

Witness Name: Joanne Edwards

Statement No.: 1

Exhibits: JE/01-12

Dated: 30 June 2025

UK COVID-19 INQUIRY

WITNESS STATEMENT OF JOANNE EDWARDS ON BEHALF OF RESOLUTION

I, Joanne Edwards, will say as follows: -

1. I am a member of Resolution's National Committee, a former National Chair and Chair of Resolution's policy and campaigning arm, the Family Law Reform Group. I am a solicitor and mediator, a partner and Head of Family Law at Forsters LLP.
2. I make this statement in response to the letter to Resolution from the Inquiry dated 13 March 2025. This statement has been prepared with the assistance of members of various specialist committees within Resolution (notably our Children, Legal Aid and Domestic Abuse Committees) and Resolution staff, principally our Head of Policy, Rachel Rogers. It is also informed by an online survey of Resolution members about the impact of the pandemic on children, commissioned in response to the Inquiry's letter. The survey was open between 16 April and 6 May 2025 and completed by 199 members (164 private law practitioners, 10 public law practitioners and 25 practising a mix of both).
3. In answer to the questions set out in the letter from the Inquiry, I am unable to provide evidence on behalf of Resolution on the categories of "young people" as defined in the letter. Young people between the ages of 18 and 25 could have been divorcing or separating parent clients of our members during the pandemic period, as they always can be; parents of children in care proceedings; or older siblings of subject children in proceedings.

About Resolution

4. Resolution is a membership body of over 40 years' standing, comprising 6,500 family lawyers, out-of-court dispute resolvers and other family justice professionals in England and Wales (from both legal and other backgrounds), all of whom work with separating couples and who are committed to a non-adversarial approach to family law and the resolution of family disputes. Resolution members abide by a Code of Practice which emphasises a constructive and collaborative approach to family problems and encourages solutions that take into account the needs of the whole family, especially those of children. This means that they believe that the process of making arrangements for children following parental separation can be done in a way that minimises conflict and promotes amicable agreements in the interests of children and strive to ensure this in every case.
5. Resolution is a national organisation with regional groups across England and Wales. We provide training, good practice guides/other written resources and practice support for family justice professionals. We respond on behalf of our members and their clients to family justice policy consultations and proposals, for example from government departments, the Family Procedure Rule Committee, HMCTS, Cafcass, the Legal Aid Agency, the Family Mediation Council and the Law Commission. We campaign for better laws and better support for families and children undergoing family change. Resolution has always (and long) enjoyed a productive working relationship with incumbent Ministers and MPs, the Justice Committee and government departments including the Ministry of Justice and others, both responding to them informally and formally and raising issues with them on behalf of our members and families. We also work with other legal practitioner bodies and a variety of NGOs on areas of mutual interest.
6. We also provide online information and resources for members of the public looking for help in relation to divorce and separation, including about children and the law. Whilst Resolution does not provide frontline services to the public

or children, we help parents and family members to find the type of family justice professional they are looking for in their local or preferred area (whilst equipping our members to help them in a constructive way as outlined above and giving them the requisite skills and training to do so). Our membership provides frontline services as described in paragraph 7 below.

7. The majority of our members practice some private children law and advise/represent parents on a daily basis about the arrangements being made for a child after parental separation. Some practice private children law and/or public children law (where the state may be intervening in a child's life), acting for parents, other adult family members and/or children. Many of our members are Resolution-accredited lawyer specialists. Resolution also supports, promotes and provides training on a wide range of out-of-court dispute resolution processes. Our members help clients reach agreement through mediation, the collaborative process, solicitor negotiation, arbitration, roundtable discussions and other processes. Around 1,400 of our members are trained in at least one out-of-court dispute resolution process.

