness of PIP are not entirely clear. Given that we have found PIP to improve outcomes for parents, and no evidence of any worsened outcomes, if a view is taken that the costs of PIP are almost equivalent in the PIP and matched comparison group, then this would suggest that PIPs is a cost-effective programme for parents.

Conclusions

- The evaluation identified some of the real strengths of the PIP programme as well as its current weaknesses.

- On the positive side, the programme does clearly resonate with many parents and it is very clear that despite initial reservations, most parents report finding the experience of attending a parent education programme entirely acceptable and generally supportive. Parents were positive about the purpose and focus of the course, the group interaction and the way the course was facilitated.
- The findings of the impact study offer a more sober estimate of the effectiveness of the programme when compared to the standard non-PIP case pathways. PIP participation had a positive impact on contact rates of about eight percentage points, seemingly by converting 'no contact' into some, but not frequent, contact. PIP did not seem to have any impact on parental relationship quality, although there was a non-significant trend towards more positive outcomes in the PIP group. Attending PIP did not seem to reduce the extent of court involvement in cases, compared to non-PIP pathways.
- On three primary targets: contact, communication (or conflict) and court, it would appear that PIP is having a modest impact on the first but not the second or third. It is important to recognise that contact is not necessarily a positive outcome for children where there is continuing high levels of parental conflict or there are concerns about safety. Indeed, we did identify a potential sub-group of 'risk' cases for whom PIP may worsen outcomes for parents and children.
- The limited impact may be attributable to several factors: these are difficult cases, the PIP programme occurs very late in the day when habits of hostility and distrust have become deeply ingrained and very difficult to alter, the programme is very short, it has quite generic aims and no specific behavioural skills element and there is no real follow through as cases transfer back into the court process.
- All of the limiting factors identified above could be remedied, with the exception of case difficulty. The most effective programmes take time and several iterations to develop. PIP already has a modest impact but its full potential has probably not yet been realised. We recommend changes to how the programme is implemented and delivered and refinement of the aims and content to maximise the effectiveness of PIP.

Recommendations

- PIP should be made available at an earlier stage. This should be as voluntary self-referral and also linked with mediation as a mandatory step before proceedings in appropriate cases.
- More effective and systematic screening and assessment is required whether PIP is used during or before proceedings.
- More attention needs to be paid to ensuring that all parents have full, clear and accurate explanations about PIP before attending the course.
- The programme aims and content should be reviewed. The aims should be clearer and more targeted. More skills development is needed. The programme should be more clearly focused on post-separation parenting challenges.
- A suite of programmes is required to address very different needs, including programmes for working with high/entrenched cases and cases, domestic violence programmes to set alongside the basic PIP programme
- More effective mechanisms need to be set in place to follow up after PIP and to provide a bridge between parents and between PIP and the dispute resolution process.
- The PIP and associated material should be more widely available.
- Mechanisms are required for practice and professional development amongst PIP providers.

1. Introduction

1.1 The Context

The search for effective interventions for litigating families

Although most separated parents make their own arrangements for their children, approximately 10 per cent of parents turn to the courts to determine arrangements for contact (Blackwell & Dawe, 2003). This is a relatively small proportion of the separating population but the number of section 8 and parental responsibility orders has risen threefold since the implementation of the Children Act 1989 (MoJ 2010:56)¹. Besides the ever-increasing financial cost to the state of family court proceedings - a key concern for the Family Justice Review - it is now well recognised that court proceedings are generally associated with poorer outcomes for children and parents. Where parents agree arrangements informally, contact is typically more frequent and parents are more satisfied than where arrangements are made through court proceedings (Blackwell & Dawe, 2004). Similarly, compared with families in which contact is agreed privately, litigating cases score poorly on a wide range of measures of parental relationship quality, communication patterns, shared decision-making, support for the children's relationship with the other parent, and levels of parent and child well-being (Trinder et al, 2005). This is of particular concern given that it is now well established that the key predictors of positive child adjustment post-separation are family income, the level of conflict between parents, and the quality of the child's relationship with, and parenting capacity of, the resident parent and then the non-resident parent (for reviews see Amato & Gilbreth, 1999; Whiteside & Becker, 2000; Rodgers & Pryor, 1998; Kelly, 2000; Hunt, 2003). Making contact work for children requires parental collaboration or an adequate parental alliance, managed conflict and warm and authoritative parenting. Ongoing parental conflict, particularly surrounding the child, and actual, or alleged, parenting deficits are likely to make contact a very fraught and difficult experience for children and are damaging to children's wellbeing (Buchanan & Bream, 2001; McIntosh & Long, 2005).

It is abundantly clear that some of the poorer outcomes amongst litigating cases reflect a selection effect, with families already experiencing greater difficulties having to turn to the family justice system rather than the family justice system necessarily creating problems. However, it is also clear that existing court interventions do not do enough to address the parental conflict that is so corrosive for children and is also such a significant stressor for parents.

In response to concerns about the emotional and financial costs of litigation, there has been a longstanding emphasis in many western jurisdictions on attempts to divert cases away from court through mediation and, for those who do reach court, on settlement processes rather than contested hearings (e.g. Salem 2009). However, whilst mediation and court-based dispute resolution processes typically result in high rates of settlement and increases in rates of contact, the negotiation process by itself has proved disappointing in resolving underlying conflicts or significantly improving communication (Pearson & Thoennes 1988; Kelly 2004; Trinder and Kellett 2007).

¹ In 1992 the family courts made 44,121 residence, contact, prohibited steps, specific issues and parental responsibility orders. In 2009 the figure was 135,070.

Partly in recognition of the limitations of dispute resolution processes in addressing conflict and reducing relitigation, a second international trend has been the development of educational and psychotherapeutic interventions to precede or run alongside dispute resolution processes (see Hunt 2005 for a review). In the US most states mandate some form of parent education programme for divorcing or litigating parents. Australia has gone considerably further in making dispute resolution and parent education a mandatory step prior to litigation, except in cases involving risk or emergency applications (see Kaspiw et al 2009 for a comprehensive evaluation).

The value and impact of these programmes is variable. Whilst basic didactic parent education programmes appear to have limited impact (Hunt, 2005), the more interactive and intensive programmes designed for litigating parents do appear to have some impact on co-parental relationships and conflict (see McIntosh & Deacon-Wood 2003; Emery et al, 2001; Pruett et al 2005; McIntosh et al 2008).

The UK has been relatively slow, however, to develop educational and therapeutic programmes for separated parents (Hunt 2005). Resolution has pioneered the Parenting after Parting workshops developed in conjunction with Christina McGhee, although take-up has been slow for this voluntary self-referral programme.

The Family Resolution Pilot Project (Trinder et al 2006b) was the first major court-based initiative incorporating parent education into a dispute resolution process. Referred parents attended two mixed gender group work sessions run by Relate, with each half of the former couple attending different groups from each other. The focus of the first session was on raising parental awareness of the needs of children following separation, particularly where parents were in conflict. In the second session the focus switched to helping parents to manage conflict and improve communication and collaboration. The Family Resolutions pilot itself was in some respects disappointing in that voluntary referrals to the project remained low. However, the educational element of the project did give some intriguing suggestions about the potential of an educational programme for parents. What was particularly interesting was that parents who had completed the pilot were significantly more likely to report that the parental relationship had improved than (a) parents who did not complete the pilot and (b) parents who had just attended in-court conciliation. The FRPP sample size was very small. Nonetheless, the evaluation of the programme concluded that a range of parenting interventions, including a family resolutions type mixed gender group should be developed in future but then tested thoroughly (Trinder et al 2006b).

The Children and Adoption Act 2006, Contact Activities and PIP

The Separated Parent Information Programme (PIP) is the first nationally available parent education programme for litigating parents in England. Its origins lie in the 2002 report *Making Contact Work*, published by the Children Act Sub-Committee of the Advisory Board on Family Law, chaired by Sir Nicholas Wall. The report itself emerged from concern amongst judges and other family justice professionals about the lack of tools available to facilitate and enforce contact orders at a time when there was intense public and professional interest in how the family courts were dealing with contact and residence cases, spurred on by high-profile campaigning by fathers groups and intense media interest. *Making Contact Work* (Advisory Board on Family Law: Children Act Sub-Committee 2002) called for a wider range of tools for judges in litigated cases. It also called for a wider range of interventions to be available to support enforcement of court orders, including information meetings and parenting programmes.

The recommendation was subsequently taken up by the government in the Green Paper *Parental Separation: Children's Needs and Parents' Responsibilities* (Cm 6273) in July 2004 and incorporated into the law in the ensuing Children and Adoption Act 2006. Alongside greater enforcement powers, the Act also gave courts powers to require parties to take part in a 'contact activity' i.e. an activity that would promote contact with a child. Three types of activity were specifically envisaged by the Act:

- "Programmes, classes and counselling or guidance sessions" that "may assist a person as regards establishing, maintaining or improving contact with a child", or that
- "may, by addressing a person's violent behaviour, enable or facilitate contact with a child" (s 11A(5)(a))
- "sessions in which information or advice is given as regards making or operating arrangements for contact with a child, including making arrangements by means of mediation" (s 11A(5)(b)).

It is the first activity that subsequently developed into the 'Separated Parent Information Programme' (PIP) that is the subject of this evaluation. The other activities have evolved into Domestic Violence Perpetrator Programmes (DVIP) and Mediation Information and Assessment Meetings (MIAMs); both fall outside the remit of this study.

The Children and Adoption Act received Royal Assent in June 2006. There was then a fairly slow implementation process. The tender for the development of contact activities materials (the programme) was not issued until February 2008. Training for providers did not begin until the autumn of that year. The contact activity provisions of the Act were only fully implemented in December 2008, a full thirty months after the Act had passed into statute.

Referrals to the programme were then very slow at first, partly hampered by the small number of approved course providers and consequent limited availability of courses but also because private funded parties were required to pay £200 to attend the course. The fee was abolished in April 2010 leading to a significant increase in referrals (see Section 2.2 below).

The course itself consists of a four hour group programme, either delivered in two separate two hour sessions or a single four hour session. It is delivered to mixed groups of men and women. Both parties, i.e. the applicant and respondent, are required to attend the programme, but former couples attend separate groups. The programme is delivered by trained providers from mediation, counselling or contact services backgrounds. The course includes discussion and interactive exercises. The aim of the programme is to encourage parents to focus on children's needs and perspectives.

After the slow start, courts started making referrals in large numbers and both judges and lawyers were reported to be very enthusiastic about the impact of the programme (Dancey & Jones 2010). However, to date, any evidence for the effectiveness of PIP or its value for money is largely anecdotal. Two exploratory studies, based on exit questionnaires and short-term follow up interviews (see Trinder 2010; Dancey & Jones 2010;) reported broadly positive initial responses from parents, but did not address the longer-term outcomes of PIPs, their relative effectiveness compared to other litigation pathways or their cost-effectiveness.

1.2 The study – aims and methods

This study was designed to identify the actual and future potential of the Parenting Information Programme as an effective and value for money intervention for parents with disputes over parenting arrangements, with a particular goal to inform the deliberations of the Family Justice Review. To achieve this overall aim we had four specific objectives. These were to:

5. Understand the court and non-court pathways undertaken by parents attending PIP, and how this compares to the experiences of comparable non-PIP cases.
6. Measure the impact on families of PIPs compared to other court-based pathways.
7. Measure the average cost of providing PIP and the cost-effectiveness of PIPs in comparison with other court-based pathways.
8. Understand in more depth why PIP might work better in some circumstances than others, including what parents and professionals perceive to be helpful and unhelpful about PIPs and what changes may be required.

The research design involved the following methods:

1. A telephone survey of 349 PIP parents and a matched comparison sample of 292 non-PIP parents to provide data on pathways, impacts, costs and processes (see below for more detail).
2. Purposively-sampled qualitative telephone interviews with 12 parents reporting positive outcomes from PIP and 12 parents reporting negative outcomes from PIP to explore experiences, particularly why PIP might work better with some groups.
3. Four focus groups with parents shortly after completing the final session of PIP.
4. Focus groups and individual interviews with the relevant professional groups to explore perceptions of impact and any changes needed in PIP. The participants included 24 judges, 11 family solicitors, 22 local and six national level CAFCASS staff and 26 PIP deliverers.
5. A survey of the average unit costs of delivering a single PIP cycle based on a specially-designed tool.

The study was commissioned by the Department for Education in December 2010. It is important to be aware that the study was a very rapid evaluation, with study design and set up, fieldwork, analysis and report writing conducted over a three month period from January to March 2011. We describe the design of the impact study below and also give further details about it and the other elements of the study in a technical appendix (Appendix 1).

1.3 The impact study in more detail²

Sample selection

To estimate the impact of PIP on parents, two groups of parents were sampled and surveyed.

The first group (the '**PIP group**') was made up of parents who participated in PIP

² See also Section A1.3 of the Technical Appendix.

sometime between April and October 2010. These parents were selected from 65 courts that, over the period, ordered attendance at a PIP for a relatively high proportion of eligible parents. The rationale for this focus on a small number of 'high-PIP-use' courts was that it allowed for the impact of PIP to be measured when used as a close to 'routine' programme³. In addition, the PIP group sample was restricted to cases where there was evidence that both parents had attended a PIP and where the harm box on the CAFCASS Case Management System was not ticked, the aim here being to restrict the assessment of PIP to cases where PIP was operating as intended. Finally, for purely practical reasons, the group was restricted to parents for whom a telephone number was recorded on the CMS.

In total, 991 parents were selected for the PIP group, all of whom were asked to take part in a telephone survey interview in February 2011. Of the 991, 348 interviews were completed. The interview covered a range of topics across four main topic areas: outcomes (that is, current position in terms of contact, communication between parents, parent and child well-being and maintenance payment at the time of the interview); background characteristics and circumstances just prior to the court case; their 'pathway' through the court system; and a short series of questions on their views of the PIP programme.

The second group (the '**non-PIP comparison group**') was made up of parents who had not been through a PIP (either themselves or their ex-partner). The whole of this comparison sample was taken from courts where, in 2010, very few parents were ordered to attend a PIP, the aim being to select parents who were PIP-eligible but who were not offered a PIP simply because it was not the practice of their court to do so⁴.

In order to ensure broad equivalence between the PIP and non-PIP groups, each of the 991 PIP parents selected as part of the PIP sample was individually matched to a non-PIP parent whose application was made in the same year and quarter and whose case was still open in the month the PIP-parent's PIP was ordered. This gave an equal starting sample of 991 for the comparison group.

As with the PIP sample, the non-PIP comparison group members were asked to complete a telephone survey interview in February 2011. The response rate for this group was lower than for the PIP group, but a total of 292 interviews were achieved. The content of the interview for the comparison group was the same as for the PIP group, with the exception that the questions about PIP were excluded.

Post-interview matching of the two groups

The final samples of 349 PIP parents and 292 non-PIP comparison parents were found to be somewhat different in their characteristics. The differences are documented in Section 2.3 of this report because they suggest that those parents who are ordered to, and attend, a PIP are not representative of all 'PIP-eligible' parents. For instance, just 24 per cent of the PIP group parents interviewed reported there being no contact between the non-resident parent and their children at the time of going to court, whereas 33 per cent of the comparison group families reported this. And 39 per cent of the PIPs parents had a degree or higher qualification, compared to just 26 per cent of the comparison group.

³ The methodological advantage was that it generated a PIP sample with much lower risk of unobservable selection bias.

⁴ This largely rules out any possibility that the comparison sample is biased towards parents who would be judged unsuitable for a PIP.

To the degree that factors such as contact and qualifications affect subsequent outcomes for parents, these imbalances across the two groups are problematic. If they are ignored then any differences in outcomes between the groups may not be because of the PIP attendance, but may in part be because the PIP and comparison groups are non-equivalent. To deal with this the comparison group have been matched to the PIP group on all the background and pre-court circumstance data that was collected in the interview survey⁵. The details of this matching are given in Appendix 1.3.

1.4 The structure of the report

We present our findings in three main parts. In the first part (sections 2 and 3) we examine case pathways, or how PIP is being used by the courts and how it fits within the range and sequence of services and interventions for litigating cases. In the second part of the report we look at the effectiveness of PIP, starting with the quantitative findings (Section 4) and then using qualitative data to explore and understand how the referral process (Section 5), the course content (Section 6) and post-PIP events (Section 7) contribute to outcomes. We conclude this section with a qualitative analysis of the features of positive and negative cases. The third part of the report presents our findings on the cost effectiveness of PIP (Section 9). We present our suggestions to enhance the effectiveness of PIP and conclusions in Sections 10 and 11.

⁵ The method of matching used was 'propensity score matching'. Details are given in Appendix 1.3.

2. Mapping case pathways

2.1 Introduction

In this section we examine how PIP is being used by the courts and how it fits within the range and sequence of services and interventions for litigating cases.

We begin this section by outlining the overall pattern of referrals to PIP in England since December 2008, noting the steep rise in referrals over the last two years from a very low base. Our source for this section is the CAFCASS Case Management System (CMS) and CAFCASS PIP database⁶.

Having mapped the national pattern of referrals we then present a profile of cases that have been referred to PIP compared to standard non-PIP cases. Our data in this section is drawn from the Telephone Survey of 349 PIP parents and a matched comparison sample of 292 non-PIP parents (see Section 1.3 above). Finally, again drawing on the Telephone Survey, we examine the case pathways for both the PIP and comparison samples, mapping the point of referral and then further case events, including returns to court.

2.2 PIP referral volumes since implementation

As noted above, courts have been able to make referrals to PIP since December 2008. However, the initial take up of PIP was extremely slow with only a handful of referrals in the first few months after implementation of the contact activity provisions. In April, May and June 2009, for example, there were only 21 orders made throughout England. There were a number of reasons for the slow start, including a shortage of courses to refer to but perhaps more importantly, there was also a charge of £200 for attendance for those ineligible for public funding.

The charges were scrapped in England on 1 April 2010⁷. The number of claims have increased month on month since then, starting from just 366 claims in April 2010, more than doubling to 850 by July and then increasing further to 1128 in September and 1148 in October. In the seven month period from April to October 2010, coinciding with the sampling period for our Telephone Survey, PIP providers made claims for just over 5,600 parents. The steep rise in the number of claims over this period probably reflects (a) an increased use in PIP because it is free to parents and (b) judges deciding to send a number of their older cases on PIP because it is now free, as well as greater levels of judicial awareness of the provisions and a rapid rise in the number of providers offering courses.

However, although PIP is used by a considerable number of courts (with over 60 per

⁶ CAFCASS maintains a database of financial claims for PIP attendance made by PIP providers. This database, which records the date that the claim is made, is a key source of statistics on trends over time in PIP, although it only records attendance and no record is maintained of the number of PIP orders made by courts. The PIP database can be matched to the court Case Management System (CMS) (via the CMS number) which allows for the generation of statistics on basic characteristics of PIP attending cases (although not individual parents).

⁷ Charges remain in Wales.

cent of courts generating at least one PIP claim in April to August 2010⁸), the use of PIP across courts is very far from even. Just 65 courts (50 county courts and 15 FPCs) accounted for 60 per cent of all PIP claims in the same period, even though these 65 courts accounted for just 33 per cent of all private law applications. And just 15 courts accounted for a third of all PIP claims. We consider the reasons for such varied uptake in Section 3.2.

2.3 PIP and non-PIP cases compared

We turn now to our telephone survey of PIP and non-PIP cases (see Section 1.3 above for a description of the sampling process). In most respects the parents who go on a PIP are very similar to other parents going to court, both in terms of their socio-demographic profiles and their circumstances prior to making their application to court⁹. PIP appears to reach the full spectrum of families who make an application to court about contact arrangements. There is little to suggest that judges are selecting cases which are either perceived to be 'easier' or 'more difficult' to resolve; or more or less 'appropriate' for PIP on whatever grounds.

In terms of their socio-demographics, the two samples are similar in terms of the number and age profile of their children, their own age and ethnicity and the household's income. Nor is there evidence that PIP families vary in the length of time between separation and going to court. PIP and non-PIP parents are similar in terms of their relationship with their ex-partner at the time of the application, in terms of friendliness, ease of being able to discuss issues, and having maintenance arrangements in place. There is no variation in families being offered PIP during their first or subsequent applications to court.

In section 3.2 below we describe some of the problems with the risk screening procedures for PIP. Not surprisingly therefore, there were a significant number of cases in the PIP sample with safety concerns, and the incidence was no different from the non-PIP sample. Three in ten (31 per cent) PIP parents said that they had concerns at the application stage compared to 26 per cent of non-PIP parents (difference not statistically significant). Of particular concern is the number of cases with past or current injunctions being referred to PIP, with nine per cent of PIP mothers reporting that there had been an injunction in place previously and a further nine per cent stating that there was an injunction in place currently. The figures for non-PIP mothers are 12 per cent and 10 per cent respectively¹⁰.

However, in a few respects, parents who go on a PIP do seem to be different to the

⁸ Data on individual courts was analysed for the April to August period, this being the initial period explored for sampling purposes.

⁹ These analyses are based on the unmatched PIP and non-PIP samples, although they have been weighted on the basis of the respondent's gender and on the length of the application.

¹⁰ The figures on the numbers of 'risk' cases in our PIP sample are more surprising in that we generated our PIP and non-PIP samples from cases in the CAFCASS CMS records where the 'harm box' on the C100 application form and response had *not* been ticked. In our preliminary analysis of the PIP and CMS data we found that the harm box had been ticked for approximately 22 per cent of PIP attenders. However, we decided to exclude cases where the harm box was ticked from both our PIP and non-PIP samples on the grounds that in principle it might be expected that most of these cases would not be ordered to attend a PIP. The implication we draw is that the harm box tick on the C100 does not correspond closely to the level of safety concerns that parents will report to researchers. One reason for this may well be due to the known problems in getting completed C1A forms from respondents and different recording procedures within the court service.

other parents going to court. These differences between the PIP and non-PIP families do not detract from the message that PIP is being offered to a wide range of families. However, there does appear to be a somewhat greater propensity to order PIPs (see Table 2.1) -

- **when parents have been married:** more PIP parents have been married than non-PIP parents (59 per cent compared to 47 per cent).
- **when children have contact with their non-resident parents:** more children in the PIP families had contact with their non-resident parents than children in non-PIP families, at the point at which the application had been made. A quarter (24 per cent) of PIP parents said that there was no contact at that stage, compared to one in three (33 per cent) non-PIP parents. This is reflected in differences in the reasons that the PIP and non-PIP parents had applied to court about contact, with more non-PIP than PIP parents applying to start or re-start contact and more PIP parents than non-PIP parents applying to make changes to existing contact arrangements.
- **if parents are more educated and/or in paid work:** on average, more PIP parents than non-PIP parents seem to be educated and in paid work. Parents going on PIP are more likely to have qualifications, particularly degree-level qualifications, than the non-PIP parents. Four in ten (39 per cent) of PIP parents had a degree compared to 26 per cent of other parents going to court. More PIP parents are in paid work than non-PIP parents. Three quarters (74 per cent) of PIP parents interviewed were in paid work, compared to 64 per cent of non-PIP parents. Related to this, PIP parents are less likely to be receiving legal aid towards their court costs than parents in the non-PIP group.

Table 2.1 Differences in baseline profile between the PIP and comparison groups¹¹			
<i>Base: all PIP and comparison group parents</i>			
		PIP parents	Comparison group
		%	%
<i>Marital status</i>	Married	59	47
	Other status	41	53
<i>Amount child sees NRP</i>	Weekly	49	41
	Less often than weekly	25	22
	Never	24	33
	Do not know or refused	3	4
<i>Reason for application to court</i>	Start or restart contact with child	43	55
	Make changes to current arrangements	33	22
	Other reason or do not know	24	23
<i>Parent's highest educational qualification</i>	No qualifications	24	35
	GCSE or equivalent	19	17
	A level or equivalent	18	22
	Degree or equivalent	39	26

¹¹ These categories summarise more detailed categories included in the interview.

<i>Working status of parent</i>	Working full-time	53	51
	Working part-time	21	13
	Other	26	36
<i>Working status of ex-partner</i>	Working full-time	49	42
	Working part-time	14	11
	Other	36	47
<i>Whether in receipt of legal aid</i>	Yes for all costs	21	35
	Yes for part of costs	12	13
	No legal aid	39	30
	Did not use solicitor or barrister or do not know	28	22
<i>Weighted base</i>		348	292
<i>Unweighted base</i>		348	292

We have been able to discount one possible explanation for these differences – namely that the profile of families in our selected PIP courts is systematically different to that in our selected non-PIP courts. As part of the survey, we interviewed a limited number of parents from our PIP courts who had not been on a PIP. If the differences we describe above were due to different court profiles, we would expect the profile of these parents to match those in our PIP sample. However, they look very similar to the comparison group. This suggests that the differences we have found are due to some form of selection within the PIP courts. We consider this selection process in more detail in Section 3.2 below.

Perhaps the most plausible explanation for the differences between the PIP and comparison group parents may lie in the fact that the survey only includes parents where both they and their ex-partner attended a PIP – a decision made in order to measure the impact of PIP as it should be implemented (see Section A1.3). In a significant minority of cases, only one parent ends up attending the PIP, with the other parent being non-compliant (see Section 5.4). It is reasonable to expect the non-attenders to be more likely to come from cases where there is less commitment to sort out contact arrangements, fewer resources, or from those less comfortable with the court system. This would tally with the differences we found, although there are no data on non-attenders to allow us to test our hypothesis.

Before examining case pathways in more detail it is worth emphasising the level of difficulty reported (retrospectively) by both the PIP and non-PIP samples. As with other analyses of litigating populations, the parents reported a wide range of problems with co-parenting. For example, only 40 per cent of both PIP and non-PIP samples were very or quite happy with contact arrangements pre-application. There was no maintenance being paid according to 40 per cent of PIP parents and 48 per cent of non-PIP parents. Relationships between parents were generally poor, with only six per cent of PIP parents and four per cent of non-PIP parents describing their relationship as very or quite friendly and only eight per cent and 10 per of the PIP and non-PIP parents reporting that it was very or quite easy to discuss important decisions about their children's lives.

2.4 The timing of PIP and case pathways

One of the aims of the evaluation was to understand better how PIP is being used as part of the whole court process, and how it fits within the range and sequence of services and interventions for litigating cases. More specifically, we sought to address the following questions –

- At what stage in the process are parents going on a PIP? Does this vary by the type of case?
- Is PIP being used by the courts as an alternative or as a supplement to standard interventions? Do PIP parents have a different profile of standard interventions, in terms of the type and number of court and non-court based interventions?
- Does PIP attendance lead to more parents attending mediation, compared to parents in the comparison group?

Most of our analysis on pathways is based on the matched PIP and comparison group telephone samples. By doing this, we are comparing the processes that PIP parents go through with what they are likely to have done should they not have gone on a PIP (and not simply picking up differences in pathways due to differences in the baseline characteristics of the PIP and comparison groups). Note that, in this section, we concentrate on the particular application which resulted in the parent's original selection for the survey. For 75 per cent of PIP parents and 80 per cent of comparison group parents (difference not statistically significant), this was their first application to court about contact arrangements.

Parents are being ordered on PIP at various stages of the court process after the first hearing date. Among the parents we interviewed, around half (53 per cent) had been on a PIP following a First Directions hearing (later referred to as going on a PIP 'early'), and 40 per cent had been back to court for (at least) a second time before being directed to PIP (referred to as going on a PIP 'later')¹². We should note that the relative proportions we see in our sample are likely to have been affected by the changes in the funding regime introduced in April 2010. This may have resulted in parents involved in older cases being sent on PIP later in the process (at no charge). Indeed, twice as many 'later PIP' parents as 'early PIP' parents (47 per cent compared to 22 per cent) opened their application in 2009, as opposed to 2010. In Section 10.2, we discuss how parents feel about the stage at which they went on PIP, and whether it would have been more useful earlier or later in the court process.

Alternative or supplement?

All the evidence from the survey points to the fact that PIP is being used *in addition* to the usual processes and interventions, rather than as an alternative. During the survey, we asked parents about the processes they went through during the course of the application. These included those that happened at the first court hearing, those that had happened at any subsequent visits to court, and those that happened outside of court at any point since the first court hearing. From these, we can compare the type and the amount of interventions or processes that the PIP and comparison group parents had been through.

PIP and comparison group parents' experiences of their first day at court are very similar (Table 2.2): in each group more than four in five (85 per cent of PIP and 86 per cent of comparison group parents) had a solicitor or lawyer negotiating on their

¹² We are unable to tell when the PIP was ordered for eight per cent of PIP parents.

behalf and a quarter (29 per cent of PIP and 27 per cent of comparison group parents) had been in negotiations with their ex-partner. Just under half (48 per cent of PIP parents and 45 per cent of comparison group parents) came to some sort of agreement at the end of that first day. Around one in five (17 per cent of PIP parents and 21 per cent of comparison group parents) said the agreement they made was meant at that point to be long-term agreement, and around a quarter (28 per cent of PIP parents and 22 per cent of comparison group parents) said it was an interim order. Those going on PIP earlier in the process were no more or less likely to make either a permanent or a temporary agreement at this stage. So, on the face of it, the decision to send a parent on a PIP has not been triggered by differences in events at the first court appearance.

Table 2.2 Events and decision on first day at court			
<i>Base: all PIP and comparison group parents</i>			
		PIP parents	Matched comparison group
		%	%
Solicitors negotiated at court		85	86
Parents negotiated at court		29	27
<i>Number of events on first day</i>	None	11	11
	1 event	65	64
	2 events	24	24
<i>Whether decision made on first day at court</i>	Long-term agreement	17	21
	Interim agreement	28	22
	Agreement but do not know how long-term	3	1
	No agreement	50	54
	Do not know	2	1
<i>Weighted base</i>		348	344
<i>Unweighted base</i>		348	292

Parents in the PIP sample were significantly more likely than comparison group parents (81 per cent compared to 66 per cent of the comparison group) to have gone back to court for (at least) a second occasion. However, there was no significant difference between the return to court rate of those PIP parents who had been on a PIP after first directions in the process and parents in the comparison group¹³.

Among parents who did return to court, the profile of the processes that PIP and comparison group parents went through is again very similar, and the likelihood of them reaching a decision as a result was no different (Table 2.3). However, there is some indication that PIP parents were more likely to use lower-intensity interventions than non-PIP parents. PIP parents were significantly less likely than the comparison

¹³ By definition, 100 per cent of 'late' PIP parents did attend court at least once after the first appointment. It is only at that point that they were referred to PIP. We should point out, however, that whilst there is no significant difference between the return to court rates of early PIP and comparison samples (64 per cent and 66 per cent respectively) these are unmatched samples.

group parents to say that they had a court hearing or trial at this stage (29 per cent compared to 40 per cent) or that their solicitor renegotiated things at court (81 per cent compared to 89 per cent).

Table 2.3 Events and decision when returned to court			
<i>Base: all PIP and non-PIP parents who returned to court for second or subsequent time</i>			
		PIP parents	Matched comparison group
		%	%
Had a review session		48	41
Solicitors negotiated at court		81	89
Parents negotiated at court		22	24
Court hearing or trial		29	40
<i>Number of events back at court</i>	No events	6	3
	1 event	32	27
	2 events	39	45
	3 events	19	21
	4 events	3	4
<i>Decision made at court</i>	Earlier agreement approved	10	7
	Earlier agreement reinstated	4	3
	New agreement	31	33
	Agreement do not know previous status	27	28
	No agreement	26	27
	Do not know if agreement	2	3
<i>Weighted base</i>		<i>281</i>	<i>227</i>
<i>Unweighted base</i>		<i>281</i>	<i>189</i>

Comparing PIP parents who had been on a PIP by this second hearing stage and those who had not, the later PIP parents were more likely to have a court hearing or trial at this stage (32 per cent compared to 25 per cent)¹⁴. So, for parents going on PIP earlier in the process, returning to court was less likely to involve such intensive intervention. (See Table A2.1 in Appendix 2 for a full breakdown of second court events by early and late PIP attenders).

One of the aims of the PIP programme is to encourage the use of alternative dispute resolutions mechanisms, including mediation, rather than litigation to resolve the dispute. We also collected information from parents about any interventions or

¹⁴ Note that the early and late PIP parents differ in the profile of their case complexity and circumstances (i.e. they have not been matched in the way that the PIP and comparison groups have been). So, differences may be attributable to differences in profile between early and late PIP attenders.

processes that they had been involved with outside of the court (at any stage in the course of the application). These included mediation sessions (including going on an initial assessment), Collaborative Law (involving out of court face-to-face negotiations with solicitors), private negotiations with their ex-partner, and their solicitors sending letters acting on their behalf. Again, the profile of what and how much the PIP and comparison group parents had done was very similar (Table 2.4). Most common was written correspondence from solicitors (reported by 68 per cent of PIP parents and 59 per cent of comparison group parents, with more late than early PIP parents reporting this). Very few parents had gone to mediation (just eight per cent of PIP and five per cent of comparison group parents), although a further five or six per cent in each group had had an initial meeting to consider it, but taken it no further.

Despite the similarities in what and how much parents had done out of court, among parents who had been through any out of court processes, PIP parents were only half as likely as comparison group parents to report having come to an agreement as a result of out of court activity (19 per cent compared to 35 per cent) (Table 2.5). There were no differences in the likelihood of coming to an agreement between PIP parents going on PIP early or late in the process.

Table 2.4 Events outside of court			
<i>Base: all PIP and comparison group parents</i>			
		PIP parents	Matched comparison group
		%	%
Solicitors sent letters or negotiated		68	59
Parents negotiated things privately outside court		31	32
Parents went to mediation away from court		8	5
Parents went for mediation assessment, but did not do mediation		5	6
Parents used Collaborative Law		5	4
<i>Number of out of court events</i>	None	22	27
	1 event	51	49
	2 events	23	20
	3 events	5	4
	4 events	0	0
<i>Weighted base</i>		348	344
<i>Unweighted base</i>		348	292

Table 2.5 Whether decision made outside of court		
<i>Base: all parents doing anything outside of court (including PIP)</i>		
	PIP parents	Matched comparison group
	%	%
Agreement confirming previous one	5	12
New agreement	13	22
Agreement but do not know if new or confirming previous	1	1
No agreement made	78	64
Do not know if agreement made	3	1
<i>Weighted base</i>	348	250
<i>Unweighted base</i>	348	224

Taking account of all the stages of the application process, and the various agreements that had been made during its course, the PIP parents' latest agreement was significantly more likely than comparison group parents to have been made at a second or subsequent court date (58 per cent compared to 47 per cent) (see Table 2.6). Comparing PIP parents who attended PIP earlier or later in the process (although note the earlier caveat about our ability to compare these), those attending PIP later in the process were most likely to have come to an agreement at a subsequent court date (73 per cent compared to 44 per cent of early attenders) (see Table A2.2 in Appendix 2).

Table 2.6 Stage at which latest agreement made		
<i>Base: all PIP and comparison group parents</i>		
	PIP parents	Matched comparison group
<i>Most recent decision made...</i>	%	%
On first day in court	17	18
During subsequent out of court negotiations	8	16
At a subsequent court date	58	45
No agreement made	17	22
<i>Weighted base</i>	348	344
<i>Unweighted base</i>	348	292

Post-PIP mediation

At the start of the study, we hoped to look at the relative impact of going on a PIP versus going on both a PIP and on mediation. However, as we reported above, very few parents in either the PIP (eight per cent) or comparison (five per cent) groups had attempted mediation. So, it seems that, currently, the model of PIP followed by mediation does not exist. We consider why this might be the case in section 3.4 below.

2.5 Summary

In this chapter we explored the use of PIP by the courts. We noted the rapid increase in the number of referrals over the last year as well as continuing disparities in the rates of referrals between courts. Based on our Telephone Survey we reported that the profiles of PIP and non-PIP cases are broadly similar in many key respects, although PIP parents tend to be better educated and with more economic resources. We noted also just as many current injunctions and current concerns in cases reaching PIP as in the non-PIP cases.

Our analysis of case pathways also indicated great similarities between the PIP and non-PIP samples. At first hearings, PIP and non-PIP cases had similar interventions and had similar rates of agreement. Roughly half of cases were referred to PIP at that first hearing and half at subsequent hearings. PIP parents were more likely than non-PIP parents to return to court for a second time, although our findings on this point are more difficult to interpret because of the early and late PIP factor. Once back at court the likelihood of reaching an agreement was no different for PIP and comparison samples, although PIP parents were more likely to have a review and less likely to have solicitor negotiations or a court hearing or trial. The uptake of mediation for both PIP and non-PIP samples was equally low. Overall, our analysis suggests that referral to PIP appears to be done alongside existing interventions and court pathways rather than as a substitute or alternative to continuing court involvement.

3. Understanding case pathways

3.1. Introduction

In this section we draw upon our qualitative data from judges, lawyers and CAFCASS to try to understand some of the results of case pathways analysis detailed in section 2 above. We start by examining the selection and referral process. The quantitative findings suggested that, based on similarities between PIP and non-PIP samples, judges were not attempting to select particular types of cases for PIP. We look therefore at what selection criteria were reported to be used. We also look closely at the screening and selection processes to understand why cases with safety concerns, especially current injunctions, were not excluded from PIP. We then move on to consider how judges were using PIP within the overall framework of the proceedings, particularly exploring the idea that PIP is being used as an additional parallel rather than an alternative intervention. Linked to that point, we consider why the uptake of mediation remained low even though encouraging mediation is an aim of the PIP programme.

3.2 The screening and selection process

We begin by exploring how cases are selected for PIP and on what basis. Sections 11A-E of the Children and Adoption Act 2006 (s 11A-E) set out the basic framework for the decision-making process. Parents can be referred to PIP as part of ongoing proceedings, when the court is considering whether an order should be made (via a 'contact activity direction', or CAD, often made at a First Hearing Dispute Resolution Appointment, or as part of a contact order (via a 'contact activity condition', or CAC)¹⁵. A CAD or CAC requiring attendance at PIP can only be made if a PIP is *appropriate* in the circumstances of the case, if there is a *suitable* provider offering courses within a *reasonable traveling distance* and having considered the *likely effect* on the individuals concerned, specifically in relation to religious beliefs and employment or educational constraints¹⁶. The welfare of the child is the court's paramount consideration when making a CAD (s 11A (9)).¹⁷

The statutory framework therefore sets out quite specific criteria for assessing whether or not individual cases should be referred. In practice, drawing upon interview and focus group material with judges, lawyers and CAFCASS officers, we found that courts were adopting a fairly broad brush approach to assessing who should be referred, rather than following a detailed, individualised case-by-case selection procedure. In effect courts had evolved a standard local operating procedure or a typical way of handling cases at local level. In some courts it was standard practice to refer very few cases, whereas elsewhere courts had moved to an opt-out position where the assumption was that a case would be referred unless there was a reason not to refer. The result was three broad approaches:

¹⁵ s 11E of the Children Act 1989 (as inserted by the Children and Adoption Act 2006). Only a contact activity condition, which forms part of a contact order, is enforceable with failure to comply potentially amounting to contempt of court.

¹⁶ s 11E (2-5).

¹⁷ There is no specific requirement in the Act for the court to make the child's welfare its paramount condition when making a CAC, although the general provision in s 1(1) ought to mean that the welfare principle applies automatically in this instance.

- *Exceptional referrals* where judges or magistrates were not aware or supportive of PIP, or had been asked to ration referrals to preserve scarce (CAFCASS) resources. In these courts few, if any, cases were referred to PIP.
- *Targeted referral* where courts tended to refer broad categories of cases rather than picking cases one by one. Typically this meant that all ‘communication’ cases would be presumed to be appropriate for referral but not domestic violence or ‘welfare’ cases.
- *Automatic referral* where the presumption was that all cases could benefit from PIP with either limited risk filtering or the risk filter bar set very high.

Most of the difference between targeted and automatic referrals seemed to hinge on how the threshold for harm or domestic violence was set (see below). Beyond that, there was limited consensus between judges about which types of cases might be more or less appropriate for referral. Some judges reported referring only higher conflict or more entrenched cases, others reported targeting PIP at lower conflict cases, whilst some judges would refer all cases regardless of conflict level. There were further differences between judges who thought that PIP was not useful if the parties had already reached agreement and those who thought that the PIP might be useful as a means to cement or underpin any agreement.

The range of approaches in existence and the lack of individualised targeting reported by judges are consistent with the broadly-based profile of PIP cases identified above in Section 2.3. It is also consistent with the rather limited differences between the PIP and non-PIP comparison samples. The only differences we did find between the two samples were on family income (in terms of working status and receipt of legal aid) and education and whether contact was taking place or not. None of the professionals participating in the research gave any indication that these were relevant factors. It is likely therefore that these differences do reflect sampling factors (see above Section 2.3).

With the exception of the small and decreasing number of courts making no or few referrals, there seemed to be a consensus developing amongst judges and local Cafcass officers towards an opt-out approach to referral, that is, for referral of all cases unless there is a reason not to refer. This meant that ‘assessment’ according to the statutory criteria of appropriateness, provider suitability and effect on religious belief and education and employment was described as relatively routinised with most issues largely pre-determined:

“So, availability? We know it’s now available. Suitability? If there is a high level of DV if fact finding finds it wouldn’t then be appropriate to send them on a PIP erm... We know that the providers will do weekends and what have you so by and large...” (Cafcass group F)

If supply-side problems of distance and flexible timings are now largely resolved due to the increase in the numbers of providers offering courses, the main assessment issue is one of ‘appropriateness’, specifically whether or not there are risk factors making the referral unsuitable. We were surprised that the PIP sample contained so many cases where parents had current concerns about child safety and, particularly about the number of women reporting that an injunction was currently in place (Section 2.3). We had been advised by CAFCASS that risk cases were not being referred to PIP and indeed the CAFCASS PIPs leaflet for parents advises that PIP might be suitable where there are “no safeguarding concerns about children or parents”¹⁸.

¹⁸ Available at <http://www.cafcass.gov.uk/PDF/PIP%20FINAL.pdf>

There were a number of reasons which might explain why 'concern' cases were referred in equal numbers to PIP and the non-PIP pathways. The first involves effective screening. In order to make a decision about referring a case an effective screening process is required. Under s 11E(7) of the 2006 Act, CAFcASS has a duty to provide information to the court about appropriateness and the likely effect of referral to a contact activity. Further, Cafcass has been required since April 2010 to undertake safeguarding enquiries in all cases prior to the First Hearing. The Practice Direction *The Revised Private Law Programme* specifies that these safeguarding checks should include (i) checks of local authorities and police records and (ii) individual risk identification interviews by telephone with each of the parties. The outcome of the checks is to be reported to the court in a 'Schedule 2' letter. The revised processes, including the safeguarding checks were to be fully implemented by 4th October 2010.

However, in practice, our qualitative research in the first few months of 2011 revealed that, whilst paper checks of social services and police mostly occurred, the pre-court individual safeguarding telephone calls to each of the parties were still not taking place systematically. In some areas the phone calls were not occurring at all whilst in others they were happening in 50 per cent of cases at most. Phone calls were mostly likely to occur with applicants as their contact details were more readily available. This is problematic as it is respondents, typically mothers, who are most likely to raise safeguarding issues. In the absence of pre-court phone calls, CAFcASS had to resort to asking parties to disclose safeguarding concerns in the more pressurised and less private court environment. Even then, some CAFcASS officers reported that some judges discouraged them from doing even these checks and wanted them to focus instead on trying to broker agreements.

Screening was therefore far from universal or systematic. The second reason for the continuing referral of welfare concern cases to PIP related to the very high threshold set for exclusion. Judges and CAFcASS officers both referred repeatedly to 'serious' or 'very serious' DV cases, apparently encompassing only a very small proportion of cases where safeguarding issues were raised. The following comment from a judge was typical:

"I would think about PIPS for most cases unless they were very serious safeguarding issues where you might be concerned about the safety of the workers or the safety of perhaps other people in the group or something like that but I think they would have to be quite serious issues..." (JF1)

The third reason was that there was no consensus amongst judges or CAFcASS officers as to whether or not safety issues were a relevant factor and whether, in fact, these cases should be excluded. The most common position amongst all professionals was that (almost) all cases could benefit from PIP as the parties attended separate groups and therefore there was no possibility of harm, or as one CAFcASS officer put it "What harm can it do?" Some professionals thought that serious cases should be filtered out because, as with the judge above, 'perpetrators' might cause harm to group members or PIP deliverers. Only a few judges, and no CAFcASS officers or lawyers, considered that domestic violence cases should *not* be referred to PIP because contact would not be appropriate. (PIP is, after all, a 'contact activity' designed to promote contact)¹⁹. Among these, one judge, for example, suggested that directing parents to PIP might raise false expectations amongst applicants that contact would be ordered. Alternatively, another judge was

¹⁹ s (11A(3) and 11C(2)).

concerned that the very clear message of PIP that contact is generally in children's best interests might put pressure on resident parents to forget any concerns about domestic violence and to allow (unsupervised) contact:

"I worry about this... if you're sending people along this road which does give the message 'You need to put your children first and you need to put the fact that you have been bashed to oblivion out of your mind and look to the future'... (JF2:13).

Underpinning the general approach to the use of PIP was a strong contact presumption that is prevalent throughout the family justice system and makes it more difficult to prioritise safeguarding (Trinder et al 2010). Given the limited screening (even under the revised Private Law Programme), high thresholds and lack of consensus about the appropriateness of referral, it is not surprising that cases involving risk were just as likely to be referred in PIP courts as in our comparison sample.

3.3 Returns to court

In the quantitative analysis of case pathways in section 2.4 above we noted that a fairly high proportion of PIP cases were returning to court for a second appointment, with 64 per cent of early PIP cases returning. On the whole, PIP cases were using fairly limited out of court settlement opportunities and instead were returning to court. Once back at court they were more likely to return for a review (a much less intensive intervention) and less likely to return for a hearing or trial.

What the survey data appear to point to is that PIP is being used *in addition* to the usual processes and interventions, rather than as an alternative. In other words, PIP is not used as an end in itself, as a means for parents to exit early from the court system. Instead, PIP appears to sit within court processes where parents are directed to PIP from court (at first or later hearings) and then are largely expected to return to court to complete proceedings and only then exit out of the court system.

The qualitative data from judges sheds further light on this process. Judges were quite clear that in most cases a further hearing would be scheduled after PIP. The court would therefore retain oversight of the case rather than expect the case to exit the system. This was seen as effective case management, with the PIP part of a logical and planned sequence of events:

Judge A: You don't do a PIP in isolation do you...It's in conjunction with what you have done at the first hearing. At that hearing you will have discussed in detail what arrangements are going to be made and even worse it will be the contact centre ... but hopefully it's a PIP that supports an already proposed contact arrangement... It may be that you are waiting for evidence to come. There may be drugs test results, alcohol or so on and so forth but it rarely... sorry never in any case I have had apart from where there has been no safeguarding checks have I just said right I want you to go on a PIP and then come back and then see what happens....

Judge B: We will never make an Order sending somebody to do something without having a further date when they will come back.

Judge C: Yes you do [set a further date] otherwise it's meaningless isn't it? (Judicial focus group 3)

A typical pattern therefore might be for an interim agreement to be made at first

directions, with the PIP running in parallel with trial arrangements before a return to court for a review.

Most PIP referrals appeared, therefore, to be made via contact activity directions (i.e. as part of ongoing proceedings), rather than contact activity conditions (i.e. as a final order with no inevitable further court involvement). That said, there seemed to be some uncertainty about whether or not it was possible to make a referral to PIP as part of a final order (i.e. a CAC). The following question, directed by one judge to others participating in one focus group, suggests that in some instances parents may be being (mistakenly) asked to return to court because a contact activity direction had been made rather than a contact activity condition:

'because the rules require you to have another hearing if you have made the direction... are you finding you are having hearings for cases where you otherwise wouldn't have a second hearing because... you are sending people [on PIP] who have agreed terms at first hearing?' (Judges focus group 2)²⁰

3.4 Use of mediation

Some of the professionals we spoke to reported cases in which parents had attended mediation after going to PIP and had reached a successful conclusion without having to return to court:

Well he and the mother of the child in this one were very much at each other's throat erm... after completing that programme ... they went to mediation and they sorted it...

Interviewer: What would your expectation have been if they had not attended the PIP, do you think it would have been more prolonged?

I think we would have gone to final hearing it was that bad... it was awful. (Lawyer 9)

These were rare examples. We noted in Section 2.4 that PIP cases were no more likely to use mediation than non-PIP cases. Further, in the telephone survey we also asked the 11 PIP parents who had attended mediation after PIP whether the PIP programme had influenced their choice. Of those 11, only 2 parents said the decision to go to mediation was a lot to do with PIP, 2 said it had a little to do with PIP and 7 said it had nothing to do with PIP. Thus not only do few parents choose mediation after PIP but even then few attribute the choice to PIP.

These results are somewhat surprising given that one of the key messages of the PIP programme is about the benefits of mediation and that up to a quarter of PIP providers are family mediators. Part of the reason for the low uptake might be the in-built expectation that cases will return to court for at least a review. This might provide a disincentive to pursue alternative methods.

There were at least two other main reasons for the lack of uptake of mediation. First, relatively few judges reported making use of 'dual orders' for PIP followed by a mediation information assessment meeting (MIAM). The reason given was that, although PIPs are free for all who attend them on the instruction of the courts, a

²⁰ S 11A(7) stipulates that a court may not on the same occasion make a contact activity *direction* and dispose finally of the proceedings. No such restriction is imposed on the making of contact activity conditions.

MIAM is not free for those who are not publicly funded:

“We have considered making dual Orders... but there is a bit of a question mark over the funding of the mediation meetings.” (Judges focus group 2)

“If we direct them to attend a mediation information meeting but they don’t qualify then they will have to pay for it and they may object to that so we have had to change the wording of our Order now to say they must attend provided that they are not charged for it which I think is the key to the whole objective” (Judges focus group 1)

The second problem reported was that although professionals – lawyers, PIP providers, CAFCASS and judges – were keen to encourage parents to proceed to mediation, parents were much more reluctant to consider mediation. Thus a mediation service that also delivered PIP reported a very positive response from parents to PIP but a negative response to the prospect of mediation, even if available free of charge:

“We’ve got a small charitable pot of money, which means that now we’re offering anybody that’s been on the PIP a free mediation assessment. The take up’s been very poor... So, it’s not necessarily being followed through, even though they end the course feeling enthusiastic about it [PIP].” (Provider focus group 1)

Parents were reported to be reluctant to try mediation either because their ex-partner had refused or because of a negative experience with mediation previously (and see Section 10.2):

“We’re trying to introduce mediation through the PIP as though it’s a new concept and actually, they’ve already tried it twice and it failed. You know, so that’s why we’ve had people saying, “No, I won’t try mediation” (Provider focus group 3)

Having said that, we asked parents in the Telephone Survey whether they felt that parents should *have* to go to mediation before they can go to court. Two thirds (64 per cent) of both PIP and comparison group parents thought that it should be compulsory.

3.5 Summary

With the exception of the small and decreasing number of courts making no or few referrals, we found that judges and CAFCASS officers were moving towards an opt-out position, where all cases should be referred to PIP unless there was a reason not to do so. This meant that ‘assessment’ according to the statutory criteria of appropriateness, provider suitability and effect on religious belief and education and employment was relatively routinised rather than resulting from a highly individualised assessment process. This probably accounts for the similarity between the PIP and non-PIP samples. The presence of high and equal numbers of ‘risk’ cases, including current injunctions, in the PIP and comparison samples are clearly explained by three factors: the lack of systematic screening particularly pre-FHDRA telephone calls, very high thresholds and lack of clarity about why referral to PIP might be inappropriate.

The interviews with judges also shed light on why PIP is typically associated with a return to court rather than an exit from the system. Judges used PIP as a supplement rather than an alternative to the court process, with a scheduled return seen as part

of effective case management. The low take up of mediation was attributed to the funding problems associated with mediation information and assessment meetings and parental reluctance to take up the opportunity of mediation.

4. The impact of PIP on parent and child outcomes

4.1 Introduction

The evaluation of PIP included a formal comparison of outcomes for a sample of parents who participated in PIP between April and October 2010 against a matched comparison sample of non-participating parents (see Section 1.3 for a short description of the design of the impact element of the evaluation and Section A1.3). The difference in outcomes observed between these two samples gives an estimate of the *impact* of PIP.

This chapter divides into four sections, including this introduction. Section 4.2 documents the overall impacts for PIP participants. In Section 4.3 we present impact estimates for some key sub-groups of PIP participants, namely resident and non-resident parents, cases where parents expressed safety concerns about their child(ren), and cases where the application was made in 2009 (far in advance of the PIP attendance). This sub-group analysis gives some indication of whether the benefits of PIP are universal across groups of parents, although small sample sizes mean that most of our conclusions here are more tentative.

A summary of the findings on impact is given in Section 4.4. In essence, we found PIP to have a positive impact on contact levels between non-resident parents and their children, with around eight per cent of the PIP non-resident parents having at least some contact with their children as a result of the programme. On a range of other outcome measures the PIP impact was found to be much smaller, but mostly positive. Overall, we conclude that PIP, as it operated between April to October 2010, had a modest but broadly positive impact on family outcomes. Other chapters of this report document how PIP was run during 2010 and how, with changes to practice, the impact of the programme might be increased.

4.2 The overall impact of PIPs

Outcome indicators

The telephone interview survey collected a range of familial, parental and child outcomes, all of which are self-reported. These can be grouped into five categories, each of which relate to the aims of PIP (see Section 6.3) -

Case progress

A clear positive outcome for a case is that an effective contact arrangement is put in place, which both parties accept. In order to test whether going on a PIP increased the chances of this happening, we measured:

- Whether or not a court order or arrangement for contact is in place
- Whether or not the agreement is working well
- Whether or not the respondent is happy with the current situation
- Whether or not the ex-partner is happy with the current situation
- Whether or not the parent has safety concerns when the child is with their other parent
- Whether or not the case is now closed²¹

²¹ This has been cross-checked with CMS data and we have assumed a case is closed if either the survey respondent says it is or the CMS data suggests it is. The level of mismatch

Relationship between the parents

A key purpose of the PIP is to encourage parents to work together in the best interests of their child, and to teach parents the skills required to have better lines of communication. We attempted to measure the extent to which PIP improves parents' ability to do this using a range of outcome measures:²²

- Whether or not parents have equal say in decisions to do with their child
- Whether or not the parent is happy with the amount of decision-making they have
- Whether or not the parents find it easy to discuss issues to do with their child
- Whether or not the parents view their relationship as friendly
- Whether or not the ex-partner is reliable about keeping to arrangements
- Whether or not the arrangements are a major source of tension

Family circumstances

Ultimately, in most instances, the aim of getting parents to work in the best interests of the child is to facilitate a good contact arrangement between the non-resident parent and the child, and we therefore included a number of measures around the amount and type of contact to see if PIP improved families' outcomes in this respect:

- Whether, and how often, the child is in contact with their non-resident parent
- Whether, and how often, the child stays overnight with their non-resident parent
- Whether or not the parent is happy with the contact arrangements

In turn, given links between good contact and effective maintenance arrangements, we might expect any positive impact on contact to be linked to an impact on maintenance arrangements. We therefore measured:

- Whether or not there is a maintenance arrangement in place (either at all, or a regular arrangement).

Situation from child's perspective (as reported by parents)

We include a number of measures to test whether (according to parents) going on a PIP improves the situation from the child's point of view. These include a number of dimensions:

- Whether or not the child him/herself is happy with the contact arrangements
- Whether or not the parent feels that the arrangements are in the best interests of the child
- Whether or not the child has socio-emotional problems which interfere with their everyday life

The child questions were asked (of the parent) of just one child, randomly selected from all the children about whom the court application had been made.

between the CMS and respondent report of case closure suggests that parents are not always clear on whether or not their case is completed.

²² We also asked about respondents' well-being. No significant differences were found between the PIP and comparison group parents. As it does not relate to PIP's primary aims, we have not reported on this here.

Intentions for dealing with issues around contact

It is realistic to expect families to have to renegotiate contact arrangements over time to accommodate changing circumstances and children's changing needs and preferences. It is reasonable to measure the success of PIP partly by whether it changes parents' ability to do this renegotiation themselves, rather than having to return to court. We therefore asked:

- Whether or not parents felt they were likely to have to renegotiate their contact arrangements in the following two years
- Whether they would negotiate changes themselves or return to court or use lawyers

Although many of these questions involved four-point scales, each have been coded into binary variables for ease of comparison between the PIP group and the comparison group.

Tables 4.1 to Table 4.5 set out the estimates of the impact of PIP across all these outcome measures. Three columns of data are presented per table: the percentage of the PIP group with the outcome of interest; the percentage of the matched comparison group with the outcome of interest; and the estimate of impact (that is, the difference, in percentage point terms, between the first two columns of data). Impact estimates that are significantly different to zero are marked with an asterisk.

Estimating impact

Having generated PIP and comparison samples that are well matched, the 'impact' of attending a PIP on an outcome of interest is estimated simply by calculating the percentage of parents with that particular outcome in the two groups (PIP and comparison) and then taking the difference of these two percentages. For example 84 per cent of parents in the PIP group reported that in February 2011 the non-resident parent was in contact with his/her children. The percentage in the matched comparison group was 76 per cent. The difference between the two is eight percentage points, and this eight percentage points is the estimate of PIP impact on 'any contact'. That is, we estimate that in eight per cent of PIP cases the PIP participation led to contact between the non-resident parent and child that would otherwise not have happened.

A note on statistical significance

All the impact estimates presented in this report are based on the survey samples described above. The estimates are subject to sample variance and some apparent impacts may be due to sampling error. To account for this all the impact estimates have been tested for 'statistical significance', and our main conclusions on impact are based only on significant results²³. However, we report on non-significant estimates of impact where they are of potential interest. And we also present sub-group estimates of impact where, because of small sample size, most impacts are not significantly different to zero. Rather than disregard the evidence on sub-groups we report if there are any clear trends evident. *And* if non-significant findings are supported by the process evaluation then these are commented on.

²³ All tests are two-sided and based on a 5 per cent significance level. Standard errors take into account the weighting of the data and the clustering of a proportion of the PIP sample into pairs (i.e. ex-partners).

Case progress

We have not found any *statistically significant* impacts on PIP on case progress, although the survey evidence does suggest that, after participating in a PIP, parents are somewhat more likely to say they have a contact agreement in place that is working well than would have been the case without the PIP participation (an impact of eight percentage points). And PIP participants appear to be happier with the current situation (an impact of six percentage points). However, less positively, the matched survey data also suggests that participating in a PIP tends to lengthen court cases: just 68 per cent of the PIP cases were closed at the time of interview, compared to 76 per cent in the matched comparison sample.

Table 4.1: Impact of PIP on case progress outcomes

	PIP group %	Matched comparison group %	Impact Percentage point difference
Case progress outcomes:			
Court order or arrangement in place	80	78	2
Agreement that is working well	59	51	8
Survey respondent happy with current situation	50	44	6
Ex-partner happy with current situation	43	41	2
Respondent has safety concerns when child is with other parent	26	24	2
Case now closed	68	76	-8
<i>Bases:</i>			
<i>Weighted</i>	348	344	
<i>Unweighted</i>	348	292	

The relationship between the parents

We have no evidence to suggest that PIP impacts on how parents perceive their relationship with their ex-partner. The differences between the PIP survey respondents and the matched comparison group are very small (Table 4.2). The possible (slightly ambiguous) exception to this overall conclusion is that parents participating in PIP are more likely than those in the matched comparison sample to say that their contact arrangements are a major source of tension (39 per cent amongst the PIP group and 33 per cent in the comparison group), although again the difference is not statistically significant. However, if this is a genuine impact, the explanation may be that, because PIP leads to more contact between the non-resident parent and child (see below), then this increased contact may be the source of extra tension.