Introduction to Resolution's work during the pandemic

8. Overall, the work and services which Resolution provides largely did not change during the pandemic; for example, our policy work on the implementation of the Divorce, Dissolution and Separation Act 2020 and secondary legislation, the Domestic Abuse Bill and Brexit and family/children law continued. We submitted evidence to relevant Parliamentary committee inquiries as usual. What changed was how we and our members worked and engaged with each other; how we engaged with our stakeholders; and how we provided our services, with the move to working from home and remote and hybrid working, meetings, court hearings and ebundles. Particularly in the immediate to short term, many of the issues we responded to, and advised or supported our members on, directly related to the pandemic : how to contact the courts, understanding the local arrangements for listing and remote hearings, safety at court for our members, safety and support for vulnerable court users (at court or if they were unable to attend court) and the safety of

our members and their clients travelling to court on public transport were recurring themes throughout the pandemic.

9. Resolution's initial focus at the onset of the pandemic was on continuity and working together to help members. In the immediate to short-term, we communicated more frequently with our members by all member emails and alerts to keep them up-to-date with any useful information and developments resulting from the pandemic affecting family justice, the family courts and legal aid. Our work was focused on urgent practice and legal aid issues arising as a result of or made worse by the pandemic, including support for legal aid practitioners to help them continue to stay afloat and deliver legal aid services, including for children. For example, there was a real fear at the outset that the wet signature and face to face requirements of legal aid contracts would mean not being able to offer services under lockdown restrictions in already financially struggling legal aid practices. By 2021 we were very much addressing problems that were problems pre-pandemic which had not gone away, and what was delayed was being picked up. But we continued to listen carefully to what our members were telling us about how Covid was impacting them and their clients; monitor what was going on in courts and in relation to contingency plans; encourage and help members to use HMCTS online processes where available; help members make remote hearings work for them and families as well as possible; help them manage legal aid contracts; and keep them informed about Cafcass protocols and guidance.
10. Other specific work undertaken by Resolution in response to the pandemic included occasionally seeking clarification from government departments or raising concerns around the meaning of Covid-related regulations and guidance in the context of separated families. We also worked with the Ministry of Justice and other member organisations of the Family Mediation Council on the development of the Family Mediation Voucher scheme, which first launched in March 2021. In terms of reducing the court backlogs and getting through Covid in the short-term, this scheme was first introduced as an emergency measure to motivate separating and divorcing parents to participate in mediation and avoid court.

Challenges facing children before the pandemic

11. We cannot emphasise strongly enough that, although the pandemic undoubtedly made things much worse, the family justice system was already in crisis long before the pandemic began. Pre-pandemic, the family justice system was already slow and difficult for children and their families to navigate. Delay in the family courts was the top issue consistently reported by our members. In addition, very many users of the family justice system were without professional advice and unrepresented largely due to the narrow scope of private family legal aid after major legal aid reforms in 2013. The pandemic may have served to deepen those problems, but they were pre-existing. To illustrate the existence of problems in family justice before the pandemic began: on 11 June 2019, I gave evidence on behalf of Resolution to the House of Commons Justice Committee on Court and Tribunal Reforms about the combined general impact of court closures, judicial shortages and legal aid cuts on access to family justice against a backdrop of an increasing number of both public and private children applications. This upward trend in court applications began in 2016 at around the same time that HMCTS's most recent reform programme began. We had fundamental concerns about access to family justice stemming from the coming together at the same time of a whole host of factors: the 2013 legal aid reforms had a disproportionate impact on vulnerable people with family law issues with many people no longer being eligible for public funding for legal advice or signposted by solicitors to mediation; there were court closures from 2015 in particular meaning that families no longer had their local court and court staff as their first port of call for information and help with forms and so on; from 2016 there was a significant upwards trend in the volume of both public and private children applications; and shortages of judges on the ground to deal with the volume of applications, leading to delays in listing of hearings and parties being informed on the day of or the day before a hearing that no judge was available. Resolution ran a member survey in Spring 2019. The vast majority of the responses talked about eleventh hour notifications of lack of judicial availability and the

consequential wasted legal costs. There were difficulties with contact for children not taking place because a hearing had not happened.

12. Resolution's 2015 Manifesto for Family Law Exhibit JE/01 [INQ000621012] explained that the laws and definitions around parents' responsibilities before, during and after separation, whether or not they went through the courts, were too complex and the language not accessible. Resolution members found that, despite most parents having their child's best interests at heart, many didn't understand what their responsibilities were as a parent going through the separation process or when parenting apart. At the time, Resolution proposed a 'Parenting Charter' clearly setting out what children should be able to expect from their parents if they were separating and what separating parents needed to do in the interests of their children.

13. Children are undoubtedly damaged by parental conflict and impacted where their parents lack access to other co-parenting support, including early legal advice tailored to their individual circumstances. Since the removal of legal aid in most family cases from 2013, cases where one or both parties have represented themselves have increased significantly. According to the Family Court Quarterly Statistics for the period October to December 2019 (the last full reporting period before the pandemic began), the proportion of private law Children Act disposals where neither the applicant nor respondent had legal representation was 40%, increasing by 26 percentage points since the period January to March 2013 (the legal aid reforms having taken effect in April 2013). Overall, for 2019 as a whole 38% of private law Children Act disposals involved two unrepresented litigants (and this has not improved; the most recent statistics published, for the period October to December 2024, showed that the proportion of disposals where neither the applicant nor respondent had legal representation was still 38%). Correspondingly, the proportion of cases where both parties *had* legal representation went from 41% in the period January to March 2013 to 18% in the period October to December 2019 and lay at 19% for 2019 overall (still 18% in the most recent statistics for the period October to December 2024). The importance and positive impact of early access to legal advice (which advice is not representation) is well recognised. Early legal

advice helps people understand their legal rights and responsibilities and, in the many cases where court is unnecessary, signposts to alternatives and also manages expectations on outcomes (sometimes stopping unrepresented litigants pursuing a hopeless case through the courts). It is a point of appropriate referral away from court to resolve issues and reduce conflict (evidenced by the fact that the number of publicly funded family mediations fell off a cliff immediately after the legal aid cuts from 2013). It is also a point of referral to the court for those cases which need court intervention (for example, if there is domestic abuse or there are safeguarding concerns).

14. It was also recognised by the end of 2019 that, in the absence of a requirement for the respondent to a private children law application to also attend a statutory Mediation Information and Assessment Meeting (“MIAM” introduced by 2014 reforms) and a sufficiently robust framework and application, the MIAM had unfortunately not steered parents away from court as envisaged. Resolution expressed concerns from the outset about the MIAM title and the primary promotion by government of only one option to the public, mediation. Many parents seem uncertain about the purpose of the MIAM and sometimes wrongly think that their only options are mediation or issuing a court application. Mediation is an important and successful dispute resolution process in suitable cases, but other processes may be more suitable or alternative options to divert parents from court, where safe to do so, and to achieve what is best for their children.
15. It also made no real sense that a Separated Parents Information Programme (‘SPIP’) was not compulsory before an application could be issued, but a MIAM was compulsory. Having a statutory SPIP (with exceptions such as an emergency) may be very useful in appropriate cases to encourage parents to take a child-centred approach and in light of the value of early intervention.
16. Another challenge which existed pre-pandemic was the need to ensure the centrality of the voice of the child in private children law proceedings, with the need for more of a framework around how the court and Cafcass could consider how the child’s views were to be taken into account. Resolution mooted a statutory requirement that the issue of how the voice of the child

would be heard specifically in the particular case could be addressed at the first hearing. Some children would likely want to have the opportunity to be heard on the discrete issue of child arrangements whilst being carefully protected by the system.