Table 4.2: Impact of PIP on family relationships			
	PIP group	Matched comparison group	Impact
	%	%	Percentage point difference
Relationship between the parents:			
Parents have equal say in decisions about child	16	18	-2
Respondent happy with amount of decision making they have	44	42	2
Respondent finds it easy to discuss issues to do with their child	15	14	1
Respondent views their relationship as friendly	18	14	4
Ex-partner is reliable about keeping to arrangements	50	49	1
The arrangements are a major source of tension	39	33	6
<i>Bases:</i>			
<i>Weighted</i>	348	344	
<i>Unweighted</i>	348	292	

Family circumstances

In contrast to the impact estimates reported above, all of which are ambiguous because not statistically significant, there does appear to be a genuine PIP impact on levels of contact. Parents attending a PIP report a higher rate of contact between the child selected as the 'index child' for the survey and the non-resident parent, with 84 per cent saying that there is *some* contact. This is eight percentage points higher than the percentage in the matched comparison group (76 per cent). It suggests that, as a direct result of PIP attendance, in eight per cent of cases contact started or resumed. However, most of this extra contact is less frequent than weekly. There is no evidence of any impact of PIP on weekly contact between the child and non-resident parent.

There is a suggestion (not statistically significant) that PIP leads to slightly more overnight stays between the child and non-resident parent (55 per cent of PIP participants report overnight stays 'sometimes' compared to 51 per cent in the matched comparison sample). And, there is also some evidence of improved maintenance arrangements, with 63 per cent of PIP participants reporting that there is a regular maintenance arrangement in place, six percentage points higher than the percentage for the matched comparison group. But the difference is, again, not statistically significant.

Table 4.3: Impact of PIP on family circumstances			
	PIP group	Matched comparison group	Impact
	%	%	Percentage point difference
Family circumstance outcomes:			
Child in any contact with non-resident parent	84	76	8*
Child in at least weekly contact with non-resident parent	56	58	-1
Child stays overnight with non-resident parent sometimes	55	51	4
Child stays overnight with non-resident parent at least weekly	38	35	3
Respondent happy with the contact arrangements	48	54	-6
Maintenance arrangement in place	68	60	7
Regular maintenance arrangement in place	63	57	6
<i>Bases:</i>			
<i>Weighted</i>	348	344	
<i>Unweighted</i>	348	292	

The child perspective

There are limited PIP impacts on child behaviour (as reported by one or other parent). There is some evidence that children are happier with the arrangements to have contact with their non-resident parent (50 per cent of PIP children are reported to be happy with the contact arrangements compared to 43 per cent of the children in the matched comparison group). But this is not a statistically significant difference. There is no evidence at all that PIP increases contact that is seen by participants as being 'in the best interest of the child' or that PIP reduces child socio-emotional problems.

Table 4.4: Impact of PIP – the Child Perspective			
	PIP group	Matched comparison group	Impact
	%	%	Percentage point difference
Situation from index child perspective:			
Child happy with contact arrangements	50	43	7

Respondent feels the arrangement is in the best interests of the child	53	53	0
Child has socio-emotional problems that interfere with everyday life	17	17	0
<i>Bases:</i>			
<i>Weighted</i>	348	344	
<i>Unweighted</i>	348	292	

Intentions for dealing with contact issues in the future

There is relatively strong evidence that PIP changes how some parents expect to deal with future contact issues. PIP participants were more likely than the matched comparison sample (39 per cent v. 29 per cent per cent) to say that contact arrangements would need to be renegotiated in the future, a PIP impact of 10 percentage points. In this instance the impact is statistically significant. It is difficult to know how to interpret this finding. It may reflect dissatisfaction with current arrangements or it may reflect a key message of the PIP course that arrangements should continue to reflect children's changing needs and wishes. Regardless of the interpretation of this finding, PIP participants were also more likely to say that they would negotiate between themselves and their ex-partner rather than return to court.

Table 4.5: The impact of PIP: intentions for dealing with contact in future

	PIP group %	Matched comparison group %	Impact Percentage point difference
Expected future plans for dealing with contact issues:			
Likely that contact arrangements will need to be renegotiated in next two years	39	29	10*
Would negotiate between themselves	36	27	9*
Would return to court	42	38	3
<i>Bases:</i>			
<i>Weighted</i>	348	344	
<i>Unweighted</i>	348	292	

4.3 PIP impacts across sub-groups of parents

The sample sizes used to generate quantitative estimates of impact were relatively small (349 PIP and 292 comparison). This, coupled with the fact that the impact estimates we have found are fairly small, means that analysis to identify *differential* impacts across sub-groups is almost inevitably inconclusive. Nevertheless, there is value in using the survey data to establish two things:

- (a) Whether there is any *strong* evidence for differential impacts across sub-groups; and, perhaps more importantly,
- (b) Whether there is any evidence that PIP is harmful for some participants. This is of particular interest given concerns about the possible inappropriate referral of some cases (see Section 3.2)

With these two objectives in mind we have estimated impacts for three sets of binary sub-groups:

- **Resident parents (RPs) and Non-resident Parents (NRPs).** These two groups are contrasted on the grounds that many survey responses differ depending on whether the survey respondent is a RP or an NRP. For example 63 per cent of RPs say they are happy with the amount of decision making they have, compared to just 23 per cent of NRPs. And 47 per cent of RPs claim that regular maintenance is paid compared to 72 per cent of NRPs. It is plausible that the impact of PIPs will be experienced differently for these two groups.
- **'Risk' and 'non-risk' cases.** We define 'risk' cases as those cases where there was a previous injunction and/or the respondent said there were safety concerns at the time of the application. In this binary split the interest is primarily with the risk cases, this being the sub-group most likely to cover those *not* appropriate for PIP. However, our definition of 'risk' is somewhat broad, and based on self-reporting by parents. We fully accept that some of the parents in this group would be seen as 'PIP-appropriate' by professionals.
- **2009 and 2010 applications.** Bearing in mind that all our PIP participants attended a PIP in 2010, contrasting impacts for the 2009 application cases with the 2010 applications gives a simple means of testing whether ordering a PIP for cases that have been in the court system for a long time is as effective as ordering a PIP earlier.

The statistics on impacts for these six sub-groups are included in Appendix A2.3-8, with significant impacts being asterisked. Because of the small sample sizes involved interpretation is difficult. But taking our two questions set out above:

RP and NRP impacts

PIP appears to be about equally effective from the perspective of both RPs and NRPs (Tables A2.3-4). The pattern of impacts is broadly the same for the two groups. For instance, there is an eight percentage point impact on having contact among RPs, and a seven percentage point impact among NRPs. There is no evidence of harm from PIP for either of these groups.

However, several findings point to the fact that PIP is having more of an impact on how RPs *feel* about their arrangements, compared to NRPs. For example, there is a 15 percentage point PIP impact on how happy RPs are with their current situation, compared to six percentage points for NRPs. Similarly, PIP appears to have a greater impact on RPs than on NRPs in terms of how happy they are with the amount of decision making they have (six percentage point impact compared to an impact of minus two percentage points among NRPs). And there is a 14 percentage point PIP impact on RPs' perceptions of how happy their child is with the arrangements, compared to a five percentage point impact for NRPs. Similarly, there is a 10 percentage point impact among RPs on whether they have safety concerns (with PIP RPs less likely to have safety concerns), compared to two percentage point among NRPs (with PIP NRPs more likely to have safety concerns).

Risk and non-risk case impacts

The main interest here is in the 'risk' cases and, in particular, whether there is any evidence of harm from PIP for this group. That is, given PIP is meant to encourage contact and communication between separated families, would a 'successful' PIP outcome be a positive outcome for these families?

The findings are slightly unclear – in large part because the sample size of the 'risk' PIP group is very small at just 127. Nevertheless, for this group, PIP does appear to increase contact rates, in line with the overall PIP impact, at eight percentage points (Table A2.4-5). But there is a very marked (and significant) increase in 'tension' between the resident and the non-resident parent, with 52 per cent of PIP participants in this group saying that the contact arrangement is a 'major source of tension' compared to just 23 per cent of the non-PIP matched comparison group. PIP participants are also less likely to say that the contact arrangements are 'in the best interests of their child' (53 per cent v. 65 per cent) although in this instance the difference between the PIP and matched comparison sample is not significant. Among this group of 'risk' cases, a number of other outcomes are worse (although not significantly so) in terms of how the PIP parents *feel* about the situation. They are less likely to be happy with the contact arrangements and the amount of decision-making they have, and less likely to think they have equal say in any decisions made.

Whilst we would not conclude from this that PIP is inappropriate for all of this sub-group (which, as defined represents almost 40 per cent of all PIP participants), the data do suggest that within this broader group there *may* be a number of PIP participants for whom participation may not be in the best interests of the parent or child(ren). We discuss this further in section 10.6.

2009 and 2010 applicants

Our final sub-group analysis contrasts the impact of PIP on 2009 applicants with 2010 applicants. The former group are of particular interest in this comparison, as they give a test of whether PIP is useful for parents who have been in the court system for a considerable length of time. Perhaps contrary to expectation, the PIP impact appears to be somewhat larger for these longer-running cases, with, for instance, the impact on contact arrangements being greater than for newer cases: amongst the older cases 86 per cent of the PIP participants reported contact between the (survey index) child and the non-resident parent compared to just 63 per cent of the matched comparison group – a PIP impact of 24 percentage points. Among these longer-running cases, there is also a PIP impact (of 21 percentage points) on the likelihood of having a court order or arrangement in place, and on having an agreement which is working well (20 percentage points).

However, there is also evidence that the 'positive' impacts that PIP has on the making of arrangements among these older cases is coupled with some arguably 'negative' impacts. PIP appears to have a negative impact (of 16 percentage points) on how happy the respondent is with the arrangements. And PIP parents in this group are much more likely (51 per cent compared to 35 per cent) to think that they would return to court if they had to renegotiate their arrangements. Although not statistically significant, among the 2009 cases, more PIP parents than comparison group report that they feel that the arrangements are not in the best interests of their child (50 per cent compared to 62 per cent), and more PIP parents are likely to express concerns over their child's safety than comparison group parents (31 per cent compared to 18 per cent). One explanation for these findings is that PIP is more effective than standard pathways at ensuring contact takes place but has not

addressed the possibly more entrenched conflicts that would account for these longer-running cases. PIP therefore delivers contact but has not addressed the root conflicts. Whilst we would not conclude from the 'positive' impacts that PIPs should be held in reserve until cases get to a later stage – the sample size is far too small for us to make what could be a very costly recommendation – we would nevertheless conclude that for cases that happen to have stayed in the court system for a long time PIP is likely still to be beneficial, provided that some of the issues around the 'negative' impacts can be addressed.

4.4 Summary

In summary:

- For parents attending PIP as it was running in 2010, the PIP participation had a positive impact on contact rates between children and non-resident parents, the size of impact on 'any contact' being about eight percentage points;
- Almost all of this impact was on 'less than weekly' contact. There is no evidence that PIP increased rates of very regular contact;
- There is no firm evidence from the survey data of impacts on the quality of the relationship between ex-partners;
- There is evidence that PIP increases contact arrangements that parents believe will need to be renegotiated in the future. However, much of this is likely to be renegotiated privately rather than within court;
- PIP appears to be equally effective from the perspective of resident parents and non-resident parents, although it has more impact on the perceptions of resident parents about their situations. There are, however, a potential sub-group of 'risk' cases for whom PIP may worsen outcomes for parents and children;
- Most of our evaluation evidence (reported on in other chapters) suggests that the earlier PIP is used in a case the better. However, the survey evidence suggests that even for older cases PIP can be beneficial.

In the next sections of the report we draw again on the qualitative data from parent and professional interviews to explore some possible explanations for the findings on the impact of PIP.

5. Understanding impacts: transferring to PIP

5.1 Introduction

In the next three sections of the report, we explore some of the factors that might have shaped the impacts of PIP identified in Section 4 above, namely the increase in contact in PIP cases, but also the absence of positive impacts on parental relationships and the higher numbers of open cases. We look in turn at the three phases of PIP that might influence outcomes: the pre-PIP phase, the PIP course itself and the post-PIP phase. We draw mainly on CAFCASS CMS data on course wait times and qualitative data from parents and professionals to explore how well parents are prepared for PIP and the effectiveness of the referral transfer process.

5.2 Briefing and preparing parents for PIP

Regardless of the appropriateness of the referral as discussed in Section 3.2 above, it was important that parents had a clear understanding of the nature and purpose of the PIP course before the course began. This is both to ensure that they attended and also that they were reasonably well-prepared and potentially more motivated.

We found, however, that the fullness and accuracy of the briefing of parents about the course before and after the referral was highly variable. Many parents appeared either to have had little information about what to expect, or worse, to have had misconceptions about the format or the purpose of the course. Some parents had not been told, or had not understood, that their ex partner would be attending a different course. More commonly, we heard of parents who had thought that referral to a 'parenting' course implied that they were a bad parent or that they would be taught how to change nappies. The result was cases reported where parents had refused to attend, or required repeated appointments being offered before they finally attended, resulting in delay. Or, many parents arrived hostile, thinking that PIP was either for assessment, instructions in parenting, or an 'exam.' This negative frame of mind then had to be addressed by the course trainers. The following comments from parents and providers are typical:

"I'm glad I did it, although my initial reaction was very negative – I didn't like the whole idea – I suppose maybe providing people with more information and just make sure they don't take it the wrong way, as I did." (Female interviewee, positive outcome group; PF6)

Provider 1: It needs to be made more clear in court as well to exactly what it is. It's not a parenting skills programme. We are not questioning their parenting skills they come with ruffled feathers before you even open your mouth...

Provider 2: We don't do an assessment...

Provider 3: I have actually written a paragraph and the judges now kind of know that and...

Provider 1: They need to know they are not going to be on the same course as their former partner.

Provider 4: Some refuse to come because they think that...

Provider 1: The thing is we shouldn't have to be making it clear they should already know this information. (Provider Focus group J1)

"We spent a lot of time in the early days undoing the damage when people

came to us about they're coming on a parenting course. And they still, it's not as bad as that, but we still have added in a good five minutes worth of chat at the beginning about why you are here, what's expected, who heard what, who was told what at the Court. [We say] 'Well, forget all of that' or 'you were lucky you had somebody who really' And it is that sort of opening bit where you're building relationships and credibility and explaining things and taking away people's fears because there are a lot of fears or apprehension or anger when people come. (Individual provider interview 4)

The course has now been renamed the 'Separated Parent Information Programme' to dispel the impression that the course is a standard parenting course. There remain difficulties though in ensuring that parents do get an accurate account of the programme before they begin. Leaflets are widely available, including the CAFCASS fact sheet (<http://www.cafcass.gov.uk/PDF/PIP%20FINAL.pdf>) and locally devised leaflets, sometimes in community languages. These are very useful and some are very high quality but they are often not sufficient to explain a very new, probably unexpected and sometimes unwelcome intervention. This is particularly, but not exclusively so, where parents have any literacy or language issues.

Besides leaflets, it was very important that parents had a verbal explanation of the PIP and an opportunity to ask questions before they attended the course. Whether this happened depended upon which professionals the parents had contact with, and whether the professional saw their role as explaining PIP, as well as the professional's own level of understanding of the programme. Lawyers nearly always 'sold' the programme very positively to their clients, but not all parties were represented. In some areas CAFCASS officers talked through the possibility of PIP during the pre-court safeguarding phone call with each parent, whilst elsewhere PIP was not discussed on the grounds that it is not a safeguarding matter. As we saw above, providers did also raise concerns that judges, lawyers and CAFCASS were not always giving parents accurate information about the programme. In some areas presentations on PIP and taster sessions were run by providers to explain PIP to all relevant professionals. These were very effective in raising awareness and commitment to PIP, but they are time-intensive for providers if repeated regularly for all relevant professionals.

5.3 Transmitting the referral and delay

Attending the PIP does introduce a number of additional stages that have the potential to lengthen the case: making a decision to refer to PIP, identifying a provider, referral of the parties to the PIP provider, contacting parties and booking them onto separate groups, the waiting period before the course starts and attending the course itself. The referral process also involves communication and coordination between Magistrates or Judges, CAFCASS officers, PIP providers, the parties and sometimes their legal advisors. In some areas the process from the decision to refer a case to attending the course was swift, efficient and reliable. Quite often though, the process was reported by the professionals to be slow, unreliable and administratively burdensome.

The CAFCASS Case Management System data suggest that the referral process can be fairly lengthy. According to the CMS data for May-October 2010 the mean length of time between application date and PIP claim is six months. Assuming that PIP claims are made one to two months after PIP attendance, this suggests that the average time interval between application and PIP attendance is around four to five months. There is no evidence that this interval decreased during 2010.

When PIP was first implemented the low volume of referrals meant that there were significant delays as providers waited for sufficient numbers to be able to form a group. In our focus groups, providers reported that this remains a problem in some rural areas but is now much less of an issue elsewhere. In some areas there are also difficulties in choosing an appropriate provider, particularly in larger cities where there are multiple providers or where one of the parties lives outside of the court's usual jurisdiction. In these instances some judges reported that CAFCASS were "not very up to speed" in identifying an appropriate provider, leaving it to judges to consult a list of providers. There was also criticism of the list of providers on the CAFCASS website which does not include a quick postcode or location search.

One of the main causes of delay, however, is the logistical difficulty in simply getting referral information from the court to providers. All the professional groups noted that, in some areas, referrals could take a very long time to reach providers. Even then the information on the referral letter or form could be incomplete meaning that it was not possible to make contact with one or both of the parties. In the worst cases, the referral was simply not made:

"There are ones that slip through the net where no one quite knew who was going to contact a provider and in the end no provider was contacted and when it had gone back into court it was the whole 'Why haven't you done it?' and everyone thought everyone else had done it and then eventually someone has gone 'Fine well you must now', you know and someone has had to dictate the solicitor will now find a suitable provider and the solicitor will do it but there needs to be a uniform approach really. (Provider focus group 2)

Instead of a uniform national or regional approach to referrals we found each court had developed its own referral system. We noted seven different referral practices:

- *Direct judicial allocation onto specific course dates:* "at First Appointment lists we have available to us all the PIP sessions being run during the next two months and we can then allocate parties appointments then and there and they know exactly where they are going to go as soon as they leave court" (J1)
- *Party self-booking:* The judge orders PIP, gives the parents a leaflet with the contact details of the provider and parties book themselves onto a course.
- *HMCS to provider:* The court service sends the order and referral to the provider who then contacts each party.
- *Mediator at court:* books parents directly onto known courses.
- *In situ CAFCASS to provider:* A CAFCASS officer attending court sends the order and referral to the provider.
- *Lawyer to provider:* Lawyers attending make arrangements directly with the provider.
- *HMCS to CAFCASS to Provider:* The court service sends the referral to CAFCASS who then identify suitable providers and then contact the provider

The different approaches had variable results. Reliance on lawyers to make referrals could be problematic, especially where one side was not represented. That said, the same method of referral could work well or poorly in different courts. In some areas the court service were able to get the order and contact details to providers within 24 or 48 hours, elsewhere the court service could be extremely slow. In some areas judges reported that referrals sent via CAFCASS got bogged down or lost, although others reported efficient transfer of information. What seemed more important was not necessarily the job titles of who did what but having effective working

relationships between the key local professionals, good local leadership and clear roles and responsibilities. In some areas the local judges took the lead in devising efficient procedures but mostly it seemed that providers had to take the lead in setting up procedures. This could work very well where providers were well-networked within the local family justice system but could be more difficult for 'outsiders' to the legal system or where there was not a well-established single provider.

The other major factor causing delay was whether or not the referral included full and accurate information, including contact details (phone and email) for *both* parties as well as other relevant factors such as disability, language needs etc. Many courts relied on the limited information provided in the HMCS template referral letter²⁴. As a result referrals were often made with incomplete or inaccurate data with inevitable delays:

Provider 1: We get the referrals, but not the paperwork.

Provider 2: We get Court Orders with child's name but no parent, no parent's name, no address, no telephone number.

Provider 3: There's an awful lot of admin time that goes into just actually finding out who on earth we're supposed to be having through the door (Provider focus group 2).

In a number of areas local judges or providers had taken the initiative of devising their own comprehensive referral forms that parties were required to complete at court. This was reported to work well:

"What we do is I've got a form which they fill in which is all their contact information so the provider gets my Order, the contact information and they are contacted within three days, the course is within two weeks and they are back in front of me after five weeks" (Judicial focus group 3).

Providers reported that, because there was no reliable screening beforehand for special needs such as deafness, or illiteracy, or language barriers, they often had to make adaptations on the day or with very little warning or funding to help. This does have implications for the effectiveness of the programme which is dependent upon interaction. As an aside, provision for translation and signing was a significant additional cost for providers

"We were told we would have to have two [signers] because they couldn't sign for more than an hour.... in fact, when we looked at the costings, the cost for this individual to do the course was over three hundred and fifty pounds" (Provider focus group 2)

5.4 Non-attendance

We have very limited data on the extent and reasons for non-attendance. According to CAFCASS CMS data, the 5,600 PIP claims between April and October 2010 represent 3,570 cases: 2,024 cases where the PIP claim data suggest that both parents attended a PIP, and 1,536 cases where the claim data suggest that just one parent had attended by early autumn 2010. Although it is plausible that for a proportion of the latter group the second parent did attend, or has since attended a PIP (that is, the provider had not yet made a claim for them), it does appear that for a

²⁴ The template only requires names and postal addresses but not telephone numbers or email addresses.

significant proportion of cases ordered to a PIP, only one parent attends²⁵. The extent of non-attendance is likely, of course, to have some impact on the effectiveness of the programme although we cannot determine in what ways.

5.5 Summary

In some areas the process of briefing the parents about the purpose of PIP and efficiently transferring the referral worked well. However, as we have described elsewhere, drawing on CMS wait-time and qualitative data, there were significant problems with parents being poorly informed and angry about being referred to the course, or with slow and inefficient booking procedures. We suspect that these administrative delays did contribute to PIP cases taking longer to complete or slow case progression. It is also possible that the delays, and particularly the lack of appropriate preparation or misinformation, may have some impact on the effectiveness of the programme.

²⁵ For the survey, we only sampled parents where the records showed that both parents had attended a PIP (see Technical Appendix).

6. Understanding impacts: the PIP course

6.1 Introduction

In this section of the report we describe the content and delivery of the PIP course itself. Our focus in this section is two-fold: (a) to describe the key features of the course, including its methods of delivery, aims and content, including how these vary between courses and providers and (b) to give some context to and possible explanation of the quantitative findings, specifically why PIP is associated with increases in contact but appears to have no greater impact on parental relationships than non-PIP pathways. We look in turn at the method of delivery, aims and content of the programme. We then explore the perceived impacts of the course, drawing on some PIP-specific questions in the Telephone Survey and qualitative interviews with parents. This leads into the final part of this section where we identify which elements of the programme might operate as potential change mechanisms as well as which aspects might inhibit or limit successful outcomes.

6.2 Method of delivery

PIPS are delivered mainly in groups, with typically four to 14 participants. Ex-partners attend different groups but will get the same content delivery. Children do not attend. When there is only one participant, as for five per cent of our Telephone Survey sample, a single provider will work solely with an individual. However, as we see below (Section 6.6), the consensus of providers and most parents is that the group experience, itself, is one of PIPs' greatest assets.

The qualitative data from parents gave some indication that a mid range group, probably around eight participants, might achieve the best balance between being large enough to encourage discussion and sharing, but small enough to manage and allow people time to reflect on their own experiences. Very large groups, of up to 14, could be intimidating; alternatively very small groups of 2-4 participants could be too intense or not allow sufficient diversity of experience and perspective.

PIPs can be delivered either as a single four-hour session or as a two separate two-hour sessions, usually a week apart. The two x two hour approach is more common. In our Telephone Survey 60 per cent of parents had attended two sessions.

Parents and providers reported similar pros and cons for the single and two session format. The two session approach seemed to afford participants the chance to think about and try out things learned in the first session, an expectation that is in fact built into the programme:

"I certainly felt like I knew what I was going back to – I did some thinking in the time in between and felt a bit more focused perhaps about what I wanted to get out of it." (Female interviewee, positive outcome group; PF2)

It was also noted that delivering over two days was potentially less exhausting, for providers and parents. Indeed some parents suggested that four hour groups could start running out of steam by the end of the third hour. In contrast, the advantage of the four-hour, one-day delivery was that it meant less administration for providers and also could be easier to manage for parents with childcare responsibilities and/or work and other commitments.

Most courses are delivered by two trainers working in pairs. Reasons cited for

working in pairs were safety, reliability of hearing stories accurately and sensitively, and staving off emotional exhaustion and depletion. Having two workers was seen as particularly important when groups contained members with particular support needs, for example a potentially disruptive or a distressed participant, or one with literacy issues. In these instances having one provider work with such people while the other worked with the rest of the group was vital:

“We had a couple they didn’t know each other but they joined forces and they were very disruptive of the group and because we were then able to separate them and put them with other parents...” (Provider focus group 1)

Providers have professional experience and training in fields allied to the emotional aspects of family breakdown and vulnerability, such as mediation, social work, and Relate counselling. They have undergone specific PIPs training, typically of one day’s duration.

6.3 Course aims and purpose

The course is broadly focused on trying to orientate parents towards focusing on their children’s needs. As one provider put it, quoting a child psychologist at a local Family Justice Council conference, the overriding take-home message from PIPs is:

“...a phrase that you have to love your children more than you hate each other and we bring that up at every group... (Provider focus group 1)

There is no single statement of the course’s aims. However, the CAFCASS fact sheet for parents states that it is designed “to help parents learn more about the challenges of post-separation parenting, including the effects on children of ongoing conflict”. It also aims to provide advice and support about how best to help children in this situation, and seeks to enable parents to take steps towards their own solutions”. Two handbooks written for parents and professionals by Denise Ingamells, the course designer, include similar aims although they are somewhat buried in the text. The *Intervention Handbook for Trainers and Practitioners* (n.d.) states at page 3 that “The course aims to offer a different perspective, to give parents the chance to exchange ideas and focus on children”. The course handbook given to all parents states that the course provides “information on the divorce process, how it can affect you and your children and how to change things for the better” (n.d. page 4).

Within those broad aims there are a number of specific messages. The course seeks to communicate to parents the child’s experience of separation. In doing so, the overriding message is that conflict, especially over the children and especially expressed in front of the children, is harmful to children. The course therefore seeks to encourage some more specific behaviours, that is, parents should try to reduce legal, interpersonal and attitudinal conflicts (Goodman, et al, 2004) for the sake of their children. As part of that, the course seeks also to encourage the use of mediation to resolve disputes.

Another explicit message is the need of the child in most cases to have a relationship with both parents.

In reflection, parents in both the focus groups and interviews were able to identify the broad message about focusing, or refocusing, on their children:

“The key message was that it is about the children – it’s not about you and your ex-partner and whatever your differences are or the issues you have, you’re there because you have children together and it should all be about

what is best for the children.” (Male interviewee, positive outcome group; PM1)

“ I think it was basically just to try and think of things from the children's point of view – you know – that they love both parents and you should try and really facilitate them seeing the other person with the least amount of conflict as possible and I think that's kind of what I took away.” (Female interviewee, positive outcome group; PF4)

“It was almost a bit like a slap round the face and concentrate on what's important.” (Female interviewee, positive outcome group; PF1)

Interestingly, all the parents above were resident parents.

This key focus on the children was recognised even where the parent had initially been quite negative about attending the course:

“Participant: I was really cross and I was trying not to listen 'cos I was thinking I'm not supposed to be here for this – this is not fair. And then further into the session I was thinking, oh – I'm listening and I'm saying things are quite interested so I'm glad I went in the end.

Interviewer: Do you know what it was that made you start to listen to what was being said?

Participant: Because he was asking us to understand it was from a child's point of view...” (Female interviewee, negative outcome group; NF4)

We consider below whether the broad focus on children's perspectives is enough to facilitate change or whether more targeted work on specific behaviours is needed as well.

6.4 Programme structure and materials

The programme has a fairly structured format with four main sections delivered in sequence (see below). It begins with the divorce and separation process, then the impact of separation and parental conflict on children, illustrated partly by a DVD. In the second half of the programme the focus is on co-parental communication and in the last section on the emotional impact of separation on adults and looking ahead.

The fixed elements of the programme are as follows:

An overview of the programme & of the divorce or separation process

- Introductions, ground rules, confidentiality
- Information about divorce and separation statistics
- A “highway code” identifying the most important ideas that can make a difference to children
- Mediation, an alternative to court
- The divorce or separation process – legal – financial – emotional – parenting
- Divorce and separation as a journey not an event

Parenting divorce or separation - children

- How children typically experience and respond to divorce & separation, DVD
- The impact of parental conflict on adults and children
- What children need during divorce or separation
- How to discuss divorce or separation with children
- Parenting questionnaire, identifying their strengths in order to make change

Parenting divorce or separation - communication

- Reforming of group by asking them to re-consider the parenting questionnaire, identify any changes made, and to discuss any blocks to change
- Using scenarios to gain different perspectives on common disagreements
- How to reduce stress levels, listen and respond when communicating
- Managing difficult conversations by developing a business like relationship that is in the best interests of their children and focusing on what they can control and not on what they can't

Emotional divorce or separation and moving forward

- Imagining their children's future conversations about this part of their lives
- Emotions and the stages of loss
- How to take care of themselves, identifying support from friends and family, advice, counselling, mediation
- Looking at options for moving forward and thinking about what they have taken from the programme
- Evaluation and ending

Source: *Separating Parents Information Programme (PIP) Trainer Notes by Denise Ingamells for CAF/CASS on behalf of Relate (n.d.)*

The course therefore covers a fairly broad spectrum, starting with the parental separation and ending with plans for the future. It also covers both the adult 'journey' and children's experience. As we see below (Section 6.6), although most parents were very positive about the programme as a whole, there was some criticism that some of the material, particularly about divorce and separation, was less relevant to participants who were several years post-separation.

The course is not manualised. Rather in each section of the course there are a series of specific interactive group exercises as well as individual worksheets for participants to complete. There are accompanying notes for trainers but not a set script and trainers are encouraged to adapt exercises for their group. Additional optional exercises are available should a trainer wish to use them.