17. Children and their families needed to be able to proceed through the private children law system far more quickly once a court application was issued, than the court system enabled pre-pandemic. Family Court Statistics showed a continued upward trend in the time taken to reach final order in private law children proceedings from the middle of 2016 (when the number of new cases started overtook the number of disposals, creating a greater number of outstanding cases) to the start of the pandemic. Overall, it took 28 weeks on average, from start to finish, for a private law children matter during 2019 (from a low point of 22 weeks in 2016). In our members' experience, the significant time between the making of an application and the first appointment, and between any subsequent court hearings, was simply unacceptable and damaging for children, especially if they were not seeing a parent or having only limited contact between times.
18. There were also concerns about how the Family Court dealt with children and parents in private law children cases involving domestic abuse and other serious offences before the pandemic. In May 2019 the then government formed a panel of experts from across the family justice system to gather evidence on and review how the family courts dealt with risk of harm.
19. In relation to public children law proceedings, the average time for a care and supervision case to reach first disposal was 34 weeks in the period October to December 2019. Only 40% of these care proceedings were disposed of within the 26 week limit introduced in 2014. On balance, Resolution's view is that the 26 week time limit strikes the right balance between justice and speed, provided that the time limit is extended where it is in the interests of the child to do so. Delay becomes unacceptable when the 26 week limit is not met due to issues that do not relate to the child's welfare, such as lack of court and judicial availability to hear a case, or the Local Authority's evidence not being ready for a reason not associated with the best interests of the child.

20. For children, there were challenges before the pandemic to ensure that the right experts were available to assist the court and provide timely evidence, and to meet the 26 week timetable or the needs of the particular child and case, where the court decided that expert evidence was necessary.
21. The UN Convention on the Rights of the Child was not directly incorporated into the domestic law of England, so that all of the protections within it would be accessible to children and young people in England, as well as in Wales. Resolution's position was (and is) that it should be incorporated into English law.
22. Steps needed to be taken to ensure that family mediators could obtain enhanced Disclosure and Barring Service checks to provide greater reassurance and authority over the use of child-inclusive mediation.
23. Children applying for legally aided family mediation, Legal Help and Family Help were means-tested for legal aid before the pandemic despite the complexity of assessing the income of applicants under 18 under the legal aid rules and the fact that all children must be in some form of education or training until they are 18.
24. Once a legally aided child turned 18, their legal aid did not continue even if family proceedings or mediation continued. Non-means/non-merits legal aid did not continue for children who were subject to wardship/inherent jurisdiction applications beyond their 18th birthday if proceedings continued after that time. This meant that the young person went from having legal representation to being a litigant in person overnight.
25. Private family law legal aid for representation of both victims and perpetrators of abuse was needed in child arrangements proceedings, where there were allegations of domestic or child abuse, until the conclusion of any fact-finding hearing or the court decided there was no need for such a fact-finding hearing. This would have provided equality of arms, avoided delays where an unrepresented party had to navigate the court system and marshal evidence on their own, and most importantly avoided cross-examination of a victim or

witness (who might be under 18) by a perpetrator or alleged perpetrator of abuse.

26. In the public law arena, parents were not able to access legal advice sooner than the Public Law Outline stage. Wider family members did not have fair and easy access to legal aid.
27. Most of these challenges remain today, including the vast majority of those relating to access to legal aid. There have been some improvements (unrelated to Covid-19), for example around MIAMs and the use of out-of-court dispute processes in the family courts; safeguarding of child inclusive mediation; non-means testing of applicants under 18 for family help (higher); and the introduction of the Pathfinder model of working in private children proceedings in Wales, Dorset and Birmingham intended to hear the voice of the child more clearly and improve the experience of the family court and outcomes for survivors of domestic abuse.