One of the main elements of the course is a DVD, made by and featuring children. Aside from emphasising the importance of hearing from children – this is the one point in the course where voices of children themselves are heard - the DVD gives a powerful message that parental conflict negatively affects children. The DVD illustrates how children feel when their separating parents are in conflict using a series of dramatised episodes from telling the children about the separation to six months later. An ensuing discussion focuses on how the conflicting behaviours depicted affect the children. Viewing the DVD during the first session was considered by some to be the 'light bulb moment' for parents in terms of understanding their child's perspective:

“The video was really helpful – it was children talking really matter of fact about how these things affect them...very poignant because it was children themselves saying it.” (Female interviewee, negative outcome group; NF1)

“ (The DVD is) giving children the platform to actually say what they want and in a manner that they can express themselves and actually to see that and you get a kind of message from it, as well – that all the children on the DVD had this kind of message that they don't want to see parents argue – they want to see both of them.” (Male interviewee, positive outcome group; PM1)

There was some criticism of the DVD as it depicts a fairly white, middle-class lifestyle and focuses on older children. As we see below, these criticisms were raised by some parents and providers about the course more generally. However despite these assumptions about how the fictional family constructs family life, the DVD was considered powerful and effective:

“Once you have done the DVD most people will soften up.” (Provider focus group 2)

In the second half of the course there are a number of ‘scenarios,’ or vignettes that commonly occur during separation that can give rise to conflict. There are a variety of these from which providers can select those most fitting the situations of the majority of the particular group. The vignettes invite participants to imagine themselves in each of the players’ shoes – children, as well as each parent—, and the effects of chosen behaviours on each. This encourages participants to imagine alternatives to conflict-maintaining behaviours:

“What could you do in that situation? What does the child think? What does the adult think? What does the dad think? What does the mum think? What could they have done better? And then – Yeah, ‘cos everyone’s got a perspective.” (Participant, parent focus group B)

Parents are also given a workbook. The book tracks the main content areas of the course, including material on the child’s experience of family breakdown but also on psychological processes for ex-partners (“The Divorce Journey” section, for example). The main message again is “think of the children first.” The participants can make notes in the workbook, thus taking home both content and particular messages.

The PIP programme does not include specific training in behavioural skills although some providers do introduce this (see Section 6.6).

6.5 The perceived impacts of the course

Quantitative data

In the discussion so far we have identified the broad aims of the programme, including focusing on children’s needs, communication with the other parent and promoting agreement and its methods. During the Telephone Survey we asked PIP parents only a number of questions that provide some insight into parent perceptions of the extent to which the programme had made an impact on these broad aims. Parents who had a court order or a contact agreement in place were asked how far they felt that their attendance at a PIP had played a role in helping them reach that agreement. We also asked all PIP parents to rate how far they felt PIP had affected their ability to communicate with their ex-partner and whether it had changed the extent to which they took account of the perspectives of their children or their ex-partner.

In relation to reaching agreement, one in four PIP parents (23 per cent) felt that PIP played at least some role in their setting up an agreement about contact. However, only one in 12 (8 per cent) felt it played a *big* role (Table 6.1). These figures are largely consistent with the modest impacts on agreements that we reported in Section 4.2.

Table 6.1 Perception of how much of a PIP had in reaching an agreement or court order about contact	
<i>Base: all PIP parents</i>	
	%
A big role	8
Some role	16
No role at all	72
Don't Know	4
<i>Weighted base</i>	<i>348</i>
<i>Unweighted base</i>	<i>348</i>

Parents were also asked to reflect on whether PIP made a difference to -

- “The way you discuss issues about [your child] with [ex-partner²⁶]”
 “How well you can sort out any difficulties or arguments with [your ex-partner]”
 “How far you can understand things from [your ex-partner]’s point of view”
 “How well you think you are able to understand [your child]’s feelings”

Table 6.2 shows the proportion of parents saying that PIP had made ‘a lot’, ‘some’ or ‘no’ difference to each of these issues. Remember that the parents interviewed as part of the survey had been on a PIP several months before, and are reflecting on what has happened over that period.

Table 6.2 Perceived role of PIP in making a difference regarding communication and understanding		
<i>Base: all PIP parents</i>		
<i>Has PIP made a difference to...</i>		%
How well the parent can understand child's feelings?	A lot of difference	30
	Some difference	37
	No difference	32
	Don't Know	1
The way parents discuss issues about their child?	A lot of difference	13
	Some difference	25
	No difference	54
	Been no contact at all	7
How well parents can sort out difficulties or arguments?	A lot of difference	12
	Some difference	19
	No difference	63
	No difficulties or arguments/no contact	6
How far the parent can understand things from their ex-partner's point of view?	A lot of difference	11
	Some difference	35
	No difference	50

²⁶ The ex-partner’s and child’s names were inserted into the interview script, where provided by the respondent at the start of the interview.

	Been no contact at all	1
	Don't Know	3
<i>Weighted base</i>		348
<i>Unweighted base</i>		348

Compared to the numbers thinking that PIP helped to secure a contact agreement or court order, *more* parents are positive about the role that PIP has had in improving communication with their ex-partner and in helping them to understand others' perspectives. Two in five (38 per cent) parents think that it has improved their ability to discuss issues about their child with their ex-partner, and three in 10 (31 per cent) parents think that it has helped them to sort out arguments or disputes. It is important to remember, however, that these perceptions are not backed up by our earlier findings on the impact of PIP, which found no significant improvements in the quality of PIP parents' communication, compared to non-PIP parents (see Section 4.2). Part of the explanation for this discrepancy may lie in the *degree* to which parents think PIP has made a difference. The proportions of parents thinking the PIP made 'a lot' of difference to their ability to communicate were relatively small in proportion to those thinking it made 'some' difference.

The numbers of parents who think that PIP has helped them to understand issues from others' perspectives are higher, particularly in relation to their children. Forty six per cent of parents think they have a better understanding of their ex-partner's perspective and two in three parents (67 per cent) think they are better able to understand their children's feelings, as a result of going on PIP. The greater impact on understanding children's feelings is interesting as it does resonate with what we found above on the relative emphasis in the course aims and content between the feelings of children and how to deal with conflict and improve communication (see Sections 6.3 and 6.4 above). We elaborate on what parents said about understanding others' perspectives below.

It is important to note that resident and non-resident parents reported having found PIP equally useful (or not useful) in relation to reaching agreement and the perspective-taking and communication questions, with no significant differences in their views on any of these issues. Nor is there anything which distinguishes between the views of those with and without a court order or contact agreement in place at the time of the interview. However, there is some evidence to suggest that parents *perceive* PIP as being more helpful if received earlier in the process (that is, prior to a second hearing). These parents are more likely to think that PIP has helped them in their ability to sort out difficulties or arguments with their ex-partner. Three times as many parents going on PIP early thought it made *a lot* of difference in this respect (15 per cent compared to five per cent of later PIP) although the numbers are still small – Table A2.3 in Appendix 2. Their views on their ability to discuss things with their ex-partner follow the same pattern, but are not statistically significantly different to those receiving PIP later (see Table A2.4 in Appendix 2).

Qualitative data

The focus groups and especially the qualitative interviews with parents give some further insight into what types of impact PIP had or, in a few cases, didn't have. Parents identified four different types of (perceived) impact: reinforcing or extending knowledge, greater understanding of children's perspectives and, to a lesser degree, their ex partner's perspective, taking responsibility for change and changing

behaviour. We outline each briefly below. It should be emphasised that we are simply reporting what types of impact occurred, not suggesting that these impacts are common or typical. The data from the Telephone Survey clearly indicates that these impacts are far from universal.

Knowledge

One impact reported was that the PIP had 'reinforced' people's existing knowledge about children's needs. It was also acknowledged that although much of the information was considered as 'common sense', this course was useful in highlighting the view of the child during a time when this focus may have been blurred or lost:

"...it's just common sense, but at the same time, in a moment like that, when you're in distress and you are waiting a court case, when you're in the middle of – you know – your life being turned over – I remember it was a very good idea to be – to have the things put back in the right perspective and what I mean, it was good to be reminded that it is all about the child – it actually helped me to kind of, ease down on my anger, on my feelings and emotions, 'cos I was really very angry with my ex-partner for putting me through this – I was very upset." (Female interviewee, positive outcome group; PF6)

"...maybe the surprise was this – that most of it is just common sense but I think it was necessary to go on the course to establish that – re-establish that common sense – 'cos the whole process is just all, sort of, residence of children and stuff like that – I think your common sense does tend to go out the window a bit and – you know – 'cos there's a lot of emotive issues that go on and [um] – so I think, as a consequence, you know, we lose track of the common sense approach." (Male interviewee, positive outcome group; PM3)

There were instances of people reporting learning *new* information. This included more awareness about child needs and impacts of the separation and conflict on children and their children's behaviour and/or lack of behaviour was also evident:

"One of the key things that got me on the course, was we had to write your child's name in the middle and all these circles round the outside about people he can rely on. And, of course, because he wasn't seeing his dad – even though I've got a new partner and he's got his family as well – another nan and granddad – but he was actually losing half of his support network. I mean, say I drop dead tomorrow or something – you know – he needs all these other people as well." (Female interviewee, positive outcome group; PF1)

"The lady said to us the last question was what is one thing you're gonna take away and that was the listening to the children, but more listening to what they're not saying, rather than what they are saying. Which brought a couple of moments to my mind." (focus group participant – Lewisham)

Although we have identified these impacts as relating to 'knowledge', in many respects, they really amount to reminding parents of the need to focus on the child's needs.

Perspective-taking

Indeed, one of the most commonly cited impacts was in relation to greater focus on the child's experience and perspective. This is a critical first stage in motivating and enabling people to address the conflict. As was recognised in some of the quotations above, the emotion surrounding a dispute can blur the focus on children's

perspectives. Some parents identified the role of the DVD in helping them to “refocus” and prioritize the feelings of their child(ren):

“It’s made me understand a lot more about how the kids are feeling – it makes me look through their eyes more... It makes me think, I’ve gotta think how they feel – it’s not only me and her – I’ve gotta think how the kids feel and that’s what it made me do... So it did help me that way.” (Male interviewee, positive outcome group; PM2)

“You stop being so closed minded... it makes you think about what he [my son] actually really does need, rather than what you would prefer to happen. So, yeah – I put him – he’s always put first, but in a different way... I need to make sure that if he is gonna see his dad, I do it the right way and that course made me realise how much [he] needs his dad and I need to make sure that everybody’s capable of getting along.” (Female interviewee, positive outcome group; PF1)

In some instances, parents also reported greater insight into the perspectives of their ex-partners, mostly prompted by the mixed-gender format of the group (see Section 6.6 below on the mixed-group experience):

“But partly what’s been helpful, for me is to hear what it’s like for other dads who don’t see their kids very often, to hear their point of view and it helps you gain more of an understanding, from the other side, if that makes sense.” (Participant, parent focus group C)

“The longer it went on, the more you realised that people tend to have pretty much the same focus, and that focus is on them – the hardship against them and the fact that that was the case, it kind of made you think that – well, if we’re all thinking the same, acting the same and talking the same about our respective partners – hang on, there’s something else I need to start thinking about here ‘cos ...we can’t all be right – you know – so I thought it was very good that it was done like that.” (Male interviewee, positive outcome group; PM3)

Taking responsibility for what you can change

Another message from the course which seemed to be effective in encouraging changes in parents’ thought process, was to know when they could make changes to improve things for their child(ren) and to accept when they could not. This helped a couple of mothers to deal with the situation as they no longer felt responsible for their ex-partner:

“Something I really took away from the group was something I really heard was about not having to feel responsible for the other parent and if you feel that they are doing something wrong that you’re not responsible for that and that really hit me in the week in between and I kind of really challenged myself because I think that was a big part of my issues was feeling what should happen and feeling really quite frustrated when things weren’t as they should be and I could see how easily a better situation could be achieved but you can’t make somebody get to that point and that really helped me – it just clicked in that week, really.” (Female interviewee, positive outcome group; PF2)

“There is one thing that stuck out from the course and is still in my head, and the fact that the tutor said that it is – we can’t change what’s going on in our ex-partner’s – or in the other house – we don’t have any effect on it, but we are in charge and we can influence what is happening in our house – how we act, what we do, what we give our children in our house, so it doesn’t matter

what's happening – well, it does matter – we can't change what's happening in the other house, but we can – you know – influence and create a good thriving atmosphere in our place.” (Female interviewee, positive outcome group; PF6)

Behavioural impacts

Parents, mostly in the positive outcome group, also reported trying more specific ideas to change behaviours. This took two forms: steps to facilitate child contact and attempts to improve communication with the ex-partner. Two resident parents, for example described efforts to facilitate contact by initiating a visit with the paternal grandparents and by talking positively about the non-resident parent with the child:

“I actually texted my ex to ask him if he'd like me to take our boy to see his parents. [um] [pause] Which I have to say, I might have done eventually, but not so quickly. Because it was a point that was brought up – you know – that grandparents and other people get forgotten and you're angry and you just think, oh – I can't be bothered and I just thought, well – someone's gotta make a...And I did get a thank you...It's got to start somewhere, hasn't it?” (Participant, parent focus group C)

“Also, looking more at what is right for [my son] and making sure that I do talk about daddy, 'cos I do want him to go to his dad happy – like, I talk about daddy – daddy does this – oh, daddy's got one of those – so that he goes off happy – even though his dad's not here, I constantly talk about his daddy so that he's happy to go. So I got that from PIPs. Also communication – so, communication is big problem why we're here – if you and your ex-partner don't get on – don't see eye to eye and it's like, they kind of teach you little ways of how to deal with things, really, in a calm manner. That's what helped.” (Female interviewee, negative outcome group; NF5)

Both mothers and fathers reported trying to initiate communication with their ex-partner and finding strategies to shield children from conflict:

“That's right – just basically about not arguing in front of the littl'uns ... that's why there won't ever be any more cross words between me and me ex-partner in front of the lad. And there won't be anyway, because obviously I've vowed to just turn me back and walk away than to start to have any upset..I speak to her now...and see it like a businesslike relationship – short, brief and to the point and you don't let any emotional feelings get in the way of anything, you see. And that works for me.” (Male interviewee, positive outcome group; PM4)

“That's what I've – I've kind of used - you know, me and my ex-partner we do talk now and he does sometimes come in the house and things and we chat and we try to keep it to the subject of the children obviously and try not to criticise each other's parenting. Which sometimes it happens and sometimes it doesn't but I mean, I can not respond to it – I don't rise to it any more, I look at it for what it is, rather than – I don't take it personally anymore.” (Female interviewee, positive outcome group; PF6)

“It helped me to look at things and to deal with things differently – so when his dad was being awkward – right – just calm down – deal with it in a very calm fashion – I look back now and I can see that, OK – he did it on purpose and he used to wind me up and get to me on purpose – now I deal with it differently – it's, like – no – calm. I have a don't care attitude – obviously I care but I have to be like that with him because it's like, you're not gonna

upset me, basically. So that helped me, in that respect, but knowing how to deal with him.” (Female interviewee, negative outcome group; NF6)

There were instances of fathers highlighting how they had changed how they talked about the separation with their children:

“Communicating with children about separation- ‘you’ve gotta be careful what you say to your children. So, I might not love (their mum) but you can’t say that to your children. But it makes you think – you’ve gotta think, how are they gonna feel with your answers. But going on your course makes you look further ...before you open your mouth, you’re thinking – how do I say it without upsetting the kids. But it makes you think that way.” (Male interviewee, positive outcome course; PM2)

Although the examples above do indicate attempts to behave differently, including restarting or extending contact, at the same they do also illustrate the continuing low levels of trust and high levels of conflict amongst parents.

No impact

It is more difficult to provide explicit examples of no impact although it is clear from the quantitative data that the course had limited impact on many parents. There were few examples where parents explicitly resisted the messages of the course. The following example is one where a father stated that he had learnt nothing new and, by implication was unwilling to take any responsibility for the conflict:

“For me you might as well sent me on a tying me own shoe lace course... I’ve looked into parenting – I’m a good parent, so [um] the course really didn’t – it – all it did, I suppose, was bolster what I was doing, I was doing correct. So, I suppose if anything I did get from the course that it’s telling me that I was doing everything correct. So I suppose that was a good thing but – yeah, it felt like it was just trying to teach me how to suck eggs – I’ll be honest, I got bored. I was extremely bored. If I could have walked out, I would have walked out.” (Male interviewee, negative outcome group; NM4)

6.6 Change mechanisms and challenges

Having illustrated what changes were possible, we now examine what aspects parent and professionals identified as supporting or inhibiting positive outcomes. We explore four factors here. First we consider the impact of the group process, seen as the prime change mechanism of the course. Second we look at three factors that can be seen as limiting the effectiveness of the course: assumptions about family composition and culture, the lack of skills training and safety issues. These three inhibiting factors all, in some form, address problems relating to making a generic programme fit individual circumstances, or as one parent put it:

“We – we thought it was very, very generic – it was a one–size fits all to a situation and ... everybody’s situation is very, very different.” (Female interviewee, positive outcome group; PF4)

We consider each of these four factors in turn.

The group process: a mechanism for change

What makes for successful PIP partly echoes factors known to be helpful in groups (Yalom, 1970; Bloch and Reibstein, 1978): knowing that you are not alone; learning

from others' experiences and personal stories; learning skills from what others have done; 'buddying'; hearing things from others' perspectives. Indeed, the latter was mentioned as particularly important. Having a mix of genders, as well as a mix of respondents and applicants within the groups was vital. Hearing the other side's perspective, and not from one's ex, was very valuable.

We can best illustrate these points by drawing on some of the responses from parents. Almost all parents valued the group experience of PIP, even those who described themselves as 'private'. The group experience of sharing and hearing information helped normalise people's experience:

"I think it made me not feel so alone. And I think talking to other people who are in the same situation at the same time has made me feel more reassured and like there were other people that you could talk to." (Female interviewee, positive outcome group; PF3)

"You understand that it's not only you that's going through it. It's other people as well. So it makes you – it's good." (Male interviewee, positive outcome group; PM2)

The group process also ensured that people had access to different views and perspectives rather than just their own. As we saw above, the DVD was particularly useful for gaining access to children's perspectives. The mixed gender (and/or applicant/respondent) dynamic of the group was a key mechanism for understanding how things looked from the perspective of the 'other side' and so possibly how their ex-partner might see things:

"I think having [all] male ones I think it would be not as good, those who just had women I think wouldn't work 'cos the ideas you get – I mean – because even though you're not talking – you know, you're talking to a man who's not your ex." (Participant, parent focus group B)

"That was good because – you know – it was hearing the woman's point of view – why they'd come to the way they were and [pause] – understanding some of the difficulties that they faced – being on their own with children, that sort of thing. So that was helpful." (Male interviewee, negative outcome group; NM2)

Being in a group with other parents also meant that parents were able to challenge each other more directly than it would have been possible for a provider to do without losing the faith and goodwill of the parent under scrutiny:

And a lot of the message is coming from within the group then, and they can take it so much better than they can from either you as the presenter or their ex. (Provider focus group 3)

A mixture of participants from lower and higher conflict or long-running and newer court cases was also thought by providers to be useful. Having people who were further down the process, for instance, gave those at the beginning a perspective on what they should and should not do: for those further down they could be reflective on how they themselves had been then.

To this end the question of getting enough people of the right mix of people applies: with higher referral rates the mix of groups can be done most advantageously. This requires, of course, an effective referral and intake system. It also raises challenges about ensuring the content is relevant to specific participants.

Relevance: Family and cultural assumptions

PIP is delivered to a wide range of people, married and unmarried, with children of very different ages, some people with disabilities, different social and cultural backgrounds, some with safety concerns and some with literacy problems. One of the major challenges for such a course is making sure it is relevant to individuals to maximise its impact whilst at the same time avoiding getting bogged down in personal details and agendas.

The providers had to use skilled practices in order to circumvent potential sabotaging of the group by people's need to tell their own personal stories or to dominate the group:

"You can say to them as well that's a really good point we can bring it up at the end... if you want to talk to me after we can go into more depth but at the moment we need to concentrate on this." (provider group 1)

"They let people talk when they wanted to and then when it was going off down a tangent, sort of pulled it back round to the main topic of focus." (Male interviewee, positive outcome group; PM1)

That said, it was clear that some of the course content or the assumptions were not relevant or equally relevant to all participants, meaning that participants felt the impact of the course was lessened or that participants could reject or distance themselves from key messages. Both parents and providers commented that the course and the course materials were somewhat focused on a white, middle-class, married/divorcing, able-bodied family with teenagers.

The course, including the DVD was seen as focused on teenagers with limited attention to younger children, especially preverbal children and babies:

"the more we have delivered it the more parents are starting to come up with the same questions, really particularly the younger children, very much that it doesn't relate... my child is only one and my child is young, you know .."
(provider focus group 1)

"(In the DVD) they were all children who were older, and it didn't actually relate to me or the other mum.... I can see what those children are saying, but it doesn't help me in my situation." (Female interviewee, positive outcome group; PF4)

It is worth noting that the average age of children in proceedings is about 5.5 years. Providers were able to adapt the course, for example, to select vignettes that addressed the needs of young children. In these cases the flexibility of PIP worked to their advantage, but the adaptations depended on the sensitivity and professionalism of the providers. On this particular issue, however, providers pointed out that the course could benefit from more explicit information on the needs of younger children.

There were similar criticisms that a significant part of the course addressed the divorce process (with a substantial part of the DVD about telling the children about the separation). This was frustrating for those who had never married or even lived together and was of less relevance for those who had separated several years previously. Again, it is worth noting that in our impact study, the median number of months since separation until the court application was 18.

Moreover, some of the language and terminology used—especially in the DVD depiction— reflects certain cultural assumptions, such as sharing meals and

discussions:

“Provider 1: I am thinking about the DVD, particularly, we were arguing about pasta bake and then sit the children down... some of our participants have never really lived together or it’s been very... or it’s been an arranged marriage or

Provider 2: They focus on the material, too, as in the house: I would like a house like that (laughs). You do see it particularly when they come from deprived areas...” (provider focus group 1)

Adapting the content so that it is more culturally sensitive to particular participants is another way in which the conduct of PIPs varied, while the need to do this is another area of criticism of the present PIP:

“Provider 1: So the programme itself doesn’t take into account different cultures, if you like....

Provider 2: We have had ethnic minorities in the group ... The problem with the programme in that respect is it doesn’t take into account... I mean this lady had been thrown out of her house and wasn’t allowed to communicate so the whole second part of the programme was not really relevant at all...

Provider 3: We had one lady who was unsure [about attending unaccompanied] and her brother actually rang up and said and we said to him if you would like to come with her.”(provider focus group 1)

Providers managed these challenges by adapting the content of the programme as much as possible, using their own ingenuity. They also asked parents to focus on the principles:

“You have to just keep reminding them it’s the ideas and the principles... We talk about the fact that it is about them both being parents and whether they have lived together or not, your child has a right to know each parent because of their identity, and about them working together for the benefit of their child, so we try to stick to that..... We say, ‘you are going to be a parent until they’re eighteen,’ and I still use that, you know, bowl of sweets [analogy], pick out what is relevant for you at the moment, but keep the others in your pockets and you never know..” (Provider group one)

Aside from the content of the programme, the interactive mode of delivery was also a challenge for participants requiring translation. Often, especially in non-urban areas, there weren’t translators available and/or it was very expensive, with some PIP providers having to rely on relatives to help translate or be fortunate enough to have multi-lingual staff:

“We have used the same interpreter now three times and it has always been in Urdu or Gujarati and she works for CAF/CASS as well so she has a really good understanding and she is almost like a co facilitator she just talks to the person about the DVD herself... I have heard one of the London services have so many interpreters it costs them so much .. it’s probably not worth them doing it... (Provider group 2)

Providers were particularly critical of the fact that the DVD did not include subtitles and of the poor quality of translated materials. Having funding to provide for translation and/or signing were seen as essential to ensure equal participation and maximum effectiveness regardless of cultural background.

Relevance: skills and behavioural change

Another factor that may have limited the effectiveness of the course is the limited focus on skills-based activities. The programme includes a number of emotion-based empathy or perspective-taking exercises that underpin behavioural change, but comparatively little skills training to make it a reality. A number of parents suggested that there should be a greater focus on practical examples of how to increase communication within the course material, particularly in relation to long running separation issues. Parents often commented that the material covered in the course reinforced what they already knew but did not 'go far enough' in providing the necessary skills on how to break down the barriers and communicate about child contact:

"just different ways of handling somebody without escalating the situation – might have been quite handy to have those skills, really. ... how you can manage an escalating situation where one person's very hostile about something." (Female interviewee, positive outcome group; PF4)

"It hasn't actually told you how to overcome the conflict situation – it hasn't actually told you how to overcome the communications – it's told you, these are the issues. But we know they're the issues – that's why we're here...that's why we're here – because we can't communicate with our exes – the communication's not there – we're not coming to any resolutions of contact and things like that. But how do you get beyond that? But what are we actually doing to solve the problem?" (focus group participant – Group)

"At the end of the day, that's the issue, isn't it? I mean, the child's suffering because the two adults can't communicate for what's best for the child. So, surely the course should be more about, OK – you're not communicating. What have you tried? This is examples of where it's worked good in the past – this is – and they can give you a list of different ways that you can try to communicate and ways to communicate and how to get your communication across without setting the barriers." (Participant, parent focus group B)

In response to past comments, some providers were introducing more skills-based elements, for example extending the scenario section of the course. Those providers reported stretching the scenarios to provide more skill-building in communications by creating role plays stimulated by the scenarios' participants. Through this method, participants practice the better communication between ex-partners that the PIP message drives home: i.e. reducing conflict in front of the children and thinking of the children's feelings before voicing hostility. Practising actual communication skills, for example by rehearsing conversations, is not part of the core PIP content but is added on by facilitators:

"interestingly we are all adding it in. Because we probably all have experience of people going on about texts... The communication bit is probably bigger in our programme than the bit about looking after yourself..."(provider focus group 3)

Relevance: safeguarding concerns amongst PIP parents

The third factor which may inhibit positive outcomes relates to safeguarding concerns. We noted in Section 3.2 above the limitations of the screening and assessment process and the lack of understanding amongst professionals as to why risk cases should be referred. There was also a mistaken assumption amongst judges that providers would also screen. In fact, the providers commented that they

worked on the presumption that all cases are safe and have been appropriately screened. Few providers did any further systematic screening although some women did spontaneously raise concerns when being booked onto a course by providers.

The result was that just as many cases with current concerns were being referred to PIP as proceeding down a normal court route. We saw above that 18 per cent of women attending PIP said that there had been an injunction at some point in their case, and there was a *current* injunction reported by half of those women. As a broader measure, a quarter (26 per cent) of PIP parents at baseline had concerns about the safety of their children when they were with their other parent. One parent in 11 was ‘very’ concerned. Parents were asked if they had raised these concerns during the whole court process and, if so, whether the concerns were dealt with. Nearly all of these parents (95 per cent of PIP parents and 91 per cent of comparison group parents) had brought up their concerns. However, PIP parents were significantly *less* likely than parents in the comparison group to think that their concerns were dealt with during the court process (Table 6.3). Only a third (32 per cent) of PIP parents think their concerns were addressed either partly or completely, compared to half (50 per cent) of parents in the comparison group.

Table 6.3 Whether safety concerns satisfactorily dealt with during the court process		
<i>Base: all parents with safety concerns who raised them at court</i>		
	PIP parents	Matched comparison group
	%	%
Yes, completely	13	21
Yes, partly	20	29
No	67	42
Don't Know	1	8
<i>Weighted base</i>	<i>102</i>	<i>87</i>
<i>Unweighted base</i>	<i>96</i>	<i>61</i>

We should be cautious about interpreting this data. The numbers of parents with concerns are relatively small due to the overall sample size. Further the question relates to the PIP pathway as a whole, including court proceedings rather than just the PIP course. However, the figures do raise questions about why, when raised, concerns appear to be less likely to be addressed or perceived to be addressed in PIP pathways. The qualitative work gives some hints as to why the PIP parents, women especially, might find it harder to raise issues on that pathway.

Firstly, we suspect that the extent to which concerns were fully explored, at least in the PIP group was rather muted. A number of the parents taking part in the qualitative interviews or focus groups either had concerns themselves (including domestic violence, emotional abuse, abduction, female genital mutilation) or reported that members of their groups had had such concerns. For those with concerns, especially with domestic violence histories, the group format could be intimidating:

“I had great difficulty (talking to the group) because I am extremely private person and I still today – maybe it’s not the best approach ... I mean, I’m a victim of domestic violence as well, so – you know – it was very difficult for me to open up.” (NF5)

“Male Participant: And also it’s difficult for the ladies as well – because some of the ladies have had violent partners and they’re sat with three or four different blokes.

Female Participant: How do you know that the person that’s sat there is not a violent bloke?” (Focus group participants – Group A)

Secondly, it is important to recognise that the PIP course is predicated on assisting parents to develop contact, assuming that it will be safe and based on a presumption that inappropriate cases will have been screened out. It is not designed for cases involving risk. However, screening was not being done effectively with the result that inappropriate cases were being referred. Providers are then placed in a difficult position, faced with allegations but no guidance or remit on how to handle them:

But a lot of people are bringing it out and talking about it and I do feel that we’re lacking a bit of erm... that information really as to what we can, in the handbook and in the materials about what we should be doing where there has been domestic violence”. (Provider 4)

When parents had been referred by the court, providers appeared to continue with the parent in the group. In some instances, where there were two trainers then one trainer worked separately with the person with concerns. But we suspect that was not possible in all cases. In other cases, providers assumed that the cases had been thoroughly risk assessed and in that light the temptation was therefore to play down or minimise the concerns/allegations without necessarily having a full picture:

I think there is a bit of shock element that people are swapping stories when they come, you know, with each other and they’re sort of saying, “Well, I experienced that” erm... you know, it was a one off and, you know, wasn’t quite as serious as it comes out, you know, when they’re talking about it”. (Provider 4)

The third reason why PIP parents might report that concerns were not adequately addressed is that it is possible that the pro-contact ethos of the programme may persuade some parents to set aside their concerns. The programme does operate on an explicit assumption that contact is generally in children’s best interests. This message has been clearly influential in some of the examples of changed behaviour cited above. There is some indication from the qualitative data that parents with concerns may be influenced both by the content of the course and by peer or group pressure to put their concerns aside. In the following example, a mother whose child was the subject of a care order (and who possibly had an injunction in place) felt that she was getting conflicting advice about the best thing to do for the child:

See, in my situation – I’ve got a violent ex-partner and we’re not allowed to be [in communication] – and my daughter’s on a care order as well – she’s, like, at home with me. And they’re trying to protect me and my daughter but ‘cos he’s got rights ... And it’s – there’s nothing in there [in the course] to help in that situation – d’you know what I mean? I didn’t really benefit that much [I’m] trying to protect my daughter from him, if you know what I mean. And it’s kind of been forced on [unclear] the course [unclear]... so I’m working with my ex, social services, guardians – everyone trying to do the same thing for one child but not everyone’s got the same views what’s right for that child. (Parent focus group A)

In the following example, a female interviewee with a positive experience of PIP talked about how the course was inappropriate for another group member who had experienced domestic violence. It would seem that the course organiser had

continued delivering the programme to the individual concerned even though the messages were presumed to be inappropriate:

“But the other lady that was there, her ex-husband had been extremely violent towards her, so – and so she found it very difficult to really engage with any of it because she was trying to basically keep a violent ex-partner away from her child, which is completely messy and vulnerable. And although everybody in the room understood that as well, you had to keep kind of ploughing on with the rules on the course. It didn’t seem – it was tick-box exercise in some ways ... I think if the course – if they’re gonna hold these courses, that if you actually have different ones for, you know, mothers whose ex-partners are violent – you know – and actually have different types of courses for different situations, I think it would be far more effective.” (Female interviewee, positive outcome group PF4)

We were not able to systematically observe PIP courses and so it is difficult to say for sure that the course does have a strongly pro-contact orientation in practice. However, in one of the focus groups held straight after the conclusion of a PIP course we did have an illustration of how a pro-contact consensus or ethos can build up in a group and potentially sway participants. Of course, in the right circumstances this kind of group consensus can be very positive and possibly more persuasive than a judicial ruling but where there are concerns about safety then the group consensus is potentially dangerous. In this example a mother is trying to work out what is the right thing to do for her two youngest children who she has been preventing from having contact due to concerns about emotional abuse from the father:

Participant: I encourage my other ones to see him. But whereas my two little girls, they want more contact and stay overnight, which [unclear] I asked everybody in the group what they think. I don’t really want them to go there because of the mental abuse that he’s done with the older two – trying to protect the younger two. But am I? And this is what I said to all of these guys – should I let them stay the night? They really wanna stay the night. And he really wants them to. And they love it. I don’t really want to give him so much.

Interviewer: Can you tell me, what was the group consensus to that?

Participant: Let them stay – that’s what the children want. (Lewisham)

In this instance, we cannot tell whether staying contact would be in the children’s interests or not. What was apparent, however, was how powerful the group’s ethos could be and we suspect that it might discourage some participants from addressing safety concerns.

We should point out that the problems with screening did not just affect victims. In some groups participants were concerned about the volatility of other group members:

Male participant: for our bunch of people a couple of people had really volatile and would get angry really quickly and they in a way putting at a risk because you just don’t know what could happen – you could [laughs] –

Interviewer: But would you have felt confident of the facilitators handling that situation?

P: No. (Parent focus group A)

The mixed group format was perceived as difficult from the other side too. One male interviewee who had been on a PIP course with all men, stated that the mixed

gender element would not have appropriate in his situation:

For me, because I've got violence – domestic violence – it feels funny to talk in front of women, about my temper and everything like drinking and all that. It doesn't feel right in front of a women, 'cos she's looking at you and thinking oh, yeah – one of them

The presence of this father in the group might have been appropriate but one wonders whether and how a risk assessment was conducted, if the group facilitators were aware of his history or of the histories of all the other members of the group. If they were aware, one wonders how they handled the issue.

6.7 Summary

We noted in Section 4 that there was no difference between the PIP and non-PIP samples in how they worked together as parents after the court process. However, both providers and parents were very positive about the course overall and for most it was an enjoyable experience. Even parents who had negative outcomes were generally positive about the course and it was unusual not to have got something from the programme. According to the PIP parents, the course was reported to have some modest impact on understanding others' perspectives, especially children's perspectives, and, to a lesser degree, on improving communication. The group process, including the mixed gender format and some of the perspective-taking tools such as the DVD were seen as particularly valuable in facilitating change, including the greater numbers of PIP cases starting or restarting contact. We also identified elements of the course that might account for the limited impact on parental cooperation and conflict. These include problems with the relevance of the material for the diverse families that attend the course, the lack of skills development in the programme and problems with addressing safety concerns in the group context.

7. Understanding impacts: Next steps after PIP

7.1 Introduction

In the previous section we explored how elements of the course might facilitate change in parental attitudes and behaviour. Some parents did report experiencing a 'light bulb' moment while on the PIP course. Other parents found the course enjoyable and interesting but did not necessarily experience a major perspective shift, whilst others left the course unmoved. In this section of the report we examine what happened next and whether any positive experiences and intentions were built upon and reinforced or not. We begin by examining briefly how the PIP course prepares parents for their next steps after the course. We then look at what interaction does occur between parents after the course, drawing upon parent qualitative interviews and the telephone survey. Finally, we explore in more detail at what happens when parents do return to court and the extent to which the court process acknowledges and builds upon the PIP programme.

7.2 The PIP course ending and looking forward

The final hour-long section of the PIP course is entitled the 'Emotional divorce or separation and moving forward'. It combines material on the loss cycle, the parent's own emotional reaction to separation and support needs, analysis of children's support networks and material on planning for the future. The latter includes a description of counselling and mediation and a final exercise on looking ahead, including possible changes that the participant would like to make (specifically 'the changes that I have decided to make are...'). Time also has to be found for completing the course evaluation forms. Some providers end the course by asking participants to write in their workbooks what they plan to do next. The workbook, issued to all parents, includes a powerful closing message encouraging parents to make changes themselves rather than relying on courts or solicitors to bring change about. The suggested changes include the use of private negotiations or mediation.

We note that the course includes only limited time for planning ahead, in practice only a single exercise. It is also worth noting that the exercise focuses on individual changes. This is inevitable given that the parents attend as individuals. The question then is how those individual wishes can be translated into potential joint actions.

7.3 Interaction between parents after PIP

In fact, there was limited interaction between parents after completion of the course. Very few of the parents who were interviewed in the qualitative part of the study had talked about the course with each other. Indeed, in our Telephone Survey 20 per cent of parents did not even know if their ex-partner had attended the course and three per cent thought that their ex-partner had not attended. Further, as we noted above in the pathways analysis (Section 2.4), PIP parents were no more likely to attempt private negotiations or to reach settlements outside of court than non-PIP parents. They were also no more likely to attend mediation.

It may be that the expectation of a timetabled return to court may have forestalled attempts at direct communication. It is also important to recognise that parents do attend the PIP groups separately and there is no in-built mechanism within the

process to facilitate direct communication after PIP if parents do not initiate it themselves.

In some cases, parents did take the initiative to make contact with each other during or after the course but this seemed to be relatively unusual. In the following case one resident father was prompted by what he had experienced on the course to contact his ex partner and to talk about it. Even in this example, the case still continued to a second hearing and was then resolved in a conciliation appointment at court:

“Interviewee: It really made me realise what on earth were we doing at court. And I did actually – I think I either phoned my [ex]wife at the time or texted her and said, I’ve had a very, very enlightening I’d be interested to see what you thought about it and whether our views were the same....

Interviewer: And did you talk about it afterwards?

Interviewee: Yes, we did – I said to her, basically, what did you think about it? I said, I didn’t know what the people were like on your group but – you know – I had a Mr Angry Guy who seemed to use the children to try and get back at the ex-wife. A lady in a similar situation who hadn’t got over the break-up – that sort of thing – and was again using the children as a tool to get at the ex-husband and we just didn’t fit in – I didn’t feel we fitted in to those categories... [(Male interviewee, positive outcome group; PM1)

In other instances, the hopes for improved communication were not realised and instead communication was channelled through lawyers. Building communication required both parents to cooperate:

Well, I was hoping certainly to be able to communicate with my ex-wife – everything that’s being done actually through lawyers, or hostile e-mails. And I was hoping that we could actually have conversations. And – you know – try and resolve things, but it’s never happened..., we went back to court for a second session in court, which was trying to agree holidays and it was pretty unsatisfactory (Male interview 2, negative outcome group)

The lack of direct communication in many cases after PIP is consistent with the findings reported above, that PIP has a fairly modest impact on parent’s ability to discuss issues about their children and to sort out difficulties and arguments (Section 6.5).

7.3 Returning to court after PIP

The majority of PIP cases return to court for a further appointment after PIP. The key question is, to what extent does the court process build upon or even undermine any progress made in PIP? Or, put another way, whether PIP informs the subsequent court process.

The court could build upon the work of the PIP course was in what we called the ‘turning point’ cases. There were cases where (typically) the resident parent had absorbed the PIP course message that children generally need continuing relationships with both parents. They had dropped their opposition to allowing contact or extending contact and instead approached the court appointment wanting to settle and achieve agreement through conciliation. The court then simply acted in its usual role of facilitating settlement but with rather more willing participants than usual. This was the case with the resident father (PM1) cited above who had attended the PIP course and then made contact with his ex-partner to gauge her opinion. Another example was a resident mother who determined to support contact having attended

the PIP course:

Interviewer: 'you described [the course] as a turning point – what was it?

Participant: It was the fact that I'm gonna have to – [son] needs his dad – I need to make sure that if he is gonna see his dad, I do it the right way and that course made me realise how much [son] needs his dad and I need to make sure that everybody's capable of getting along. So, rather than I don't ever want him to see [son] again, the course made me think, he actually does and better get it sorted out and do it properly. (PF1)

In both these cases the PIP course had shifted perspectives leading to a positive agreement being achieved in conciliation at court?. This is why the role of PIP was often referred to, somewhat dismissively, as 'softening up' parents to facilitate agreement. However, a more positive reading in those cases is that the parents had actively sought agreement and the court acted effectively to support that process.

There was also the possibility that the return to court might have a negative impact. A number of the professionals who were interviewed expressed concern that the return to the court process sets parties who might initially have reacted positively to PIP messages back on an adversarial route which fails to capitalise on the potential for better communication and agreement:

'Going down the conventional route of pitting parents against each other in statements and giving evidence and a decision being imposed on them is just leaning towards the next problem isn't it?' (Judges focus group 2)

'They may not go back to court until maybe the next year or something ... the judge might turn around and say to them how did you find the PIP... The parents might feel that, right, okay I have done this bit now, let's move on and what I want is my Residence Order. So they kind of lose the focus of what they have achieved by attending the PIP.' (CAFCASS focus group 3)

Of course, it is possible for court proceedings to be conducted in a manner which mitigates conflict rather than exacerbating it. Two judges explained how they approached post-PIP hearings in a manner designed to integrate the PIP messages into the proceedings:

'When it comes back on the next hearing I ask them what they learnt and you get a lot of insight into the capacity of people to understand and take stuff on board if you do that' (Judges focus group 3)

'What I do is judicial conciliation hearings... so I will send them on a PIP to soften them up for the conciliation hearing... which I know others don't do. In terms of follow up it is very useful when you do a hearing in the nature of conciliation and you are using ... the same terminology as the parenting programme uses. It reinforces and brings home to parents what you're saying you are talking the same language as the providers.' (Judges focus group 2)

Though other judges participating in the focus groups responded positively to these accounts, they did appear to be fairly isolated examples of innovative good practice. This suggests that, although many judges indicated that they do ask parents what they thought of the PIP when they return to court, few are taking active steps to reinforce the messages conveyed by the PIP during the court process. In effect the PIP process and the legal process are running in parallel rather than reinforcing each other:

'The other thing is integrating it within the system really and when you said

'do the judges ever refer to it?' we all thought 'No' but that would be a helpful thing to bring it into the whole system.' (CAFCASS focus group 2)

As a result, what appears to be happening in many cases is that parents are attending a relationship-based intervention separately. They then meet at court, typically having not communicated. Once at court, there will be a brief reference to the experience of the parent education programme but in the main we got the impression that, rather than really engaging with what has been learnt in PIP, the court case then recommences as a legal process. This impression does need to be tested by observational work. But, assuming our impression is accurate, we suspect that this limited integration between the two apparently distinctive worlds of relationships and of dispute resolution might lessen the potential impact of PIP on co-parental relationships.

7.4 Feedback from PIP providers

As with referral, the systems for getting feedback on the attendance of parties at the PIP did vary by provider and court. In many areas providers routinely sent information to the court to confirm attendance. Elsewhere providers would write only if parties failed to attend:

Provider A: 'If someone is to ring we will confirm that you have been or e-mails but no we are not sending letters out to say...'

Provider B: You see we do. We write to the court

Provider C: The understanding is that CAFCASS will monitor the attendance...

Provider B: Do you not write to anyone to say they've attended?

Provider D: No... we do write to the court and say they haven't attended'
(Providers focus group 3)

Alternatively, or in addition, judges would ask the parties for feedback if and when they returned to court. Although courts may ask CAFCASS to monitor attendance, in practice few did so, citing resource constraints on CAFCASS as their reason. Some of those who were relying on CAFCASS reported problems with obtaining feedback from them. Indeed, most PIP providers bypassed CAFCASS and simply sent information on attendance directly to the court rather than to CAFCASS, meaning that CAFCASS teams often did not have information on attendance:

Interviewer: Do the providers write to you to say both parties have attended or do they write to the court?

CAFCASS A: The initial providers here don't ... we are starting to get some letters so there are obviously some providers somewhere who inform

CAFCASS: but really I think ... there is no system..

CAFCASS B: I have certainly been in court on a number of occasions where we have had to wait and actually ask them ourselves have they been on it yet. (CAFCASS focus group 2)

Given the added workload involved in CAFCASS taking the initiative to seek feedback, it seems that a sensible way forward would be for providers to take responsibility for ensuring that feedback of some kind is delivered to the courts and CAFCASS.

The feedback that was given was restricted only to whether or not the parties had attended, although in one area a judge commented favourably on a rather cryptic but

more detailed feedback procedure that had evolved:

'They [providers] send a letter confirming if they have attended or not. And they say...: 'attended group participated; attended group participated fully; attended group participated positively'... and that is very helpful' (Judges focus group 2)

A number of lawyers and CAFCASS officers commented that it would be useful to know more about how parents have engaged with the programme content. It was suggested that this could aid professionals in devising strategies for moving parents towards agreement:

'There is no feedback to us and I think if there was maybe ... a short note of both parties' conclusions because then it allows you to see what you have to work on to move on' (Lawyer 4)

'[knowledge of] Parent's participation in the group can inform our assessment tremendously and give us an idea if they are completely stuck in their thinking or there is a possibility there to pull on a string and make a small change that may have a big effect' (CAFCASS focus group 3)

Other professionals commented that knowing that a report would be compiled might send a message to parents that the PIP is not supposed to be a tick-box exercise and that they are expected to engage with the programme and really reflect on the content. Similarly, some parents wanted reports to be compiled on their ex-partner's participation.

In the main, however, there was not much demand for any reports going beyond attendance. Weighing against the views of those who would welcome a report, other professionals expressed reservations about the idea of a fuller report on the grounds that it might inhibit rather than encourage participation:

'I am not really sure it is really the thing where you would want a report... I can't see the point. It might be negative for them if they think a report is going to be prepared following their attendance. It might stop them from going and at the moment they know they are going and nobody is going to comment on them (Lawyer 11)

Further, introducing a reporting role could potentially damage the relationship of trust which appears to be established between the provider and parents in most groups. It would also be a significant administrative burden on providers.

7.5 Summary

At present it seems that the majority of PIP cases are scheduled to return to court after each parent has completed the course. At that point it would seem that few parents have managed to find a way to start working together independently. Some parties will arrive at court having changed their positions. For many, however, it seems that an opportunity is being missed to build upon and integrate the PIP learning and instead the court case seems to pick up where it previously left off. For those parents who return to court, which appears to be a majority, PIP is effectively treated like a 'ring road', with both parents diverting from proceedings to complete PIP before returning to essentially the same point for the next scheduled hearing. In effect the two worlds of PIP, with its language of relationships, and the courts, with their language and practice of settlement, do not seem to be meeting. The exception, perhaps, is where the pro-contact message of PIP meets the contact presumption of

the courts, which may account for our findings that PIP is associated with more contact but not better co-parental relationships.

8. Distinguishing positive and negative cases

8.1 Introduction

Qualitative interviews were conducted with two groups of PIP parents: those who had reached an agreement over contact arrangements, were overall satisfied with these arrangements, and who attributed this, at least in part, to going on PIP (positive outcome group); as well as those who still had not reached an agreement or were not satisfied with the existing contact arrangements (negative outcome group). These groups provide an interesting comparison, particularly when exploring the impact of PIP.

This chapter will consider what parents in each group said about PIP and what happened after the PIP course. Parents' responses also help to give some insight into what the possible mechanisms are in encouraging positive changes, as well as identifying what may limit or prevent these changes. Ultimately this enables us to consider why PIP may be more or less effective in some cases than others.

8.2 Features of positive change

In establishing why PIPs had led to more positive impacts for some parents compared to others it is important to identify the key mechanisms which appeared to facilitate these changes and the limitations or barriers to such change.

Greater group and course engagement

Firstly, those in the positive outcome group, on the whole, seemed to be more engaged with the group and the course material. Although some positive aspects about the group interaction and the course itself were identified by those in the negative outcome group, these aspects were talked about with considerably less enthusiasm and in less detail than they were by those in the positive outcome group.

Integrated the key focus on the child

Perhaps more importantly, most parents in the positive outcome group appeared to have really taken the key message from the course - the need to focus on the child - on board. Both men and women in this group often referred back to this focus throughout the interview. Even where the information was seen as reinforcing or confirmatory, it was viewed positively. To strengthen this perspective, several parents in this group stated that a key reason why they were generally satisfied with the contact arrangements was because their child(ren) were happy with them. In contrast, some mothers in the negative outcome group indicated that they were dissatisfied with the existing contact arrangement because their child(ren) were unhappy. Meanwhile, few fathers in the negative outcome group reflected on the perceived feelings of their children with regards to the existing contact arrangements. Findings suggest that these gender differences are not as evident in the positive outcome group.

Actively sought solutions to barriers

In the positive outcome group, there was more evidence of changes in perception, greater negotiation and efforts to communicate effectively with ex-partners, than in the negative outcome group. Although parents in both groups reflected on communication barriers presented by their ex-partner, some in the positive outcome group were able to find ways of surmounting those barriers. One reason may have been that these parents were more proactive in reflecting on the aspects of the

course that were useful to them and using them to implement changes:

“I think you had to look very hard and want to take those messages away and actually implement it very much yourself and if you’ve been made to go on the course and you didn’t want to engage with it, I don’t think it would have made any difference to at all. You know – I did because I thought, well, if I’m gonna spend two hours there, I’m gonna trying and get something out of it. That’s just the way that I am but I think a lot of people would not have done that – they’d just to do it out of compulsion and that would be it.” (Female interviewee, positive outcome group; PF4)

Those in the positive outcomes group still identified some difficulties in communicating with their ex-partners, but in general this group of parents had found satisfactory ways to communicate about contact arrangements which worked for them. In some cases this achievement had been facilitated with the assistance of a third person such as a CAFCASS officer, solicitor, or even a new partner.

Child contact arrangements built up gradually and overtime

Where there was direct communication with an ex-partner, some parents referred to a need to be ‘on a similar page’, or have the same line of thinking to their ex-partner. The PIP course was seen to be a way of helping this to happen.

Another feature evident in some cases from the positive outcome group was that contact arrangements were built up gradually and over time. This enabled parents to establish some trust with their ex-partner and to allow themselves and their child to adjust to the new arrangements.

Targeted interventions for complex cases

Finally of note is that the positive outcome group included a complex case involving a father with issues around domestic violence and alcohol abuse. The PIP course had been ordered along with a number of other targeted interventions, such as an anger management course and a recommendation for counselling. In complex cases this additional support seems necessary to facilitate positive outcomes. Of course it should also be noted that the categorization of this case as part of the ‘positive outcome’ group is based on the father’s perception.

8.3 Barriers to change

In addition to identifying the possible mechanisms for change, it is important to identify the limitations and barriers to such change, as noted by the interviewed parents themselves.

Perceived lack of relevance

One limitation raised was that the PIP course was considered less relevant to some parents’ personal situations than others. A common example was that some parents felt that they were too far along in the separation process for the PIP to have an impact. It was felt that the course would be more effective if attended earlier in the separation process, because in longer running cases, more focus was needed on imparting skills and suggestions for dealing with conflict (see recommendations).

Entrenched conflict

Some parents, particularly in the negative outcome group, referred to entrenched conflict and complete communication breakdown between them and their ex-partners:

“I think it was – the only thing I would say was it was structured fine but obviously there was complete communication breakdown with my former partner. I knew our relationship was broken down so at first I thought, well I can’t achieve that ‘cos we’ve got no communication – whereas if we’d done the communication side first, then it may have been – you may have been able to relate more to some of the starting points in the programme.” (Female interviewee, negative outcome group; NF5)

“I’m not sure, really. [um] [pause] I don’t know – I just – I just see that I’ve done everything I possibly can – and I’ve given him everything I possibly can and the trust is the problem with me – I don’t trust him and I never will.” (Female interviewee, negative outcome group; NF6)

Perceived ex-partner resistance and disengagement

This group was also more likely to reflect on resistance and disengagement from the ex-partner as the main reason why PIP did not have an impact. In many cases this was cited based on previous experience of their ex-partner’s behaviour and an expectation that they would be unable or unwilling to change:

“for me, yeah [PIP did have an impact], maybe. But not for my ex-husband – that course has not affected him – it’s gone in one ear and out the other. And I just wonder, will any – would anything affect him.” (Female interviewee, negative outcome group; NF2)

“I know my ex inside out – he’s not changed over the nine years and I very much doubt a course is gonna change his way of thinking...I’d say no [PIP did not have an impact], purely because we’re that far down the road that I don’t think whatever anybody else said, he’s not gonna change his ways. If I thought he’d change his ways, I’d say yes. But because we’re so far down the line and everything’s still exactly the same, I don’t think anything would actually change his mind.” (Female interviewee, negative outcome group; NF3)

Individual difference

There was a feeling across both groups that any change after the course is dependent on what individuals choose to take away from the course:

“A lot depends on the person [um] whether they’re willing to change, whether they’re willing to look outside the box and if you’re not then what’s the point of going? You know – if someone’s got a really strong attitude and is a strong-minded person, no matter what you say to them, you’re never gonna change anything.” (Male interviewee, positive outcome group; PM5)

“I think for some people it’s a case of, they have to show up – they show up and don’t think they take a lot of it in. It’s a bit more about, well – I’ve got my attendance down that I attended. I suppose you can’t make people listen and you can’t make people learn, but maybe if there was some kind of follow up, if they’re not taking notice of what’s been said, then they may kind of think again... I felt I learned quite a lot from it and I came away from it thinking my ex-partner hasn’t really engaged in any of it.” (Female interviewee, negative outcome group; NF1)

“I don’t – I don’t think so, because the information’s there – it’s what you use of the information – and, again, it’s down to people’s behaviours... I think the information that they’ve given worked quite well, depending how the individual wants to use it. Again, perhaps, earlier on in the separation, the course would

be more useful and I don't think it works well if somebody's not prepared to change regardless of the information, then it's pointless doing the course. That's not so much about the information the course gives, because it gives all the correct information that you need to know – it's more related to the individuals and how they take that information and what they use with it.”
(Male interviewee, negative outcome group; NM6)

“I don't really think so. I think just – I just think it's – it does open certain people's eyes that perhaps don't know but you have to be willing for it to work – I don't think there's any reason for – you know – in my case, I think it was never gonna work from the beginning ... you've gotta find a way of making them learn something and be genuine about it being there to actually not just tick the box but actually be serious about helping – if you know what I mean?”
(Male interviewee, negative outcome group; NM5)

Extended family or new partner involvement

Finally, it was suggested that external factors could either prevent any improvement or limit its extent following PIP. This included where the extended family or new partner made things more difficult:

“Obviously it's counter-productive when he kept going back to his parents' house, 'cos he lives there, and they're obviously feeding him rubbish, so it was kind of, like – I think it really could have helped but with that brainwashing it's kind of like he doesn't know me. That's not the PIP – that's not the fault of the PIP – it's like – it did do the job it was meant to.” (female interviewee, positive outcome group, PF3)

Court process: When not consistent with key messages from PIP

Another external influence which seemed to limit negotiation and communication about contact arrangements was the court process. Parents in the negative outcome group were more likely to state that they continued to progress through the court after PIP, with many stating that, for them, this was the only way to implement change and to reach a decision. However, in some cases aspects of the court process were seen as exacerbating conflict. For example, a few parents suggested that the message given by solicitors, who arrange most communication in relation to the court process, seems at odds with the message from PIP, which encourages direct communication with the ex-partner:

“I think the problem [sighs] [pause] well – I mean, the problems for me was that the engagements between the two parties, myself and my ex-wife, were separate, so there was no – you know – there was no cross-communication. They were quite separate processes and I'm convinced that it made no difference whatsoever to her views about things.” (Male interviewee, negative outcome group; NM1)

Summary

Based on qualitative data, a range of factors distinguished the cases with positive and negative outcomes. Positive outcome parents reported being very engaged by the course, had taken on board the key message of focusing on the children and were actively seeking solutions to the conflict, including greater efforts to communicate effectively with ex-partners. The negative outcome parents were more likely to report that the course was not or less relevant to their personal situations, that communication had completely broken down with their ex-partner and

highlighted their ex-partner's resistance to change. There was a feeling across both groups that any change after the course is dependent on what individuals choose to take away from the course.

9. Costs of PIP

9.1 Introduction

In order to establish the relative cost of PIPs against other court pathway costs for parents, two estimates of costs for parents have been made:

- The average ‘pathway’ cost for parents. That is the cost of services and interventions used by parents in our PIP and comparison groups apart from the cost of PIPs itself;
- An estimate of the provider costs of delivery of PIP per parent.

For more detail of the methodology of the costs analysis exercise see the Technical Appendix A1.7.

9.2 Pathway costs

The first of these cost components (the ‘pathway’ costs) has been made by applying estimates of national unit costs to the activities and services parents reported in their survey interview. This is inevitably a somewhat crude exercise. First, because parents are not able to report entirely accurately on their use of services, some of which will be overlooked or forgotten, some of which will be recalled, but not entirely accurately, and some of which will occur without the knowledge of the parent. Secondly, the unit costs for services are not all known, and where they are known they vary depending on the level or type of service given in ways that cannot be exactly matched to the survey responses. Nevertheless, it is still possible to generate a total cost per parent which, although inevitably measured with error for individual parents, should on average be broadly correct.

The costs assumed, and their sources, are set out in Table 9.1 below:

Table 9.1 Pathway Costs		
Cost component	Cost assumed	Source/rationale
Cafcass pre-first hearing cost	£500 per case/£250 per parent	Cafcass internal estimate
Court time costs	£100 per person/hour	Court application fee of £200 as an hourly rate ²⁷
Solicitor costs	£75 per hour	LSC 2010 Standard Civil Contract/one hour of attendance/advocacy at £60/hour plus 15 minute travel/waiting at £30/hour plus 1 letter at £6
Barrister costs	£320 for up to 7 hours; £640 for 7+ hours	LSC Family Graduated Fee Rates/Hearing Unit Fee, F5 primary for non-QCs

²⁷ In theory court fees should cover costs. We suspect that the current £200 fee to cover an entire set of proceedings is a significant underestimate. In the absence of other data we decided to retain the £200 figure but as an hourly rate. The Telephone Survey respondents were asked to estimate how many hours they spent at court in the presence of a Judge or Magistrates.

Mediation information meeting	£76 per person	LSC/rate for publicly funded clients
Mediation session	£84 per person	LSC/rate for publicly funded clients
Welfare report	£500 per person	Cafcass internal estimate

Applying these costs to the survey data, an average cost of £2,199 per person (£4,398 per case) is obtained for those parents going through a PIP, and an average of £2,318 per person (£4,636 per case) for those in our matched comparison sample (Table 9.2). So, on the face of it, PIP reduces service costs by around £100 per person. The difference is not statistically significant however, and given that fewer cases were closed in the PIP sample than in the matched comparison sample at the time of the survey interview, it is probable that the two costs would be even closer by the time all the cases are closed.

The average costs per case for each component of cost are as follows. Note that some elements of cost, such as the average cost of mediation, are low because very few parents used those services.

Table 9.2 Mean costs per component of cost		
	PIP group Mean (standard deviation) £	Matched comparison group Mean (standard deviation) £
Cafcass pre-first hearing cost	250 (0)	250 (0)
Court timecosts	1101 (1646)	1140 (1678)
Solicitor costs	148 (222)	146 (229)
Barrister costs	359 (558)	440 (803)
Mediation information meeting	10 (26)	9 (24)
Mediation session	19 (82)	8 (43)
Welfare report	313 (242)	325 (239)
Total cost	2199 (2009)	2318 (2169)
<i>Bases:</i>		
<i>Weighted</i>	<i>348</i>	<i>344</i>
<i>Unweighted</i>	<i>348</i>	<i>292</i>

9.3 PIP delivery costs

The second component of cost, the cost to providers of delivering PIPs, was established via a separate exercise specifically for this evaluation. For this element of the research nine providers provided estimates of:

- the staff time spent on PIP activities in February 2011 (via a three week timesheet);

- the salary costs for these staff, so that hourly staff costs could be applied to the timesheet data;
- the direct costs of PIPs for a recent three month period (such as the cost of venues);
- estimates of costs from which an hourly overhead contribution could be calculated; and
- the number of PIP person-sessions delivered across the same time periods.

This data generates a snapshot of PIP costs, albeit for a short period of time, and, specifically, allows for an *estimate* of the cost per person per PIP session to be derived. Inevitably, because the cost collection exercise was done over such a short period of time, the figures that are estimated are rather variable. In particular, any providers that carried out a significant amount of PIP administrative activity in the period but delivered few PIP sessions will give an over-inflated estimate of cost, whereas providers concentrating most of their attention on delivery in the period and less on administration will generate an under-estimate of cost.

Nevertheless, the cost per person/PIP session derived from the data from the providers gave estimates for PIP delivery ranging from £71 to £200, but with almost all cost estimates being within the range £71 to £93. We have taken the median estimate of £82 as the 'average' cost in the text below. Given that parents attend two sessions of PIP, the £82 gives a per-person PIP cost of £164, and if both parents attend, a per-case cost of £328.