Impact of the pandemic on children

28. Family Court Statistics showed that by the end of 2020 more children than ever before were caught up in disputes following family separation. Over 85,000 children were involved in private law applications in England and Wales that year, the highest figure ever recorded and an increase of over 6% on 2019. In the year leading up to the end of the pandemic period (mid-2021 to mid-2022) there were over 80,000 children involved in such applications.
29. Overall, Resolution's view is that the impact of Covid-19 on parents involved in private children proceedings, and their children, was severe due to adjournments, often indefinite delay and uncertainty. As set out at paragraph 11 above, the family justice system was already experiencing difficulty before the pandemic in managing delay and dealing with ever more cases with litigants in person, which impacts on all cases. The pandemic made the system even slower and more difficult for children and their families. Our members consider that the severe impact these difficulties had on children involved in the family justice system was compounded significantly by the closure of

schools and the resulting lack of direct, face to face safeguarding and professional support for children and families.

30. The combination of the unresolved family court caseload from before the pandemic and then the impact of the pandemic, led to case volumes which were, at their height, at 52,800 open private law cases (that peak occurring in August 2021), with open public law cases peaking at 12,500 in December 2022.
31. For children involved in public law proceedings, the pandemic also had a deep impact. The pandemic contributed to further delay, for example, due to assessments of family members being done in social distancing times, not being able to have substantive hearings where evidence was still required to make final decisions or inform care planning and the adjustment to new ways of remote working or people struggling to access the necessary technical devices to take part in hearings. The level of contact between children in public law cases and their families also suffered – our members reported that at first lots of children just didn't see family and then it was often at a lower level because of social distancing.
32. In response to our recent member survey, *'Thinking about the impact the pandemic had on children of separating families and/or those who were the subject of children proceedings, to what extent do you agree/disagree with particular statements'*:
 - a. Over half of respondents (53%) felt that **most children were unable to have a meaningful relationship with both parents** (where appropriate), during the pandemic. Less than a quarter (24%) felt that children were able to, with a further 23% expressing a neutral view.
 - b. Nearly two-thirds of respondents (59%) felt that **more children witnessed domestic abuse** during the pandemic; only 4% disagreed with that proposition.
 - c. 71% felt that **children faced more uncertainty than usual about who they would live with and who they would spend time with** during the pandemic, with only 5% disagreeing.

- d. Nearly half of respondents (46%) felt that **children were unable to be effectively heard within the family justice system during the pandemic**. Only 11% disagreed, with 43% neither agreeing nor disagreeing.
- e. Almost 40% said that they noticed **more reports of children feeling less safe within the family home** during the pandemic, with only 7.5% disagreeing with that proposition.
- f. Four out of five respondents (81%) felt that **children's contact (face to face or otherwise) with professionals like social workers was more limited than usual** during the pandemic, with only 2% disagreeing. Members felt this meant risk assessments fell away, developmental issues could not be properly identified and that the interactions and assessments that did take place were of inferior quality.
- g. 32% felt that **children looked after by or in the care of local authorities had less contact (face to face or otherwise) with family members than usual** during the pandemic; only 2% disagreed. We heard reports of contact with older children being moved to remote contact so that in person contact could be prioritised for babies.
- h. When asked "*are there any other family justice issues that you consider to have had an impact on children during the pandemic?*" the closure of schools and the impact this had on children's exposure to family conflict was a strong feature in our members' free text responses. One response said "*children had no means of escape from a difficult situation living in a separated or separating household and the stresses, tensions and at times abusive behaviours that may bring*". Another commented "*the closure of schools meant a child's resident parent became more significant and if this was a challenging relationship there was no break from it*". Another – "*school is a protective factor and the frontline safeguarding effectively carried out by schools was effectively removed*". Several responses reported incidents where children in lockdown frequently overheard anxious parents and/or angry and emotional discussions in remote court hearings.

33. Responses to the member survey frequently commented on the disproportionate impact of the pandemic on children in separated families from lower socio-economic backgrounds. One member said:-

"I believe the covid episode impacted children more severely when they were from families from the lower end of the economic scale. Housing (or shortfalls in housing) were more acute when children were at home all day every day. If both parents were key workers this would create additional pressures...lack of access to computers within the home...lack of space and access to outside spaces...economic disadvantage remains one of the key threats to children and family unity".