Note that we have not attempted to collect cost information on court or Cafcass time spent on PIP referral.

Adding the PIP cost to the total court cost for our PIP sample gives a total cost for each PIP parent of £2,363 (compared to the cost of £2,318 for the matched comparison sample). The equivalent costs for cases are £4,726 for PIP cases versus £4,636 for non-PIP matched cases.

9.4 Cost-effectiveness implications

The implications for the cost-effectiveness of PIP are not entirely clear. Given that we have found PIP to improve outcomes for parents, and no evidence of any worsened outcomes, if a view is taken that the costs of PIP are almost equivalent in the PIP and matched comparison group, then this would suggest that PIPs is a cost-effective programme for parents.

If, however, we take the view that the final, case-closed, costs may mean that the PIP group costs are slightly higher on average than the comparison group costs, by, say £200-£400 in total per case, then a formal cost-effectiveness analysis may be more meaningful. For example, in Section 4.2 we found PIP to have improved contact rates between non-resident parents and children by around eight percentage points. This suggests that for every 100 cases going through PIP, eight of the non-resident parents will have contact with their child who otherwise would not have. The cost to bring about these additional eight contacts may be as much as £20,000-£40,000. This equates to between £2,500 and £5,000 per extra contact brought about. Under this scenario, it is a judgement whether PIP, as delivered in 2010, can be considered cost-effective.

One way to put this cost into context is to contrast it with the costs of a court case and the amount of change in contact brought about by the court during that case. Our evaluation does not allow for formal estimates of court ‘impact’ to be generated (which would require a non-court comparison group) but the amount of change between application and survey interview (which in most instances is after the close of case) does give an *indication* of the direction and possible magnitude of impact of the court. Table 9.3 below shows change between the application stage and the survey interview²⁸ for the PIPs sample (and the matched comparison equivalent). The first column gives the reported amount of contact at the application stage, with 49 per cent of parents reporting ‘at least weekly’ contact between the child and NRP, 25% some contact, but less than weekly, and 24% ‘no contact’. The second column shows contact at follow-up for the matched comparison group – which gives estimates of where our PIP group would be after (or towards the end of) their court case *if* they had not participated in PIP. The difference between the first and second columns gives our crude estimate of the ‘court impact’ on contact. At the time of the survey interview there is a small reduction (three percentage points) in the percentage saying there is no contact, but there is a nine percentage point increase in the percentage reporting ‘at least weekly’ contact. So it appears that the effect of the court process is to move around nine percent of cases to ‘weekly contact’ but with most of that being generated by increasing the frequency of contact for those who start with ‘some, but less than weekly’ contact. Looking at this in cost-effectiveness terms, given that each court case costs an average of £4,600, a nine percentage point change in contact suggests that each of these changes costs around £50,000, very substantially more than each change in contact brought about by PIPs.

The third column of the table shows the additional impact of PIPs. That final column (compared to the second column) suggests that, in contrast to the court process, PIP is most effective at changing the ‘no contact’ cases to ‘some, but less than weekly’ contact. Thus the court process and PIP appear to be complementary: the courts appear to move people from ‘infrequent’ to ‘frequent’ contact, and PIPs moves people from ‘no contact’ to ‘less than weekly’ contact. Given this difference in effect, a simple comparison between PIP and court ‘cost-effectiveness ratios is not entirely appropriate, but it nevertheless does suggest that PIP is bringing about change that the courts struggle to achieve, and, compared to court costs, at *relatively* low cost.

Table 9.3: Change in contact between application and survey interview – non-PIP and PIP			
	Contact between NRP and child at application stage %	Contact between NRP and child at survey follow-up – court only %	Contact between NRP and child at survey follow-up – court plus PIP %
Reported level of contact			
At least weekly	49	58	57
Less often than weekly	25	18	27

²⁸ This isn’t after the close of the case in some instances, because some cases were not closed at the time of the survey interview.

No contact	24	21	14
Don't know/refused	3	2	2
<i>Bases:</i>			
<i>Weighted</i>	348	344	348
<i>Unweighted</i>	348	292	348

10. Enhancing the effectiveness of PIP

10.1 Introduction

This evaluation has identified some of the strengths of the PIP programme as well as its current weaknesses. On the positive side, the programme does clearly resonate with many parents and it is very clear that despite initial reservations, most parents report finding the experience of attending a parent education programme entirely acceptable and generally supportive. Parents were positive about the purpose and focus of the course, the group interaction and the way the course was facilitated. The following comments are fairly typical of the response of parents to the PIP course, even for those parents where the overall result of proceedings was negative:

“it was brilliant really – I enjoyed the whole thing”. (Female interviewee, positive outcome group; PF1)

“I thought it was a really good idea – I found it fantastic, actually.” (Female interviewee, negative outcome group; NF6)

“I’d advise it to anybody. If I knew about it before, I would have put myself on it.” (Male interviewee, negative outcome group; NM2)

Further, a majority of parents in the Telephone Survey stated that they would recommend PIP to another parent in their situation. Almost half of parents (46 per cent) said that they would definitely recommend PIP and a further third (33 per cent) said that they would probably recommend it. Only a minority said that they would not (10 per cent) or that it would depend on the circumstances (nine per cent). There were no significant differences in the views of those going on a PIP earlier or later in the process, which fits with the other evidence that there is a role for PIP at various stages in the process. RPs and NRPs also hold very similar views. However, parents’ views about whether or not they would recommend PIP to someone else are associated with their own experiences. Those without a contact agreement or court order in place are less likely to say that they would recommend PIP (Table 10.1), as are parents who are not at all happy with the overall process they went through during the course of the application to court.

Table 10.1 Whether parent would recommend PIP, by whether or not there is a contact agreement in place			
<i>Base: all PIP parents</i>			
	Contact agreement in place	No agreement or don’t know	All PIP parents
	%	%	%
Would definitely recommend PIP	45	53	46
Would maybe recommend PIP	35	26	33
Would not recommend PIP	9	14	10
Depends on circumstances	11	1	9
Don't Know	1	6	2
<i>Weighted base</i>	<i>278</i>	<i>70</i>	<i>348</i>
<i>Unweighted base</i>	<i>280</i>	<i>68</i>	<i>348</i>

The qualitative interviews with parents also included accounts of change, such as

observed shifts in the participants' thinking about the other partner's perspective; self-reflectivity about the effects on their children of their words and actions, particularly regarding the other parent; and sometimes reports that they had each modified how they spoke to and about the other parent.

The professionals were probably even more enthusiastic about PIP than parents. In our sample of lawyers and judges all except a single lawyer and a single judge approved of the purpose of the programme, were very positive about the effectiveness of PIP and readily supplied examples of successful cases. PIP providers and CAFCASS local teams were universally positive.

While parents and professionals do generally rate the programme highly and while there are plenty of descriptions of transformed cases, the findings of the impact study offer a more sober estimate of the effectiveness of the programme when compared to the standard non-PIP case pathways. PIP participation had a positive impact on contact rates of about eight percentage points, seemingly by converting 'no contact' into some, but not frequent, contact. PIP did not seem to have any impact on parental relationship quality, although there was a non-significant trend towards more positive outcomes in the PIP group. And attending PIP did not seem to reduce the extent of court involvement in cases, compared to non-PIP pathways. More PIP cases remained open and there appeared to be greater use of second and subsequent hearings, although possibly less use of trials, compared to non-PIP pathways. PIP was clearly being used by judges as an additional element within existing pathways rather than an alternative.

Thus on three primary targets: contact, communication (or conflict) and court, it would appear that PIP is having a modest impact on the first but not the second or third. The PIP message of focusing on children's needs is clearly getting through to some parents although it would seem that the message is more readily understood or at least implemented as ensuring that contact takes place rather the potentially more difficult challenge of finding new ways of working as co-parents. It should also be remembered that contact is not necessarily a positive outcome for children where there is continuing high levels of parental conflict especially where the child is implicated or concerns about safety. Indeed, we did identify a potential sub-group of 'risk' cases for whom PIP may worsen outcomes for parents and children.

Overall, going on PIP does not appear to affect parents' opinions of the overall process they went through at court. A third (33 per cent) of PIP parents (and 37 per cent of parents in the comparison group) is either very or quite happy about the process they went through with their case (Table 10.2). And, among PIP parents, there are no significant differences in the views of those going on PIP earlier or later, or those with or without a current contact agreement in place. We could take from this that PIP is not a sufficiently large element of the process to affect parents' overall views of the experience of going to court.

Table 10.2 Overall happiness with court process		
<i>Base: all PIP and comparison group parents</i>		
	PIP parents	Comparison group
	%	%
Very happy	10	15
Quite happy	23	22
Not very happy	25	26

Not at all happy	39	34
Don't Know	3	4
Refused	0	-
<i>Weighted base</i>	<i>348</i>	<i>344</i>
<i>Unweighted base</i>	<i>348</i>	<i>292</i>

So what is going on? How can we reconcile the positive reaction to PIP and account for individual success stories with the hard data from the impact study? It has to be recognised that these are difficult cases characterised, as are all litigating populations, by high levels of conflict (see Section 2.3). The PIP programme occurs very late in the day for many people, when habits of hostility and distrust have become deeply ingrained and very difficult to alter. It is a very short programme of just four hours. As we noted in Section 6, the programme itself has quite generic aims and no specific behavioural skills element. Furthermore, at the conclusion of the course there is no real follow-through and instead most cases transfer back into the court process where the language and focus shifts from relationships to settlement (see Section 7).

This is an area of practice where there are no magic bullets and where the most effective programmes take time and several iterations to develop. We suspect that this is likely to be the case with PIP. We have identified some modest impacts of PIP but we suspect that its full potential has not yet been realised. We have already identified a range of organisational problems associated with the implementation of the programme that we suspect will have hampered its effectiveness. We consider below how these could potentially be remedied. We also think there is scope to refine the content of the programme itself and we also outline suggested ways of doing this below. Our suggestions for both organisational and programme refinement include:

- Making PIP available at an earlier stage, combined with effective screening and mediation
- More effective signposting and preparation for PIP
- Revising and reviewing programme content
- Developing a suite of programmes, with a high/entrenched conflict programme and domestic violence perpetrator programmes set alongside the basic PIP programme
- Establishing more effective processes for post-PIP follow up
- Wider availability of information and advice materials
- Mechanisms for sustainable programmes and providers

10.2 Making PIP available earlier in the process

Consensus in favour of earlier availability

Almost every professional and many of the parents who contributed to the study commented that PIP was offered too late and it would be better if PIP were available to parents earlier in the process. In earlier sections we reported on the fact that there is evidence that parents might benefit from PIP happening earlier in the process. We also provided evidence that offering PIP at later stages in the process can also be worthwhile (Section 4.2). When we asked parents whether *they* thought that they would have benefited from going on the PIP earlier or later in the process, their views resonated with the earlier findings. Over half (56 per cent) of parents think that it would have been helpful to go earlier. Very few would opt for going later (six per cent), with others either thinking they went at about the right time (21 per cent) or that

where PIP came in the process made no difference (14 per cent) (Table 10.3)²⁹.

Table 10.3 Whether PIP would be better early or late, by happiness in the court process			
<i>Base: all PIP parents</i>			
	Not at all happy with court process	Happy, not very happy or do not know	All PIP parents
	%	%	
Right time	11	26	21
Better earlier	57	56	56
Better later	6	6	6
Makes no difference	22	9	14
Don't Know	4	2	3
<i>Weighted base</i>	<i>135</i>	<i>213</i>	<i>348</i>
<i>Unweighted base</i>	<i>136</i>	<i>212</i>	<i>348</i>

Our qualitative data give some insights into *why* parents and professionals thought that PIP should be offered sooner. Parents thought that PIP would have more impact earlier on, before conflict became too entrenched:

“My case had been going on for three years and we’ve only just done this. So, really, to be honest, this has been a waste of time and should have been done a long time ago because there’s too much conflict between me and my ex-partner for this to actually benefit.” (Focus group participant – Focus group C)

“I wish that the PIPs course had been put our way much earlier in the process because so far the whole divorce process, shall we say, so therefore the effect on the kids, has been virtually three years and what I do think lots of time, lots of heartache and hurt could have been saved if we’d both attended it much earlier on the in the process, so for example if the mediator had suggested that we do it as opposed to the judge a few months before decision time.” (Male interview, positive outcome group; PM3)

Similarly, professionals commented that by the time cases had reached court, the dispute was likely to be too entrenched for a four hour course to have much impact:

“Early intervention is very very important because once people get entrenched in those positions it can be very hard to break through and you know a four hour session just wouldn’t be enough to break down those sort of old habits” (Lawyer LS8)

“Once you’ve got into court with children at proceedings almost by definition you have tried - certainly in legal aid cases - you have tried mediation, you have tried all the touchy feely stuff. These parents now need someone to tell them what to do, they need to be told this is not acceptable behaviour, they can’t be expected to

²⁹ There are no significant differences in the responses of those parents who went on a PIP earlier or later in their application process. Those who were not at all happy with the process overall are equally likely to say that PIP would have been better earlier. They were less likely to think it was at the right time (11 per cent compared to 26 per cent of those who were happy with the process), and more likely to think that the timing would make no difference (22 per cent compared to 10 per cent of those happy with the process) (Table 10.3).

work it out with a couple of hours.” (Lawyer FG1)

Pre-FHDRA or pre-proceedings?

Whilst there is a high degree of consensus on making PIP available earlier, there are a range of possibilities about when that should be. At present it is not legally possible to direct parents to attend PIP before the First Directions Hearing and a case could be made for a process where applicants and respondents attend PIP after safeguarding checks and before court. That might enable more cases to exit the system at First Directions, although the administrative challenges of running safeguarding checks and organising PIP in six weeks would be significant:

“I would like to see it happening before people come to court, I would like at the first hearing if there has to be a court application I would like it to say you have been on a parenting information programme what did you learn from that and it might then just prepare people for working in a different way erm... the danger of that is if they think the PIP hasn’t solved their problem and they make their application anyway and then you have lost the opportunity for further work with them so it is quite a difficult balance but I think it ought to be something that is available you know either from referral from the court or self referral of any separating couples”. (Judge 4)

Some parents and professionals, including judges, supported the idea of PIP being made available on both a voluntary self-referral basis and as a mandatory step before proceedings can be issued. Indeed, several professionals commented that it was curious that a purportedly facilitative intervention aimed at promoting cooperation was only available if you initiated court proceedings:

“it would be of benefit I think if there could be some sort of availability to do the PIP... early on rather than waiting to the point where we’ve got to litigation because it seems like you are missing the boat a little bit... I do think it would be of benefit if it was more towards the front end.” (Lawyer LS6)

The idea of a non-court or pathway also resonated with many parents as a means of offering help to parents to address post-separation issues as they arose rather than when they became impossible to resolve. The chance to avoid the emotional and financial cost of going to court was also appealing:

“I don’t know if it’s possible, but even before they (separating parents) go to court. Maybe just after they split up and they start thinking about the arrangements for the children – I think that would be perfect moment for them. I think maybe in this way they would be able to avoid going to court – that would be brilliant.” (Female interviewee, positive outcome group; PF6)

“I would have said it (having PIP earlier) would stop matters going to court ... If it doesn’t have to go to court, then surely you’re saving the government and whoever a lot of money. I mean, in my case, it cost me a lot of money to go to court – I’m still paying for it now. Why couldn’t it have all been settled just through us talking? You know – and I’m sure that the judges have got bigger fish to fry.” (Male interviewee, positive outcome group; PM5)

The drawback of such a change might be that it would be difficult to encourage parents to attend without the weight of a court order:

“The only thing we wanted was we could refer them voluntarily but you can’t make them go and the other side probably wouldn’t go even if your client wanted to go which is sad and you can’t force them to go without court proceedings.” (Lawyer, LS8)

“No, the timing was right – yeah, I probably would have refused to come before [court]! ... Court makes everything real.” (Female interviewee, positive outcome group; PF1)

However, attendance is already an issue with PIP, even with the force of court orders behind it (Section 5.4).

Screening-PIP-Mediation

If PIP is delivered prior to court the question then arises as to how it would sit with other processes. Internationally, an emerging pattern is for the availability of a package of screening, parent education and dispute resolution/mediation. This is the model used by the Australian Family Relationship Centres. The Family Justice Review has proposed in its interim report a similar model of screening/assessment. That is PIP and mediation as a mandatory step before proceedings can be issued, with a separate fast track route for certain case types, including where there are safety concerns. The Review also proposes that PIP should be available on a stand alone self-referral basis.

The Review’s recommendations are in accordance with the views of many of the professionals in our study who also suggested a PIP-mediation sequence:

‘PIPS should start when we first see them and I think that is when we should be saying to them - before I can make a referral to mediation I think they should also be doing a PIP because I think it would knock it down the aggro a huge degree’ (Lawyer LS5)

‘there [should] be some element of the PIP to be right at the beginning of the mediation process and I feel that is really important.’ (Lawyer LS6)

A number of parents similarly reflected on the need to encourage mediation after the PIP session:

“I honestly feel that for myself and maybe for her dad, to have had that advice a bit earlier – ‘cos it really does put the focus back on the child and I think that that’s something you can’t miss in the groups is that focus ... so I think the earlier to hear that message would be – continually remind yourself of that – it’s got to be helpful. Maybe if we’d have had that before mediation – maybe our mediation would have been more productive.” (Female interviewee, positive outcome group; PF2)

We should reiterate that not all parents were equally enthusiastic about the prospect of mediation. Some parents had tried mediation previously and had bad experiences, as evident in the previous quotation. Nonetheless, there is still a fairly high degree of support for compulsory mediation. As we saw above, two thirds (64 per cent) of both PIP and comparison group parents thought that parents “should have to attend mediation before court”. It is possible that a higher proportion would support a mandatory assessment meeting.

It is critical that if such an approach were to be adopted that there is effective screening and assessment beforehand so that the PIP-mediation pathway is offered only to appropriate cases:

“To do the [risk] assessment in a sense, then PIP and then mediation, as a sort of expected chain of events for appropriate families I think it would be

immensely valuable” (Provider individual interview).

“Self referral, not by Court Order; earliest possible opportunity in any event before the application... subject to the provider making the checks that it’s safe”. (Judicial focus group 2)

This would require far more systematic and thorough screening and assessment than is currently taking place. It would also require an established and well-resourced alternative pathway for ‘risk’ cases, otherwise the likelihood is that inappropriate cases would proceed along the PIP-mediation pathway by default. In effect, what is required is a triage model where cases are initially screened and assessed and then suitable cases put through a PIP-mediation route whilst cases involving, for example, risk or entrenched conflict follow different pathways.

However, in our view, a robust trial of both voluntary self-referral and a screening-PIP-mediation pathway would be very valuable. None of our findings contra-indicate the early delivery of PIP. Rather, there is some evidence that PIP is more effective with earlier delivery and the weight of opinion amongst parents and professionals would point in that direction too.

It goes largely without saying that all participants thought that PIP should continue to be free to participants. Most parents said that they would not be willing to pay for PIP:

“Yeah – no, I wouldn’t have bothered. I would have had to say to the judge, I can’t afford it. ‘Cos my ex hasn’t given me anything so I have to do everything on my own and when you separate and you haven’t had to financially support yourself, completely independently, it’s a big issue when you first set out to do that. So, yeah – I wouldn’t have been able to do that.” (Focus group 2 participant)

“With the funding resolved as well, the biggest thing I would like to see is some proper money going into mediation with perhaps similar to the PIPS where it’s not means tested it’s just there so at least for a mediation information meeting and maybe one other session just to get them a bit further.” (Judicial focus group 2)

10.3 Signposting and better pre-PIP information

Regardless of where PIP fits in the process it is clear that more attention needs to be paid to ensuring that all parents have full, clear and accurate explanations about PIP before attending the course. It is both unfair and counter-productive that parents receive such limited, and often unclear or inaccurate, accounts of the programme. It is vital therefore that all professionals in contact with parents have a full understanding of the nature of the course and that systems are in place to ensure that at least one professional is responsible for explaining the purpose of the course during the referral process.

10.4 Course content and delivery

Parents and providers identified many positive features about the programme. In particular, many parents and providers commented on the mixed gender dynamic of their group as a positive aspect of PIP. We strongly recommend that this is retained in any future programmes.

We also suggest that providers should aim for a group size of approximately eight participants to maximise potential for interaction and a range of perspectives without

making the groups overwhelming or unmanageable. Groups should have two trainers.

Although much of the content of the programme has been praised by parents and providers we note that the programme is in its early stages of development. Successful programmes developed in other jurisdictions have taken many years to refine and develop and we suspect that PIP would benefit from a similar process. We note three areas where consideration should be given to tightening the focus of the PIP programme:

1. In contrast to other information and training programmes addressed to separated parents (such as Children in the Middle for instance), PIP has quite broad and amorphous aims: a very broad message about focusing on children's needs, listening to children and managing and containing parental conflict, as well as messages about looking after oneself and promoting mediation. Whilst it is not unusual for programmes to have multiple aims it is possible that a tighter specification with clear outcome indicators would be helpful.
2. Linked to the first point, we note that the programme addresses the divorce and separation process as a whole rather than specifically and exclusively in relation to post-separation parenting or, even more specifically, current disputes about children. This means that in a short four hour programme there is relatively little time available to discuss the key issues surrounding conflict over children and how to manage or resolve it. Reducing some of the broader background information on divorce and separation would free up time to discuss issues of relevance to children of different ages, including young children. It would also address some of the frustrations expressed by never-together and never-married parents who felt that they had to sit through irrelevant material.
3. We note that the PIP is not anchored to any specific behavioural training based on evidence-based social learning principles about behaviour and behaviour change. Again, this is in contrast to other programmes. Its content is about projecting the message that children need to be able to have a relationship with both parents (such things as safety issues aside), and that conflict in front of, or over, them is harmful (section 6.3). Whilst this message does resonate with parents, and indeed appeared persuasive in encouraging some parents to begin to support contact (Section 7.4), other parents stated that they needed more practical help with putting these beliefs and aspirations into practice. Training in skills for behaving more helpfully towards children in fostering their relationships with the other parent and with reduced conflict with partners is not, unlike in Children in the Middle, part of the programme. Some providers do add in some communication skills work at the end of the groups and these providers do recommend that this should be part of the delivery.

In our view it would be very valuable to conduct robust head-to-head trials between a number of different programmes, including effect-based programmes like PIP with more skills-based programmes like Children in the Middle.

Regardless of whether the aims and methods of the current PIP course are refined, it would be very useful to review the course materials, including the DVD, to ensure that the material is as relevant as possible to the very diverse families who attend the programme from very different economic, cultural and religious backgrounds and with children of all ages.

10.5 Following-up PIP

We noted above in Section 7 that at present there is limited follow through on the work that is done in the PIP course. The two parents attend PIP separately. Typically, they do not talk to each other about the course afterwards. They then return to court where the case or legal process largely proceeds as before with the hope that the parents will have internalised the messages from PIP. Our data suggests that this hope is unrealistic and that parents need more support to translate those messages into practice.

Many parents and professionals thought that it would be useful to have some form of follow-up to PIP to help bridge the gap between the course and communicating with their ex-partner about contact arrangements. In the survey, we asked parents whether they would have found it helpful to have some follow up sessions with the PIP provider and the group. Almost half (46 per cent) of parents say it would have been very or fairly helpful to them. Those receiving it earlier in the process were more likely than others to think it would be helpful (50 per cent thought it very or fairly helpful compared to 41 per cent of those going on a PIP later) (Table 10.4), as did people who were generally happy rather than unhappy with the overall process (51 per cent compared to 38 per cent).

Table 10.4 Whether follow up sessions would be helpful, by whether went on PIP earlier or later in court process				
<i>Base: all PIP parents</i>				
	Went on PIP early	Went on PIP later	Do not know stage went on PIP	All PIP parents
<i>Follow up sessions would be....</i>	%	%	%	%
Very helpful	21	14	16	18
Fairly helpful	30	28	17	28
Not very helpful	14	22	9	16
Not at all helpful	32	32	33	32
Don't Know	3	4	25	6
<i>Weighted base</i>	<i>184</i>	<i>137</i>	<i>27</i>	<i>348</i>
<i>Unweighted base</i>	<i>187</i>	<i>135</i>	<i>26</i>	<i>348</i>

Concern about the lack of a follow-up to the PIP was also expressed by almost every professional interviewed and was one of the most commonly mentioned recommendations raised by parents in the focus groups and interviews. There were a number of suggestions about the possible focus and format for a follow-up. These included suggestions for an extended PIP programme. This could encompass more sessions:

“I would have liked more chance to have interacted and talked through stuff. I don't know if that might be getting into the realms of counselling. I probably would have enjoyed a few more sessions. You know – I can't emphasise how useful I found it.” (Focus group A participant)

Alternatively, the idea of a 'refresher' session held at a later date was particularly popular. This was seen as a potential opportunity to reinforce earlier learning but also to reflect on what has happened since the course, consider where improvements may have been made and explore reasons why there may not have been any changes. A common suggestion was that this follow-up should take place a few

months after attending the initial course, although parents were more likely to emphasise a voluntary process:

“They could sort of, maybe contact you and say, you know – how are things going? Or, are you trying this – are you trying that or – you know. Or even if you went back and – you know – maybe tried to work out any differences that you were still having or if they never got off the ground in the first place.”
(Male interviewee, positive outcome group; PM5)

“They could do with some kind of follow up. So, two or three months down the line another programme to try and keep... some kind of focus on what’s worked, what hasn’t worked and where they could move on.” (Provider focus group 1)

“I think the PIP is a building block. ... it could be a third session six weeks later to see, you know, have they reverted to old behaviours... what have they done differently, have they moved things forward, what’s been their progress and if not why are they stuck.” (Lawyer LS2)

There were also suggestions that the follow-up should not simply comprise more of the same material. Instead it should be more tailored to helping individuals implement the generic messages of the group in their own specific circumstances. There were two alternative formats proposed:

1. *Individual advice sessions*: A number of interviewees suggested that it would be useful to end the course with a session between the individual and a facilitator to talk about specific issues or concerns:

“It would be nice to be able to follow up – like, I’ve come out with three or four questions that are obviously very specific to me, that we don’t have time to discuss in the group, and neither, really, should everyone else listen to those, and it would be nice to be able to go home and say, I’ve a very specific question about this – you know.” (Participant, parent focus group C)

I wonder whether it would be useful to include a third session where the parents actively apply the concepts the ideas’ (CAFCASS focus group 3)

2. *Facilitated joint meeting*: A number of parents and professionals felt that it would be useful if a follow-up session was conducted with both partners, thus giving them an opportunity to hear what their ex-partner thought about the course and to begin to talk about methods of working together. This would overcome to a degree the fact that PIP is a relationship-based intervention but delivered to individuals who may then have very little communication with their former partners, at least until they return to court. There were a range of ideas about how this meeting could be done and who could do it – whether providers or CAFCASS - but what they had in common was an intention to find some way of establishing a bridge between the two parents:

Some way of bringing the parents together afterwards about the course would be fantastic. Either with a mediator or with somebody else ... and have a post-course session, you know, actually relating it to their own, the course to their own circumstances.’ (Provider individual interview A)

‘A lot of people say, “Well where do we go from here now?” Some of them will need, do need some individual counselling ideally... one of my mediators is desperate with some people to bring them both together and build on the PIP work... to personalise it and to take what they’ve learnt theoretically if you like and actually help them to see it in their own circumstances.’ (Provider

individual interview B)

“I would like to see some sort of resource which actually followed through on the work the PIP has done. And I think it’s unrealistic to think they are going to change their approach in a couple of sessions amounting to four hours or whatever without some help to think how they are going to put that into practice... I think it would be trying to help parents put into practice what they have learnt because you know they have been in sessions separately so they have to come away from the session not knowing what experience each other have had obviously they know they have been seeing the same programme but they need someone to bring them together to begin communicating in the ways that they have learnt from the programme”. (Judge 1)

‘The effectiveness [of PIP] will not be as good if there isn’t some sort of follow up with it... They are doing it separately and it is very hard for the two clients to perceive of what the other client has got out of it.... I feel almost like a mediation type meeting maybe if you have a CAFCASS officer or a guardian involved that may be possible or maybe a meeting with CAFCASS at that point.’ (Lawyer LS4)

“I think a follow-up actually where they give you – you actually try and bring the two people together would actually be really quite useful – if the two people are able to be in the same room with each other.” (Female interviewee, positive outcome group; PF4)

We think there is considerable merit in these suggestions. We saw in Section 6 above that some parents were able to break the ice and make contact with each other after the course. Most though will find it too hard and the temptation is to leave it until court, or not at all. We think any joint meeting should be outside of the court precincts to ensure that the focus remains on reflecting on what was learnt on the course and trying to find some basis for working together as co-parents in future. If the meeting is held at court we suspect that the focus would shift inexorably and prematurely towards settlement seeking. Although we favour the idea of a joint meeting it is essential that any joint meeting is done by consent and, if necessary, conducted on a shuttle basis. It goes without saying that effective prior screening is essential.

10.6 Targeted programmes

At present PIP is being delivered to a very wide range of cases, spanning recent separations, deeply entrenched long-term cases, and cases involving a range of child protection and domestic violence issues. On the subject of the latter, it is vital that the number of domestic violence (DVIP) programmes available nationally should increase. At present, there are many areas of the country with no DVIP provision. The result is that, in the absence of appropriate programmes, some professionals are considering referral to PIP on the grounds that something is better than nothing:

I think one of our problems is the lack of any domestic violence perpetrator courses that we are happy with and sometimes we are casting around for something else to do for people like that and I think quite a few people are being sent on PIP because we are so desperate to find something to send them on... (Judicial focus group 2).

We consider it entirely inappropriate to refer DV cases to PIP as PIP is designed to facilitate contact on the assumption that it is safe, not to address domestic violence. In the absence of an appropriate local DV programme, however, the referrals to PIP

are not surprising.