Issues facing parents during the pandemic

34. Turning to the nature of the issues parents faced during the pandemic, in response to our member survey, over half of respondents said that they agreed (35%) or strongly agreed (17%) that they noticed **more parents without the benefit of legal advice** during the pandemic. Only 11% disagreed or strongly disagreed.

35. Legal professionals generally received enquiries from two types of parents during the pandemic: those with existing child arrangements orders or parenting plans, wondering what lockdown meant for them and current arrangements; and those without any arrangements in place, perhaps at the early stages of separation, wondering how best to approach the making of future arrangements with rapidly shifting sands. Typical questions, some of which were easier to answer than others having in mind the Coronavirus regulations and guidance, included:

- a. Can children move between the homes of separated parents during lockdown?
- b. My ex continues to see a child from a previous relationship, who lives in another household, and we are separated. Can they see both children? Can the step siblings spend time with each other?

- c. My ex is being obstructive about contact during the lockdown, what can I do?
 - d. Who is responsible for home schooling? How do we decide about the level of home instruction? What if we don't agree about our child returning to school when the government says? One response to our member survey commented that this uncertainty and anxiety fed into other family disputes, especially disagreements about schooling and/or relocation. The additional onus on parents to deal with schooling highlighted differences in parenting approaches and styles and caused further issues negatively impacting children.
 - e. There are symptoms in one household, what does that mean for child arrangements?
 - f. My ex continues to travel to see family some distance away and they are mixing households, what can I do?
 - g. My work arrangements have changed and I have more free time, can I have more contact?
 - h. What can I do about being nervous about the children seeing my ex who is a key worker?
 - i. My ex says they are in the clinically extremely vulnerable category and the children will be isolating with them for 12 weeks and I can't see them. What can I do?
 - j. I want to introduce a new partner to the children. Can I do so during lockdown?
 - k. Which parent is responsible for the covid testing required for travel?
 - l. How does any time spent in quarantine/covid hotels affect the child arrangements?
 - m. I don't agree that my child should have the vaccine.
36. The pandemic created difficulties for many separated families with good reason, for example, where there were symptoms in one household, a person in one household was clinically vulnerable or one parent was a key worker and the parents agreed not to expose the children to them during lockdown. However, throughout the pandemic, in members' experience, many parents used it as a means of frustrating contact without obviously good reason. A

recurring theme in the free text responses to our member survey was experience of hostile parents attempting to use the pandemic and lack of clarity over rules as an excuse to obstruct or restrict children's relationships with the other parent. Covid-19 was often used as a weapon in high conflict cases to deny contact or retain the child post-contact. Certainly at the outset, in members' experience, those involved were often the parents who were difficult and obstructive about contact before lockdown.

37. At the outset of the pandemic, Family Court Guidance on Compliance with Family Court Child Arrangements Orders issued on 24 March 2020 Exhibit JE/02 [INQ000621013] stated *"Government guidance issued alongside the Stay at Home Rules on 23rd March deals specifically with child contact arrangements. It says "Where parents do not live in the same household, children under 18 can be moved between their parents' homes." This establishes an exception to the mandatory 'stay at home' requirement; it does not, however, mean that children must be moved between homes. The decision whether a child is to move between parental homes is for the child's parents to make after a sensible assessment of the circumstances, including the child's present health, the risk of infection and the presence of any recognised vulnerable individuals in one household or the other."* Some members reported to Resolution that "sensible assessment" was open to interpretation and in some cases a sensible assessment was clearly not being made, intentionally or otherwise.

38. There could also be practical difficulties around facilitating contact, for example, finding a venue where everyone felt safe.