We also take the view, now that the principle of parent education interventions is becoming established, that it will be necessary to develop more targeted interventions. A few professionals highlighted the fact that the four hour PIP course is unlikely to help parents to deal with all the issues complicating contact disputes. It was felt that there was a need to be able to direct PIP participants to further sources of support where it was needed:

'Too much is riding on PIPS. I think the whole idea of Section 11 provisions were that there would be other alternatives that people could do... PIP doesn't necessarily cover all the issues that come before the court in these matters and I think the court would be helped if these parents went on something and learnt a little bit more and for those that argue, fine PIP is beneficial but for other people I think they need help as well.' (Lawyer LS4)

PIP is a brief programme in comparison to its international equivalents and it is probably at its most effective with less entrenched cases. There was recognition amongst professionals that more intensive courses, possibly adopting a more therapeutic approach, should be developed for the relatively small number of very difficult cases that chronically litigate:

'maybe [PIP] isn't necessarily appropriate for everyone and then what we have to do is get better skilled at looking at the people who we think might benefit from a smaller programme and the people who might benefit from a longer' (CAFCASS focus group 2)

This approach would be consistent with a triage model of screening, assessment and then direction to an appropriate level of intervention. There are various models that could be developed. We could envisage a 'PIP Plus' programme, with a modular format building on the basic programme for higher conflict cases, or direct referral of such cases to intensive programmes. We would strongly recommend that a thorough review of the leading international programmes is undertaken prior to developing or commissioning any intensive programmes in England.

10.7 Wider availability of information and advice materials

There was support from parents and professionals for wider dissemination of the PIP materials as a preventative measure. Suggestions included making the DVD and an adapted version of the workbook available online (subject to copyright).

Some parents who had attended PIP also suggested that it would be very useful to have more follow up material available, including online resources with links to sources for further help and possibly further self-help material.

10.8 Sustainable programmes/providers

Providers are drawn from a variety of backgrounds, all of which will have ensured experience and training: in running group interventions; with separating and divorcing couples; and with the psychological and emotional issues that surround separation and divorce for both children and parents. However, even within these professional pathways there is variation in the level of both sophistication and skill for this work. As the programme develops we would expect that one of the next steps is to specify more tightly the level of training and experience necessary to undertake this highly

specialised work.

The commissioning process for PIP has been difficult for providers. A further round of commissioning was undertaken during the course of this evaluation. The merits of the commissioning system were outside the scope of this evaluation, however we did observe some significant problems. We note in particular the lack of predictability for providers. It is clear that there are significant fixed costs for agencies offering PIP courses including management, supervision and training, administration, database maintenance, IT capacity, marketing and publicity. Providers therefore need to have some idea of demand (i.e. referral volumes) in order to cover these fixed costs and to plan ahead—otherwise there is wasted investment. This has become particularly difficult as new providers are added to the list meaning that existing providers must come to an accommodation with the new ones, splitting the income with them. This does raise concerns about the sustainability of what may be an excellent provider base. It is also vital that robust measures of quality are incorporated into the tender process so that tenders are awarded to the agencies delivering the best programme within a reasonable budget.

There is also a critical need to find some mechanisms for facilitating practitioner exchange and development opportunities, in what is a new and specialised area of work. At present there appear to be very few practice development opportunities beyond the initial training for providers. Indeed, we were struck by how many providers wanted to attend our focus groups to discuss the work with other practitioners, even at short notice and at the provider's own expense.

In our view, it would be very helpful to establish a national or regional PIP conference and some specialist training events for providers. Given the scarcity of resources, an online practice exchange forum might be particularly useful. We would strongly recommend the creation of a PIP-specific online bulletin board/Google group to list news items and resources and particularly to facilitate practice exchange. It might be especially useful if the list could include all the relevant stakeholders, including providers, lawyers, CAFCASS and judges.

10.9 List of recommendations

- PIP should be made available at an earlier stage. This should be as voluntary self-referral and also linked with mediation as a mandatory step before proceedings in appropriate cases.
- More effective and systematic screening and assessment is required whether PIP is used during or before proceedings.
- More attention needs to be paid to ensuring that all parents have full, clear and accurate explanations about PIP before attending the course.
- The process for transferring referral data to providers requires attention. It would be useful to develop a single referral form with fields for capturing all the required information. Nottingham FMS and Bournemouth County Court, amongst others, have devised forms that could be developed into a standard form. It should be possible to transfer referral information electronically.
- A single national collection point for referrals that can then be allocated to the appropriate providers should be considered.
- The programme aims and content should be reviewed to ensure a more focused programme. A small working party might be an effective way to achieve this.
- The course materials should be available in a range of community languages. At the very least the DVD should be subtitled.
- A suite of programmes is required to address very different needs, including

- More effective mechanisms need to be set in place to follow up after PIP and to provide a bridge between parents and between PIP and the dispute resolution process.
- The PIP and associated material should be more widely available.
- Mechanisms are required for practice and professional development amongst PIP providers.

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Appendices.

A1. Technical Appendix

A1.1 Aims, Objectives and Research Questions

The overall aim of the study was to identify the actual and future potential of the Parenting Information Programme as an effective and value for money intervention for parents with disputes over parenting arrangements, with a particular goal to inform the deliberations of the Family Justice Review.

To achieve this overall aim we had four specific research objectives:

1. To understand the court and non-court pathways undertaken by parents attending PIP, and how this compares to the experiences of comparable non-PIP cases (pathways and packages).
2. To measure the impact on families of PIPs compared to other court-based pathways (impact).
3. To measure the average cost of providing PIP and the cost-effectiveness of PIPs in comparison with other court-based pathways (value for money).
4. To understand in more depth why PIP might work better in some circumstances than others, including what parents and professionals perceive to be helpful and unhelpful about PIPs and what changes may be required (process and changes).

Objective 1: Pathways and intervention packages

One of the objectives of the evaluation was to understand where and how PIP fits within the possible range and sequence of services and interventions for litigating cases. This information is of significance in its own right as a means to understanding how PIP is being used by the courts, for example as either an *alternative* or as a *supplement* to 'standard' interventions. The study sought to establish whether cases receive primarily an educational intervention (e.g. PIP), only a dispute resolution procedure (conciliation, mediation, trial), or a combination of the two. In addition, our mapping of pathways also underpinned our analysis of impact (objective 2) and of cost effectiveness (objective 3).

Our research questions for this element of the study were:

1. What are the type, number, sequence and duration of court and non-court based interventions that precede and follow attendance at PIP, and for a comparable sample of non-PIP cases?
2. Is PIP attendance associated with longer or shorter average case durations from first directions hearing to case closure/research interview?
3. Does PIP attendance influence the choice of subsequent interventions, for example, greater uptake of mediation?

Objective 2: Impact of PIP

The evaluation sought to identify whether families where parents attend a PIP have better outcomes a number of months later on a number of key policy objectives than families where parents do not attend a PIP. For each of the key policy objectives or impact domains set out below we measured outcomes for parents attending PIP compared to parents who do not attend PIP. Our questions on impact centred on two primary issues, (a) the relationship between PIP attendance and subsequent decision-making processes and (b) the impact of PIP on contact arrangements and family relationships. In more detail, these were:

Decision-making and use of family justice system resources

1. *Reaching agreement.* Are parents who attend PIP more or less likely to reach agreement rather than reach no agreement or a court-imposed outcome?
2. *Increasing the uptake of mediation/private ordering.* Does attending a PIP result in greater use of private ordering and mediation?
3. *Reducing demand for family justice system resources.* Does attending a PIP result in the use of fewer and less coercive/expensive family justice system interventions in the present application?
4. *Reducing delay.* Does attendance at a PIP reduce or increase the overall time required to conclude the case and by how much?
5. *Reducing relitigation.* Does attending a PIP make it more or less likely that families end up using or intending to use further professional or court intervention approximately six months after the initial intervention?

Contact and co-parenting

6. *Quantity of contact/shared care.* Are parents who attend PIP more or less likely to end up with more frequent contact or shared care arrangements³⁰?
7. *Quality of contact.* Is PIP attendance associated with greater or less satisfaction with arrangements, perceived workability for parents and for the child?
8. *Compliance and reliability.* Are parents who attend PIP more or less likely to implement decisions about parenting arrangements and to stick to arrangements?
9. *Flexibility and adaptability.* Are parents who attend PIP more or less likely to report being able to adapt and renegotiate arrangements over time without further professional help?
10. *Coparental relationship/joint decision-making.* Does attending a PIP improve parents' capacity to co-parent and make joint decisions on issues concerning their children?
11. *Child maintenance.* Does PIP attendance increase the likelihood of families having effective maintenance arrangements in place?
12. *Child and parent wellbeing.* Does attending a PIP improve the wellbeing of children and parents?

The study also explored whether there is a differential impact on families using PIPs early in the process versus later (i.e. after reports and hearings).

³⁰ We do not intend to imply that there is a current policy objective for more frequent contact or shared care and indeed are mindful of the limited empirical evidence linking child wellbeing and the quantity of contact. However, we do think it is of considerable policy relevance to identify if PIP attendance is associated with particular types of parenting arrangements, including shared care.

Objective 3: Value for money

If PIP does have a positive impact on families, there are a set of questions about how much PIPs cost in comparison to other court-based routes and therefore, how cost effective PIPs are in comparison to these. Our questions for this element of the study were:

1. What is the average cost, including direct and indirect costs, of providing a PIP?
2. Compared to other court-based routes, what is the relative cost of PIPs?
3. Taking account of the relative effectiveness of PIPs against other routes, does PIPs provide value for money?

Objective 4: Process and changes

Lastly, we had a set of questions addressing the views of parents and professionals on the PIP process and whether and how the intervention might be improved or adapted. These questions had three main purposes. First, it is important to gauge whether the PIP process is seen by participants as helpful, fair and relevant, in comparison with other interventions. Second, we sought to develop a more in-depth understanding on why PIP may be more or less effective in some cases than others. Thirdly, parents and professionals have relevant insights into what does and does not work with the current programme and how it could be developed.

The specific questions for this element of the study were:

1. What do parents and professionals report about attending the PIP, including the content of what was discussed, the intensity and level of support, the length of time it took to reach an outcome?
2. What other changes may be required in timing, content, delivery of the intervention and linkage with other court and non-court based interventions?
3. How might PIPs be used at an earlier stage in the process, including at a pre-application stage?

A1.2 Overall design

The study was commissioned by the Department for Education in December 2010. It is important to be aware that the study was a very rapid evaluation, with study design and set up, fieldwork, analysis and report writing conducted over a three month period from January to March 2011.

The research design involved the following methods –

1. A telephone survey of 349 PIP parents and a matched comparison sample of 292 non-PIP parents to provide data on pathways, impacts, costs and processes.
2. Purposively-sampled qualitative telephone interviews with 12 parents reporting positive outcomes from PIP and 12 parents reporting negative outcomes from PIP to explore experiences, particularly why PIP might work better with some groups.
3. Four focus groups with parents shortly after completing the final session of PIP.
4. Focus groups and individual interviews with the relevant professional groups to explore perceptions of impact and any changes needed in PIP. The

participants included 24 judges, 11 family solicitors, 22 local and six national level Cafcass staff and 26 PIP deliverers.

5. A survey of the average unit costs of delivering a single PIP cycle based on a specially-designed tool.

Each of these elements is described more fully below.

Table A1.1 below summarises this information in brief tabular form, linking research objectives and research questions to the data collection methods and samples.

Table A1.1: Relationship between Research Objectives (RO) and Research Questions (RQs) and data collection methods³¹

	Method	Sample size and source	Pathways (RO 1)	Impact (RO 2)	Value for money (RO 3)	Processes and changes (RO 4)
Telephone survey	25 minute structured telephone interview with parents	349 PIP parents 292 non-PIP 43 non-PIP parents in PIP court	RQs: 1-3	RQs: 1-5, 6-12	RQs: 1-3	RQs: 1-3
Intensive parent qualitative interviews	30-45 minute qualitative telephone interviews	12 PIP parents reporting positive outcomes from PIP purposively sampled from the survey sample 12 parents reporting negative outcomes from PIP purposively sampled from the survey sample	RQs: 1, 2			RQs: 1-3
Post-PIP focus groups	60 minute focus groups	Four focus groups from the Southern/London region Group A (3 participants), Group B (4 participants), Group C (3 participants) Group D (5 participants). On average, around one-third of the PIP participants volunteered to take part in the group discussion. These parents are not part of the telephone survey cohort				RQs: 1-3
Professionals qualitative	60 minute focus groups +/- or short individual phone interviews	Judges: 23 participants (3 groups, 1 individual) Lawyers: 12 telephone interviews Cafcass: 25 participants (3 groups with 22 local team members and 1 national level group) PIP deliverers: 26 participants (3 groups with 24 participants and 2 individual interviews)		RQs: 1-5, 5-12 (qualitative perceptions)		RQs: 1-3
Providing a single cycle of PIP unit costs tool	Specially devised data extraction tool	10 PIP providers including private and voluntary sector, single and multi-site, and mediation and non-mediation providers mediation and relationship service providers and large city/smaller town locations			RQs: 1-3	

³¹ See Section A1.1 above for the four objectives on pathways, impact value for money and processes/changes and their associated research questions.

A1.3 Telephone survey

Sampling of parents for the outcome survey

The selection of parents for the outcome survey involved a number of stages:

1. The identification of 'PIP' courts (that is, the 65 courts with the highest rates of PIP usage)
2. Matching of this sample to 65 'non-PIP' courts (that is, 65 courts that used PIP very little in 2010, with a similar size and deprivation profile to the PIP courts)
3. Selection of PIP-attending parents from the PIP courts (plus a small sample of non-PIP parents)
4. Selection of matched parents from the non-PIP courts

The identification of 'PIP courts'

Cafcass made statistics available to the evaluation team on the number of PIP claims by month and court for the period April 2010 to August 2010. From this data, 65 courts were identified that each had at least 10 PIP claims in the period, and for whom the rate of PIP usage (calculated as the ratio between PIP claims and total applications in 2009) was highest. The cut-point was set at the point where we had a large enough sample of PIP claims for the evaluation sample. The 65 courts covered between them 50 county courts and 15 FP courts. For these 65 courts we calculated that PIP was ordered (and taken up) for around 32% of eligible cases, although this is an estimate rather than a direct measurement because of uncertainties about the denominator.

The selection of non-PIP courts

The source of the non-PIP comparison sample was 65 similar courts that, according to the Cafcass data, used PIP very little in the period April to August 2010. For county courts the 'pool' of potential non-PIP courts was set as the county courts with 10 or fewer PIP claims in the period, and for FP courts the pool was those FP courts with two or fewer PIP claims.

From each of these two pools the 65 PIP courts were matched, one-to-one, to a court of similar size (in terms of non-harm applicants) and from a local authority with a similar deprivation profile (measured using the index of multiple deprivation).

This matching exercise generated a group of 65 non-PIP courts, with, between them a PIP rate (ordered and taken up) of around 2.6%.

Selection of PIP parents from the 65 'PIP courts'

Within the 65 'PIP courts' there were a total of 2,222 PIP claims from the period April to August 2010 all of which were *potentially* eligible for selection for the survey sample. However claims made for just one parent were to be excluded – the intention being to restrict the survey to PIP cases where we had evidence that both parents had attended a PIP. Furthermore, after matching the PIP data to CMS, we intended to exclude those for which the harm box was ticked. Both of these criteria were set so that the evaluation would test the impact of PIP under 'intended' circumstances.

Over and above these exclusions, those for whom we had no telephone number also had to be excluded (on the very practical grounds that those without a number could not be included in a telephone survey).

In practice all these exclusion criteria reduced the starting sample of 2,222 by more than anticipated, and the sample period was subsequently extended to include PIP claims up to October 2010. This gave a final sample size available for the survey of 991, the losses to the sample at each stage being as follows:

PIP claims in the period April to October 2010 (all courts)	5606
Of which pairs of attendees	4069
Of which successfully matched to CMS	3181
Of which harm box not ticked	2482
Of which in one of the 65 PIP courts	1542
Of which telephone number recorded	991

All of the 991 possible PIP cases were selected for the survey, although a very small number were excluded before going to field because the address given for the person was overseas or there was a record on the CMS that an interpreter would be needed. The intention was that within the short period of time allowed for fieldwork, this 991 would generate around 300 interviews.

Sixty-one percent of the 991 cases were men, reflecting the fact that CMS data is more likely to include a telephone number for case applicants. 72% of the cases were about contact, and a further 23% about residence. The remaining five percent covered a range of case types.

Selection of a matched sample of non-PIP parents from the 65 ‘non-PIP courts’

Our non-PIP comparison sample was selected by individually matching each of the 991 PIP sample members to a single non-PIP person in one of the 65 comparison courts, generating a matched comparison sample of 991.

A non-PIP case was considered eligible as a match for a particular PIP case if it was still open the month before the PIP was ordered. Within the eligible cases, a single match was found from within the same stratum, where strata were defined as the individual matched court, and within the matched court, by year and month of application, and gender.

Only one parent per case was selected for the comparison samples. (It had initially been intended that this condition would be to the PIP sample too, but had to be relaxed because the numbers available would have been too small.) The comparison sample was restricted to ‘contact’ and ‘residence’ cases only as recorded on the CMS³². All those with ‘interpreter required’ flags on the CMS were excluded.

The stratification worked as follows:

- Each PIP case was matched to a randomly selected person within the same stratum where possible. Once one person with a particular CMS number had been picked, all other people with the same CMS number were set aside.

³² A few cases were selected which proved at interview to be outside of these two categories. These were excluded from interview. Details are given in the response rate table below.

- The first matches made were for the PIP orders made in September. These were matched to non-PIP cases open in August onwards. The second matches were for those with a PIP ordered in August. These were matched to cases open in July onwards – so from the group comprising the residual of the first group plus cases closing in August. And so on. For the small number of PIP cases with odd (i.e. missing or 2009) order dates, these were set to an order date of Jan 2010. There were about 30 of these all of were matched to non-PIP cases open at the start of 2010.
- An exact stratum match proved possible for 785 of the 991. For a further 149 the strata definition was relaxed to quarter of application rather than month. And for a final 57 the strata definition dropped the court match.

Selection of a matched sample of non-PIP parents from the 65 ‘PIP courts’

The survey also included a small sample of 150 non-PIP parents from our 65 PIP courts. The intention was that this sample (which we expected to yield around 50 interviews) would allow us to test whether, within PIP courts, parents were being selected for PIP on the grounds of their expected outcomes. That is, whether there are biasing selection effects within courts. This sample would be combined with the PIP interview sample to generate ‘all-parents within PIP court’ estimates of outcomes, which could then be used to compare with outcomes for similar parents in non-PIP courts.

In practice, this analysis proved inconclusive, partly because the interview sample size from the 150 was smaller than hoped for (at just 41), partly because the contribution of the 41 to ‘all PIP court’ estimates was too high to give stable estimates (this contribution having to be larger than expected at the initial planning stage for the study), and partly because the impact estimates we have found are fairly small – so that the overall difference in outcomes between PIP and non-PIP courts is very small indeed (at most about 2.5 percentage points) and we do not have sample sizes large enough to detect such differences with sufficient statistical power. Nevertheless, although we could not use this small extra sample in the way intended, it does give some indication of whether parents attending a PIP have different characteristics to parents from the same courts who do not attend (either because they are not ordered to attend or because one or both parents fails to attend). We have used the data in this way in the report.

The sample of 150 non-PIP parents in PIP courts were selected in the same way as the non-PIP sample in non-PIP courts: that is random selection within matched stata. Essentially one-to-one matches were found for a random sub-sample of 150 of the 991 PIP cases.

Selection of a survey pilot sample

A small sample of 100 parents (50 PIP and 50 non-PIP) was selected for piloting of the survey questionnaires. These were selected from six county courts that were not included in either the 65 PIP or 65 non-PIP courts.

Questionnaire design, fieldwork procedures, and response rates

Questionnaire design

The purposes of the telephone interview were:

1. To measure how and whether PIP affects families' outcomes in comparison to other court interventions;
2. To understand the pathways that PIP and non-PIP families go through;
3. To collect data on the experience of and satisfaction with PIP and other court processes.

To do this, we designed an interview which collected the following data:

- **Baseline data required to match the PIP and non-PIP samples at the analysis:** the circumstances of families at the point at which they approached the courts for assistance regarding their contact arrangements: around contact and maintenance arrangements, relationship quality and previous court experience; socio-demographic profile of families at the point of separation;
- **Pathway data:** Data on the type, duration and sequence of court and non-court interventions, including PIP;
- **Process data:** Information on the experience of and satisfaction with PIP and other court processes and what were viewed as helpful or unhelpful features of the interventions;
- **Outcome data to measure whether and how PIP has affected families' outcomes, in comparison with other court interventions.** These are families' current circumstances: in relation to the functioning of current arrangements, amount and quality of contact, relationship quality between parents and children, parental and child well-being, maintenance arrangements.

The draft interview schedule was piloted among both PIP and comparison group parents between 21st and 26th January 2011. During the pilot, 21 interviews were achieved (from a sample of 100). Following a debriefing session involving researchers from TNS-BMRB, BPSR and Exeter University and the interviewers and supervisors who had worked on the pilot, the interview was amended in preparation for the main stage fieldwork.

Fieldwork

A week before fieldwork started, letters were sent to all sampled individuals, providing an opportunity for people to opt out of being telephoned as part of the survey. The letters provided contact details for researchers at TNS-BMRB in case sample members had any queries or concerns they wished to discuss before taking part in the research.

Main stage fieldwork took place between 1st and 27th February 2011. 684 interviews were achieved (see breakdown below), with an average interview length of 27.5 minutes. Calls were mostly made in the afternoons and evenings, both in the week and at weekends, although respondents were called in the morning if they requested this. All interviewers were briefed by a member of the TNS-BMRB research team.

At the end of the interview, respondents were asked if they would be willing to be approached for potential follow-up work (both the planned qualitative interviews and any longer-term follow-up which might be considered) and to link their survey data to

their court records.

Response

684 interviews were achieved from a sample of 2053. Overall, this equates to a gross response rate of 33 per cent. Excluding cases which, for one reason, could never result in an interview (bad telephone numbers, ineligible for the survey, and incapable of completing an interview), the overall response rate was 49 per cent.

The table below shows response figures, broken down by sample type.

	PIP		Non-PIP		Non-PIP in PIP court		All sample	
	No.	%	No.	%	No.	%	No.	%
Completed interviews	349	37%	292	30%	43	30%	684	33%
Refusals	104	11%	113	12%	18	13%	235	11%
Bad telephone numbers ³³	215	23%	316	33%	49	34%	580	28%
Ineligible ³⁴	0		47	5%	8	6%	55	3%
Not available during fieldwork	31	3%	33	3%	6	4%	70	3%
Incapable of interview ³⁵	2	<1%	8	1%	1	1%	11	1%
No interview after 20+ calls	250	26%	150	16%	18	13%	418	20%
Total	951		959		143		2053	

Data preparation

Four questions on the survey that included an 'other specify' option. Verbatim answers given at these questions were recoded, either to an existing or additional answer code. An SPSS dataset was prepared includes all questionnaire data, some sample information (sample type, date of application to court, and date of first hearing at court) and additional derived variables.

³³ These are cases where the telephone number either did not connect at all, or it did connect but not to the respondent.

³⁴ Non-PIP cases were only eligible for the survey if the case was between two separated partners about custody or contact arrangements for their child(ren). Some other types of cases were included in the sample and these were not eligible for the survey.

³⁵ A minority of respondents were unable to take part in a telephone survey, for example because they were deaf.

Survey weighting and matching of the pip and comparison samples

Three types of analysis of the survey data are presented in the evaluation report:

1. Analysis of the PIP sample data in isolation, which gives, in particular, data on parental perceptions of PIP;
2. A comparison of the PIP sample with the non-PIP comparison sample before matching on baseline characteristics. This allows for the differences between the characteristics of those parents who take part in a PIP to be contrasted with the characteristics of parents not ordered to a PIP (because from a court that uses PIPs very little). The latter group can be thought of as the 'PIP-eligible' group from non-PIP courts;
3. A comparison of the PIP sample with a matched version of the comparison sample (referred to in the main text as the 'matched comparison sample'). The matching ensures that the two samples are very similar in terms of a wide range of baseline characteristics around the circumstances of families at the point at which they approached the courts for assistance regarding their contact arrangements: contact and maintenance arrangements, relationship quality and previous court experience; socio-demographic profile of families at the point of separation; length of separation. The intention of the matching is to generate a comparison sample which is a close reflection of the PIP sample, and which generates a plausible counterfactual estimate of PIP outcomes.

Each of these analyses uses a separate set of survey weights. These are described below:

Weights for the PIP sample

The PIP interview sample over-represents men, primarily because CMS is more likely to record telephone numbers for applicants (who are primarily men). Given that we only selected PIP cases for which both parents attended a PIP, the gender profile of the sample of PIP participants ought to be roughly balanced in terms of gender, and we have applied survey weights to force the profile to be 50% men and 50% women.

Weights for the comparison sample (not matched)

The comparison sample, before being matched to the PIP sample on all available baseline characteristics, gives an approximate profile of the 'PIP-eligible' population. Although 'PIP-eligible' is not a precisely defined term, we have pragmatically defined it as parents from non-PIP courts whose applications were made at a similar time to the PIP participants, and whose cases were open at the time at the time when a PIP *might* have been ordered. These criteria were applied at the time the comparison sample was selected (see sampling section), but at the analysis stage the comparison sample was weighted to give the same profile as the PIP sample in terms of gender (50:50) and application date (defined in half-year groupings).

Weights for matching the PIP and comparison samples

A second set of weights were generated for the comparison sample which, when applied, generate a comparison sample that is very closely matched to the PIP sample.

These 'matching weights' were calculated using propensity score matching, using a Gaussian kernel match (with a bandwidth of 0.06 – the default in the Stata macro `psmatch2`). The basic steps are:

- The differences between the PIP and comparison samples on their baseline characteristics are modelled using a suitable regression method: probit or logistic. In this instance we have used logistic, forward stepwise.
- This generates an estimated 'probability of being in the PIP group' per person: the propensity score
- The two (unweighted) samples are then matched so that both samples have the same propensity score distribution. This matching involves weighting the comparison group to give the same profile of propensity scores as the PIP group.
- Matching on the propensity score in this way *should* automatically ensure a reasonably close match between the two groups in terms of all the variables that are used in the propensity score model. This is tested by checking that the number of significant differences between the two groups before matching very markedly reduces after matching.
- After calculating a matching weight, the comparison group had an extra weight applied (by multiplication) to generate a 50:50 gender split in line with the weighted PIP group.

The baseline variables entered into the propensity score model were:

- Gender
- Age
- Ethnicity
- Qualifications level
- Number of children
- The gender of the 'index' child
- Age of the 'index' child
- Whether the respondent was an applicant or not
- Number of previous applications
- Whether previously lived together
- Time since separated
- Application date (quarter)
- Hearing date (quarter)
- Whether a legal aid case
- Reason for bringing the case

At the time of application:

- Whether respondent was a non-resident parent
- Where the child lived at the time (whether with respondent or ex-partner)
- The frequency of contact between the non-resident child and the non-resident parent
- Whether the index child ever stayed overnight with the non-resident parent
- Happiness with the amount of contact
- Friendliness of the relationship between the two parents
- Ease of discussing important discussions with ex-partner
- Reliability of the ex-partner about contact with the index child
- Happiness of the index child with contact arrangements
- Whether the respondent had any safety concerns around their ex-partner
- Whether any previous injunctions

- Maintenance arrangements at the time

At the time of separation

- Marital status
- Economic status of the respondent
- Economic status of the ex-partner
- Income group

After matching there are no significant differences between the PIP and comparison group on this set of variables.

For the sub-group analyses of impact presented in Chapter 4 the propensity score matching has been repeated for each sub-group in turn.

A1.4 Parent qualitative interviews

Qualitative interview rationale

Following from the telephone survey, twenty-four in-depth telephone interviews were conducted with parents who had completed their PIP between five and eleven months previously.

The interviews explored what happened during the PIP process, and since, and parents' perceptions of their subsequent outcomes following their PIP experience. These interviews were intended to build on the survey findings to provide further details of parents' experience of PIP and the impact the course had on their child care arrangements and other outcomes. In particular, these interviews helped give an insight into the possible mechanisms which had led to changes in families' outcomes; in addition to identifying any barriers to change.

To assess parents' responses based on different outcomes in childcare agreements and the role PIP played, two distinct outcome groups were identified. These two groups included; those who were happy with their childcare agreement (positive outcome group), and those who were unhappy with their childcare agreement or who had been unable to reach an agreement (negative outcome group). The 24 interviews were divided equally across these two groups (based on purposive sampling from the telephone survey). These interviews enabled some exploration of why PIP worked better for certain groups rather than others.

Recruitment

Interviewed parents were recruited from the sample of parents who participated in the preceding telephone interviews. To compare views and experiences of parents with different ratings of their childcare situations, two groups were identified based on parent's answers to particular survey questions.

Those in the positive outcome group confirmed that they had a childcare agreement in place, and that they were either 'very' or 'quite happy' with the current arrangement. The agreement was also believed to be 'very' or 'fairly good' for the child, and they thought that PIP played a 'big' or 'some role' in the current agreement.

Those in the negative outcome group stated that they had no confirmed childcare

agreement in place or that they were 'not very' or 'not at all happy' with the current childcare arrangement and that they thought this current agreement is not 'very' or 'not at all good' for their children. Parents who satisfied the above criteria were included in this group regardless of whether or not they thought the PIP had played a role in the current child care situation.

These comparable groups were chosen over the suggested three case types in the original proposed methodology; the 'transformative' PIP, the 'non-transformative' PIP, and the 'extra nudge' PIP. This change was based on projections that potential sample sizes and volunteers within each of the three groups were likely to be quite small. These three groups also presented some difficulties in identifying suitable survey selection criteria. The positive and negative outcome groups used in this investigation offered a clearer comparison and an easier framework for selection.

Recruitment of parents for the qualitative interviews was achieved through computer assisted telephone interviewing software (used in the telephone survey). This software was programmed so that parents who fit the above sampling criteria were immediately asked, at the end of the telephone survey interview, whether they were interested in taking part in a further telephone conversation (approximately 45 minutes long) to explore some of the issues in greater depth. To fulfil the purposively varied sample, it was made evident to all survey respondents that it was not possible to interview all those who volunteered and that, if selected, the interviews would occur within the next month.

Using the structured telephone interview to sample in this way presented a number of distinct advantages over recruiting a fresh sample:

- Participants for the in-depth interviews were purposively selected as described above, based on their survey data, to include demographic and outcome case-variations;
- Contact details were already secured minimising the potential loss of researcher time;
- The interviews explored and helped explain some of the emerging findings from the survey;
- The issues concerning parents' settlement and contact arrangements will be more salient having divulged them through the previous survey.

The demographic and contact details of parents who volunteered for the follow-up interview were sent by TNS-BMRB (the research organisation who conducted the telephone survey) to One Plus One (the research organisation who conducted the qualitative interviews); via a secure file transfer site and using password protection. Two files were sent over the period of survey data collection; these files also contained information as to what outcome group the parent had been selected from, but not specific answers to survey questions.

Due to the timeframe, recruitment commenced shortly after the first few telephone surveys to enable sufficient time to recruit, conduct and analyse the qualitative interviews. Only one parent from a particular case was interviewed.

Sample and procedure

In total 24 interviews were conducted with parents who had completed their PIP between five and eleven months previously. An equal number of interviews were conducted with parents from the positive outcome and negative outcome groups (12 in each); within each group, there were also an equal number of interviews

conducted with men and women (6 of each). Some attempt was made to achieve a reasonable geographical spread across England within each group, for some groups this was restricted slightly by the number of volunteers available in each group and where follow-up contact with parents to arrange the interview had been unsuccessful.

The interviews which were conducted represented both resident and non-contact parents. Resident parents were more likely to be female, reflecting gender differences found in the larger sample. The interview sample also included both recipient of the initial court order and applicants of the original court order. The later were more likely to be male again reflecting difference found in the survey. There were little differences in either residency or applicant status between the positive and negative outcome groups.

Selected parents were contacted to give further details about the follow-up interviews and to see whether they were still willing to participate. Parents were given the option to do the interview then if they preferred or to arrange a more convenient time for the interviewer to call back to conduct the interview. Parents were informed that the interviews were voluntary, that their details would be anonymous and that no identifying details would be passed on to anyone outside the research team. They were asked if the interviews could be recorded for research purposes, all parents agreed to this. The audio files were kept in a password protected folder accessible only to the research team.

All interviews lasted between 30 to 45 minutes, depending on parents' availability. At the end of the interview, parents were reminded of the purpose of the research and that no identifying details would be passed on outside the research team. They were also reassured that their response to the interviews would not affect the conduct or outcome of any existing or future court case regarding contact arrangements. Details of how to contact the researchers if they had any questions about the research were also provided. Finally, parents were offered a £20 high street gift voucher as a thank you for taking part in the interview.

In-depth interview topic guide

The in-depth interview topic guide was designed to explore the rich detail of the PIP and subsequent post-PIP experiences, particularly whether people's intentions following PIP had been put into place. As we detail above, we were particularly interested in using the in-depth interview to explore whether and how the PIP seems to work better with some cases rather than others.

A1.5 Parent focus groups

Focus group rationale

Four focus group discussions were held among PIP participants immediately following their second two-hour PIP session. There were four main reasons for conducting these focus groups:

1. The focus groups provided a direct and near contemporaneous insight into how parents experienced the PIP group *at that* time rather than recalled on a later occasion.
2. The focus group format enabled parents to explore (together as a group) what elements of the intervention, including the group process and mixed gender format, were helpful and unhelpful. The focus groups provided richer data and a

deeper understanding of the group process as a result compared to an individual interview, or the rather limited insights into the potential mechanism of impact offered by a brief exit questionnaire.

3. The third reason to capture parents' views at this point in time was that it gave a unique in depth insight into the hopes and expectations, intentions and sense of preparedness to co-parent following the PIP.
4. Finally, the focus group participants also allowed us to establish a cohort of parents who, having just completed their PIP, could be tracked through a further piece of research. Following-up the *same* group of parents will provide valuable insight into how their intentions may have been put into place, and the factors that both hinder and facilitate this process.

Focus group administration and recruitment

The four focus groups were held in Brighton, Lewisham, Enfield and Basildon. These sessions were facilitated by trained counsellors, Mediators and Relate counsellors. Invitations were sent to 6 regions offering PIP programmes – from those that provided a response, the locations above were chosen on the grounds that they provided the 2 x 2 hour sessions (rather than a single 4 hour session) and that they were running groups that could be visited within the timeframe of the study. Contact was secured with the groups either through gatekeepers (people who worked across a PIP region) or those directly responsible for facilitating the session.

Two researchers visited each location at the start of the first PIP session to inform prospective participants of the focus groups and issue a 'Participation Information Letter' to all in attendance alongside a 'Frequently Asked Questions' document. This explained that the 'ground rules' conveyed at the start of the PIP course would be transferred into the focus group. Also, it was explained that the discussion would not revolve around personal issues (that are more likely to be withheld in a group setting), and that the main discussion would be centred on people's reactions to the course. At this first session, the researchers provided an opportunity to answer questions and explained that they would return at the end of the second (and final) PIP session to carry out the focus group.

On return to each location, focus groups were subsequently held among a total of 15 participants (between three and five per group) – this equated to approximately 30% of all those attending the PIP sessions at these locations. A slightly greater proportion of women attended the focus groups.

Recruiting participants from an already established group in a safe and secure location presented ideal conditions for a group discussion. Moreover, all being in the same situation as parents experiencing relationship breakdown, this apparent homogeneity within the group was considered to be most effective in generating interactive discussion (Krueger & Casey, 2009).

The topic guide

The focus groups lasted for around 45 minutes (for all four sessions) and concentrated on discussing the following areas:

Getting into PIP:

- First heard about PIP
- Referral process
- Timing of PIP relative to their Court case

- Expectations of PIP.

The course experience:

- General / immediate reaction to the PIP
- Specific sessions / exercises recalled
- People's understanding of the PIP objectives
- Relevance of the material
- Group dynamics, tone/atmosphere
- The role of the trainer – impartiality, etc.

Preliminary impacts, readiness and intentions:

- What has been learnt? What do you do/think differently?
- Goals and intentions
- Plans for next steps
- Readiness, confidence about achieving intentions
- Any additional help and support needed?

Changing PIP:

- What is helpful/unhelpful about PIP
- What could/should be changed, e.g. timing, duration, content, participants etc.

All focus groups were co-moderated.

The moderators adhered to standard researcher techniques such as: managing dominant and quiet participants, requesting whether similar and dissimilar viewpoints are held across the group (a means of including all participants), reaching consensus or differences of opinion, avoiding jargon, and showing appreciation and value at all responses.

These focus groups explicitly used group interaction as part of the method. This meant that instead of the moderators asking each person to respond to a question in turn, people were encouraged to talk to one another: asking questions, exchanging anecdotes and commenting on each other's experiences and points of view. This method was particularly useful for exploring people's knowledge and experiences and could be used to examine *“not only what people think but how they think and why they think that way.”* (Kitzinger, 1995, p 299). As for all qualitative techniques, the moderators explored the importance of the 'how' and 'why' to fully research the topic of interest.

Participants were requested to sign their consent to be involved in the focus group, and this process provided a further opportunity to raise questions. The PIP facilitators were not present in the group. All focus groups were digitally recorded, fully transcribed and thematically analysed.

The focus group sample

It is impossible to know whether this self-selecting sample for the focus groups were similar to other PIP participants who chose not to attend. Interestingly, a characteristic common across most participants was the perception of their ex-partners, and how it they that were obstructing any movement towards communication or child contact:

“We've been communicating via our solicitors but to no avail has this made any

impact on him. Which is what I was hoping – that it [partner doing the PIP course] would make some kind of impact on him that he would stop battling with me and would think about our daughter. But I haven't seen that yet – I'm just hoping.”
(Participant, parent focus group B)

This was also reflected in the belief that their partner would not be agreeable to mediation, either before or after the PIP:

“Well, my husband doesn't believe in – it's behind closed doors. He thinks, this is gonna be rubbish. Mediation – my solicitor's sent letters and he refused point-blank to go to that.” (Participant, parent focus group D)

Finally, although mentioned in the main report, it was noticeable that a number of participants reported experience of domestic violence in their relationships. In most of these cases, the participant had a specific instruction not to see or contact their partner or discuss child contact arrangements with them (not appropriate to the main purpose of the PIP).

A1.6 Professional interviews and focus groups

Purpose

We conducted a series of focus groups and interviews with judges, lawyers, Cafcass officers and PIP deliverers. The focus groups and interviews with professionals were designed to elicit additional insights into the impact of PIPs from a particular professional vantage point. The focus groups and interviews explored what professionals considered helpful and unhelpful about PIPs as they were currently configured and what changes may be required in timing, content, delivery of the intervention and linkage with other court and non-court based interventions.

Ideally these interviews would have taken place after we had gathered data on impact and parent experiences of PIP in order to get professional reactions to the emerging findings. In practice, however, the very tight timetable meant that there was insufficient time to adopt that strategy. Instead we began the data collection process as soon as possible in order to provide enough time to enable data collection, transcription and analysis of data and integration of the qualitative and quantitative findings.

Sample size and recruitment

Our proposals for collecting data from professionals sought to balance achieving the widest range of views whilst ensuring that we were able to deliver the analysis within the very tight time frame. Our strategy therefore was to make use of group rather than individual interviews where possible.

Judiciary. We conducted three focus groups with a total of 23 participants, together with one individual interview. All the participants volunteered for the study whilst attending three separate residential training courses run by the Judicial Studies Board. The focus groups were conducted at the end of each day after the course had finished.

The method proved very productive. It offered a unrivalled opportunity to garner the views of a wide range of judges within our very tight deadlines. The participants were

primarily District Judges with a small number of circuit judges. The judges were drawn from across England and Wales and included judges with a wide range of experience of PIP. The group interview format also facilitated debate and discussion between judges with differing views and experiences in a way that would not have been possible with individual interviews.

Lawyers. We aimed to conduct 12-15 short telephone interviews with lawyers. Past experience suggested that the time pressures on lawyers makes them a difficult group to recruit for research and it was a little unfortunate that the study took place within a short time frame which coincided with the deadline for legal aid contract applications - a particularly stressful time for family lawyers in the current climate. This made recruitment challenging but we were assisted in making contact with prospective participants by Resolution, who emailed a request for interviewees to all of their members. Further assistance was also gratefully received by local Cafcass officers, who were able to broker a few introductions with solicitors known to have active private law case loads and by Family Law Week who posted information about the research on their website. Ultimately we were able to arrange and conduct 11 interviews within the research project time-frame.

The interviewees were drawn from practitioners in both high and low PIP use areas to allow for the possibility that solicitors' roles and perceptions of PIP may well vary depending upon the familiarity and 'routineness' of the intervention. Given the small number of interviews, we only spoke to solicitors who had experience of at least two clients being instructed to attend the PIP. This enabled us to explore solicitor perceptions of the impact of PIPs on their clients.

CAFCASS. We ran four CAFCASS focus groups. These comprised three focus groups with local CAFCASS teams, one each from the north, central and south regions. Twenty two CAFCASS officers attended these three groups. We also ran a focus group (by phone) with six members of the national commissioning team.

PIP deliverers. We had intended to run two focus groups with PIP deliverers, with approximately eight participants in each. However, we had an overwhelming response to an email to deliverers requesting their help with the evaluation. As a result we ran three focus groups with 24 participants as well as two individual telephone interviews. We were also able to include written comments from three deliverers who were unable to attend the focus groups. The sample of deliverers represented a wide cross-section of organisations including mediation, relationships and contact services providers and multi- and single-site organisations.

Topic guides

The individual or group interviews for judges, lawyers, Cafcass officers and PIP deliverers covered broadly similar topics to facilitate cross-professional comparisons at the analysis stage although with some differences in emphasis between the groups. The topic guide for each covered the following topics:

- *Case suitability:* what types of cases are currently referred; how do they differ from other client groups/cases; how do professionals decide on case suitability for PIP; what factors have influenced referral patterns locally
- *Referral process:* how is possible referral communicated to/negotiated with parents; what factors influence take up; what are the actual mechanisms/logistics of referral

- *Parent views of the PIP*: how aware are parents of PIP pre-referral; how do parents react to the prospect of PIP; what do parents say about the relevance and helpfulness of the intervention post-PIP
- *Impact of PIP on parents (professional perceptions)*: what type of feedback if any do professionals get on the impact of PIP; what positive or negative impacts does PIP have on parents short and longer-term compared to other interventions; are any impacts sustained; are there any cases/parents where PIP appears more or less effective; does PIP represent value for money
- *Possible changes required*: what are the strengths and weaknesses of the PIP; how does the PIP contribute to or hinder case progression and case closure; what changes might be needed in the content and delivery of the programme including new programmes; how might PIP be better or differently linked to/integrated with other court and non-court based interventions; should PIP be available earlier in the process such as pre-proceedings and if so how.

The topic guide for the PIP providers also included:

- An overview of the course content, aims, and relevance;
- Group dynamics and related issues;
- Assessment of parents' needs;
- Indicators of successful/unsuccessful groups;
- Perceived impacts of the course on parents;
- Recommendations for future courses.

A1.7 Costs study

Collection of Cost Data from PIP Providers

To allow for the provider costs of running PIPs to be estimated, nine providers agreed to collate costs for the evaluation for a recent quarter and for staff working on PIPs to complete a three week timesheet for the period 7th Feb to 25th Feb 2011. Partial versions of the forms provided are shown below: the timesheet followed by the finance sheet.

Combining the data from the two sheets allowed for estimates per provider of:

- Hourly cost per staff member, including an estimate for overheads
- Total cost for staff time spend on PIPs for the three week period
- Approximate staff cost per PIP participant/session
- Direct costs of PIPs (excluding staff costs) for a recent three month period
- Approximate direct PIP costs per PIP participant session

The nine providers were selected from a long list of 81 PIP providers nationally. The providers were selected to provide a broad cross-section of providers according to the following criteria:

- CAFCASS region: north, central and south
- operating across single or multiple sites
- city and town/rural delivery

- provider type: mediation service, Relate, contact service
- sector: voluntary and private

Of the nine providers returning data, for one provider PIP activity over the period was very low which meant that generating a sensible estimate of cost per participant/session was impossible. And in other areas generating a reasonable estimate of overhead costs per staff hour was not feasible: in which case an estimate of £7 per hour was used; this being close to the rate for other areas where the computation was possible. For the eight providers where estimation proved possible the costs per participant/session generated were (in order): £71; £77; £78; £82; £92; £93; £198. The last of these is particularly high because February was an atypical month for that provider.

LOCAL OFFICE COSTS AND ACTIVITY			
1 Details for staff completing timesheet			
Name/Identifier (this must match the name/identifier on the timesheet)	Normal working week (hours)	Annual Salary +NI + pension	
Person 1			
Person 2			
Person 3			
Person 4			
Person 5			
Person 6			
Person 7			
Person 8			
Person 9			
Person 10			
2 PIP activity for 7th to 27th Feb 2010			
Number of 2-hour PIPS sessions run			Notes: Count 4 hour sessions as two 2-hour sessions
Total number attending these 2-hour sessions (see note to right)			For a parent attending two 2-hour sessions in the period count this as two attendees
If available: Number of non-attendees			Non-attendee = parent booked on session in the period who did not attend. If two sessions missed count as two
Was the period 7th to 27th Feb fairly typical in terms of PIP activity (both in terms of the sessions run and the organisation for future months)?	Write in:		
3 Approximate PIP direct costs (most recent three months). Include all non-salary costs that you code to PIPs. (e.g. postage, stationery, printing, services bought in from sub-contractors.) Amend the following list as necessary. Insert more lines if required.			
Month (type in month and year):	£	£	£
Sub-contracted PIP costs			
Venue hire			
Travel and transport			
Subsistence			
Subscriptions			
Postage			
Stationery			
Telephone charges			
Printing/advertising			
Small equipment and materials			
Interpreting			
Insurance increase due to PIP			
Other services purchased from other providers			
DO NOT DELETE THIS LINE - PLEASE INSERT ADDITIONAL ROWS ABOVE THIS LINE			
Total	£	£	£
PIP activity in same three months			
Number of 2-hour PIPS sessions run			Notes: Count 4 hour sessions as two 2-hour sessions
Total number attending these 2-hour sessions (see note to right)			For a parent attending two 2-hour sessions in the period count this as two attendees
If available: Number of non-attendees			Non-attendee = parent booked on session in the period who did not attend. If two sess
4 Local office overheads			
	Recent quarter (type in months and year)		NOTES
Total salary cost of support staff at local office			Salary cost = Annual salary plus employer's NI and employer's pension contributions
Costs of local office excluding salaries and other project costs			Support staff = Managers, administrators, finance staff, caretakers and all other staff not working directly on pr Non-salary overhead costs. E.g. Rent, heating etc. Exclude costs for any PIP and non-PIP projects that have their
5 Other information about local office			
	Recent quarter (type in months and year)		NOTES
Total number of staff (FTE) employed in quarter			
Number of support staff (FTE) employed in quarter			Support staff = Managers, administrators, finance staff, caretakers and all other staff not working directly on pr

A1.8 Access and ethics

This research is on a sensitive topic and involved parents who are or have been involved in court proceedings. As a result particular care was required in ensuring that the research is conducted to the highest ethical standards. However, having

reviewed all the issues involved we did not believe that the project involved any ethical issues over and above those that would normally be expected in research in this particular area and with which the research team had considerable experience of dealing with appropriately.

Approval for the research was sought and approved from the following before the project commenced:

1. The Research Ethics Committee of the School of Social Sciences and International Studies at Exeter University
2. The President of the Family Division, particularly in relation to the involvement of judges in the research.
3. The Department for Education, to review and approve all fieldwork instruments.

We have adhered to the Ethical Statement of the Socio-Legal Studies Association³⁶ throughout the design and conduct of the project.

A2. Additional Tables

Table A2.1 Events and decision when returned to court			
<i>Base: all PIP parents who returned to court for second or subsequent time</i>			
		Early PIP	Later PIP
		%	%
Had a review session		53	45
Solicitors negotiated at court		76	84
Parents negotiated at court		22	22
Court hearing or trial		25	32
<i>Number of events back at court</i>	No events	9	2
	1 event	27	38
	2 events	43	38
	3 events	21	18
	4 events	1	4
<i>Decision made at court</i>	Earlier agreement approved	9	11
	Earlier agreement reinstated	4	4
	New agreement	28	30
	Agreement do not know previous status	27	28
	No agreement	28	25

³⁶ Available at http://www.slsa.ac.uk/images/slsdownloads/ethicalstatement/slsa%20ethics%20statement%20final_%5B1%5D.pdf

	Do not know if agreement	3	2
<i>Weighted base</i>		117	137
<i>Unweighted base</i>		120	135

Table A2.2 Stage at which latest agreement made		
<i>Base: all PIP parents</i>		
	Early PIP	Later PIP
<i>Most recent decision made...</i>	%	%
On first day in court	22	11
During subsequent out of court negotiations	12	5
At a subsequent court date	44	73
No agreement made	22	11
<i>Weighted base</i>	183	137
<i>Unweighted base</i>	183	135

Table A2.3: Impact of PIP: RPs			
	PIP group	Matched comparison group	Impact
	%	%	Percentage point difference
Case progress outcomes:			
Court order or arrangement in place	78	75	3
Agreement that is working well	56	46	9
Survey respondent happy with current situation	57	42	15
Ex-partner happy with current situation	33	39	-6
Respondent has safety concerns when child is with other parent	28	37	-10
Case now closed	67	74	-6
Relationship between the parents:			
Parents have equal say in decisions about child	17	21	-4
Respondent happy with amount of decision making they have	69	63	6
Respondent finds it easy to discuss issues to do with their child	18	17	1
Respondent views their relationship as friendly	18	14	4
Ex-partner is reliable about keeping to arrangements	46	44	2
The arrangements are a major source of tension	38	31	8
Family circumstance outcomes:			
Child in any contact with non-resident partner	85	76	8
Child in at least weekly contact with non-resident partner	52	54	-1
Child stays overnight with non-resident parent sometimes	55	48	7
Child stays overnight with non-resident parent at least weekly	34	32	2
Respondent happy with the contact arrangements	63	67	-4
Maintenance arrangement in place	62	53	9
Regular maintenance arrangement in place	56	47	10

Situation from index child perspective:			
Child happy with contact arrangements	58	43	14
Respondent feels the arrangement is in the best interests of the child	64	59	5
Child has socio-emotional problems that interfere with everyday life	18	23	-5
Expected future plans for dealing with contact issues:			
Likely that contact arrangements will need to be renegotiated in next two years	31	19	12
Would negotiate between themselves	33	24	9
Would return to court	41	37	3
<i>Bases:</i>			
<i>Weighted</i>	155	156	
<i>Unweighted</i>	130	83	

Table A2.4: Impact of PIP: NRP			
	PIP group	Matched comparison group	Impact
	%	%	Percentage point difference
Case progress outcomes:			
Court order or arrangement in place	84	79	4
Agreement that is working well	64	54	10
Survey respondent happy with current situation	47	41	6
Ex-partner happy with current situation	53	53	0
Respondent has safety concerns when child is with other parent	19	17	2
Case now closed	67	73	-6
Relationship between the parents:			
Parents have equal say in decisions about child	13	19	-6
Respondent happy with amount of decision making they have	21	23	-2
Respondent finds it easy to discuss issues to do with their child	15	14	1
Respondent views their relationship as friendly	21	20	1
Ex-partner is reliable about keeping to arrangements	53	50	3
The arrangements are a major source of tension	37	32	4
Family circumstance outcomes:			
Child in any contact with non-resident partner	85	78	7
Child in at least weekly contact with non-resident partner	57	56	1
Child stays overnight with non-resident parent sometimes	51	49	2
Child stays overnight with non-resident parent at least weekly	37	29	8
Respondent happy with the contact arrangements	35	36	-1
Maintenance arrangement in place	78	75	3
Regular maintenance arrangement in place	74	72	3
Situation from index child perspective:			
Child happy with contact arrangements	45	41	5
Respondent feels the arrangement is in the best interests of the child	44	42	2
Child has socio-emotional problems that interfere with everyday life	12	8	4
Expected future plans for dealing with contact issues:			
Likely that contact arrangements will need to be renegotiated in next two years	45	41	5
Would negotiate between themselves	44	42	2
Would return to court	12	8	4
Bases:			
<i>Weighted</i>	149	147	
<i>Unweighted</i>	173	172	

Table A2.5: Impact of PIP: No concerns/risk

	PIP group	Matched comparison group	Impact
	%	%	Percentage point difference
Case progress outcomes:			
Court order or arrangement in place	79	72	7
Agreement that is working well	60	49	11*
Survey respondent happy with current situation	53	46	7
Ex-partner happy with current situation	49	42	6
Respondent has safety concerns when child is with other parent	11	10	0
Case now closed	72	75	-3
Relationship between the parents:			
Parents have equal say in decisions about child	17	18	-2
Respondent happy with amount of decision making they have	38	34	5
Respondent finds it easy to discuss issues to do with their child	16	12	4
Respondent views their relationship as friendly	22	16	6
Ex-partner is reliable about keeping to arrangements	54	52	2
The arrangements are a major source of tension	31	32	-2
Family circumstance outcomes:			
Child in any contact with non-resident partner	83	73	10*
Child in at least weekly contact with non-resident partner	56	51	5
Child stays overnight with non-resident parent sometimes	53	48	5
Child stays overnight with non-resident parent at least weekly	40	32	8
Respondent happy with the contact arrangements	48	52	-4
Maintenance arrangement in place	72	66	6
Regular maintenance arrangement in place	68	62	6
Situation from index child perspective:			
Child happy with contact arrangements	52	44	8
Respondent feels the arrangement is in the best interests of the child	53	51	2
Child has socio-emotional problems that interfere with everyday life	13	13	-1
Expected future plans for dealing with contact issues:			
Likely that contact arrangements will need to be renegotiated in next two years	36	29	7
Would negotiate between themselves	44	30	14*
Would return to court	34	36	-2
Bases:			
<i>Weighted</i>	214	210	
<i>Unweighted</i>	221	192	

Table A2.6: Impact of PIP: 'Risk'			
	PIP group	Matched comparison group	Impact
	%	%	Percentage point difference
Case progress outcomes:			
Court order or arrangement in place	82	82	0
Agreement that is working well	57	56	1
Survey respondent happy with current situation	46	50	-4
Ex-partner happy with current situation	33	23	10
Respondent has safety concerns when child is with other parent	50	46	4
Case now closed	62	66	-4
Relationship between the parents:			
Parents have equal say in decisions about child	14	21	-7
Respondent happy with amount of decision making they have	54	62	-8
Respondent finds it easy to discuss issues to do with their child	13	7	6
Respondent views their relationship as friendly	13	15	-2
Ex-partner is reliable about keeping to arrangements	43	36	6
The arrangements are a major source of tension	52	23	29*
Family circumstance outcomes:			
Child in any contact with non-resident partner	87	79	8
Child in at least weekly contact with non-resident partner	57	62	-5
Child stays overnight with non-resident parent sometimes	57	57	1
Child stays overnight with non-resident parent at least weekly	34	42	-7
Respondent happy with the contact arrangements	48	64	-16
Maintenance arrangement in place	61	54	7
Regular maintenance arrangement in place	55	45	10
Situation from index child perspective:			
Child happy with contact arrangements	49	52	-3
Respondent feels the arrangement is in the best interests of the child	53	65	-12
Child has socio-emotional problems that interfere with everyday life	24	24	0
Expected future plans for dealing with contact issues:			
Likely that contact arrangements will need to be renegotiated in next two years	43	36	7
Would negotiate between themselves	23	20	4
Would return to court	53	47	6
Bases:			
<i>Weighted</i>	134	129	
<i>Unweighted</i>	127	100	

Table A2.7: Impact of PIP: 2009 application

	PIP group	Matched comparison group	Impact
	%	%	Percentage point difference
Case progress outcomes:			
Court order or arrangement in place	85	64	21*
Agreement that is working well	61	41	20*
Survey respondent happy with current situation	52	55	-3
Ex-partner happy with current situation	45	38	8
Respondent has safety concerns when child is with other parent	31	18	13
Case now closed	67	77	-10
Relationship between the parents:			
Parents have equal say in decisions about child	13	19	-6
Respondent happy with amount of decision making they have	51	30	21*
Respondent finds it easy to discuss issues to do with their child	14	16	-2
Respondent views their relationship as friendly	20	20	0
Ex-partner is reliable about keeping to arrangements	48	42	7
The arrangements are a major source of tension	41	27	15*
Family circumstance outcomes:			
Child in any contact with non-resident partner	86	63	24*
Child in at least weekly contact with non-resident partner	46	44	2
Child stays overnight with non-resident parent sometimes	49	42	7
Child stays overnight with non-resident parent at least weekly	33	30	3
Respondent happy with the contact arrangements	42	58	-16*
Maintenance arrangement in place	62	56	6
Regular maintenance arrangement in place	56	52	4
Situation from index child perspective:			
Child happy with contact arrangements	52	49	3
Respondent feels the arrangement is in the best interests of the child	50	62	-12
Child has socio-emotional problems that interfere with everyday life	18	12	5
Expected future plans for dealing with contact issues:			
Likely that contact arrangements will need to be renegotiated in next two years	41	28	12
Would negotiate between themselves	36	37	0
Would return to court	51	35	16*
Bases:			
<i>Weighted</i>	119	116	
<i>Unweighted</i>	120	112	

Table A2.8: Impact of PIP 2010 application

	PIP group %	Matched comparison group %	Impact Percentage point difference
Case progress outcomes:			
Court order or arrangement in place	77	77	0
Agreement that is working well	58	51	6
Survey respondent happy with current situation	50	49	0
Ex-partner happy with current situation	41	40	1
Respondent has safety concerns when child is with other parent	23	22	1
Case now closed	69	75	-6
Relationship between the parents:			
Parents have equal say in decisions about child	17	21	-4
Respondent happy with amount of decision making they have	41	46	-5
Respondent finds it easy to discuss issues to do with their child	15	15	0
Respondent views their relationship as friendly	18	16	2
Ex-partner is reliable about keeping to arrangements	50	50	0
The arrangements are a major source of tension	38	30	8
Family circumstance outcomes:			
Child in any contact with non-resident partner	83	80	4
Child in at least weekly contact with non-resident partner	62	63	0
Child stays overnight with non-resident parent sometimes	58	54	4
Child stays overnight with non-resident parent at least weekly	40	37	3
Respondent happy with the contact arrangements	51	56	-5
Maintenance arrangement in place	70	56	14*
Regular maintenance arrangement in place	67	53	14*
Situation from index child perspective:			
Child happy with contact arrangements	50	43	7
Respondent feels the arrangement is in the best interests of the child	54	54	1
Child has socio-emotional problems that interfere with everyday life	16	12	4
Expected future plans for dealing with contact issues:			
Likely that contact arrangements will need to be renegotiated in next two years	37	29	8
Would negotiate between themselves	36	28	8
Would return to court	37	37	0
<i>Bases:</i>			
<i>Weighted</i>	<i>229</i>	<i>226</i>	
<i>Unweighted</i>	<i>228</i>	<i>180</i>	

Table A2.9 Perceived role of PIP in helping communication with ex-partner, by whether PIP early or late

Base: all PIP parents

	Went on PIP early	Went on PIP later	Do not know stage went on PIP
<i>PIP made...</i>	%	%	%
A lot of difference	15	5	22
Some difference	20	18	17
No difference	60	69	45
No difficulties or arguments/no contact	4	8	13
Don't Know	0	0	3
<i>Weighted base</i>	<i>184</i>	<i>137</i>	<i>27</i>
<i>Unweighted base</i>	<i>187</i>	<i>135</i>	<i>26</i>

Table A2.10 Perceived role of PIP in reaching an agreement or court order about contact, by whether happy with the process

Base: all PIP parents

	Not at all happy with court process	Happy, not very happy or do not know
	%	%
A big role	3	11
Some role	3	23
No role at all	91	61
Don't Know	2	5
<i>Weighted base</i>	<i>135</i>	<i>213</i>
<i>Unweighted base</i>	<i>136</i>	<i>212</i>

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