39. In October 2020 Resolution raised with the Ministry of Justice a lacuna in the Covid quarantine rules covering contact arrangements where one parent lived abroad. Our query said that *"You can break quarantine for contact if it is a quarantine imposed after the child has travelled to a restricted country with one parent for a holiday (for example), but there doesn't appear to be an exemption when one of the parents lives in a restricted country and enters for contact. It might well be implied, but unfortunately the lack of clarity might not be helpful, especially in high conflict cases. The question will likely become even more*

pressing as we approach the half term holidays. Anything which can be done to clarify the position would be much appreciated."

A response was provided by the Department for Transport: *"Correct that a child is permitted to move between addresses to fulfil formal (i.e. court-ordered) contact arrangements within 14 days of their return from overseas, and that the parent who accompanied them overseas can leave quarantine to hand them over to the other parent in order to comply with the contact arrangements. A parent entering the country can also leave self-isolation for "handover" as part of formal contact arrangements; and furthermore there is nothing in the Regs that prevents a child already in the UK from visiting or staying with that parent in self-isolation (assuming that no other COVID requirements – i.e. rule of 6 – are broken). But the visiting parent would not be exempted from self-isolation merely because they were in the UK to spend time with their child and wanted to leave their address with the child for recreation."* We wondered how parents would necessarily know or understand this without legal advice.

40. In November 2021 YouGov carried out an online survey for Resolution to inform our Good Divorce Awareness Week. The sample size was 250 separated or divorced parents.

- a. 33% said they found it much or slightly more difficult to keep child arrangements in place between them and their ex-partner since pandemic restrictions such as lockdowns began; 54% said there had been no change; 10% said they found this slightly more easy or much more easy; and 3% didn't know.
- b. Thinking about since the pandemic started and the impact of the pandemic on family life, 28% said that they had felt more stress/tension in their relationship with their ex-partner since the pandemic started. 56% said there had been no change; 12% had felt less stress/tension; and 4% didn't know.
- c. 67% of the parents surveyed said they lacked help, professional advice or guidance about how to put their children first during the separation/divorce.

41. The parents surveyed also reported a range of behavioural impacts that separation had on their children. One in ten said their children showed violent outbursts and one in seven said their children displayed anti-social behaviour since breaking up with their ex-partner. A quarter of parents said their children showed a loss of confidence and a similar proportion said their children had suffered from depression due to family breakdown. However, this question was asked in the context of thinking back to when you separated from your ex-partner and we are unable to properly conclude at this stage whether and by how much the behaviours of children witnessed by parents were more severe because of the pandemic, although anecdotally this would appear to be the case.

42. In responding to the question in our recent member survey *'During the pandemic, to what extent did you experience the following with parents you were working with or representing'*:

- a. Almost all (95%) of our respondents reported that **partial lockdowns were used as an excuse to deny contact**.
- b. 73% responded that there were **issues with contact between locations in different regional lockdown areas** (somewhat, 42%; a great extent 31%).
- c. Over half responded that **technical problems making communication difficult was an issue** (18% to a great extent; 36% somewhat). Responders commented on the disproportionately negative impact this had on families with limited or no access to technology.
- d. Nine in ten respondents said they found that **changing regulations or guidance caused confusion or uncertainty** (51% to a great extent; 38% somewhat). This demonstrates the need for clear and consistent messaging and guidance in the event of any similar future national emergency.
- e. Perhaps unsurprisingly, **heightened anxiety among parents** was also a significant issue, with 68% responding experiencing this to a great extent and 27% somewhat.

- f. 80% of respondents said they experienced **parents' concerns about safeguarding and/or coercive control**.

Concerns about conflict and parenting capacity

43. In responding to the question in our recent member survey '*Thinking about the nature of your work with clients and new enquiries during the pandemic, would you say the following occurred more or less frequently compared to outside of the pandemic period?*':

- a. Nearly four in five (77%) of respondents said parents raised **concerns about their children's mental health** either slightly (45%) or significantly (32%) more frequently during the pandemic. Only 2.5% said it happened less frequently, with 21% saying there was no change. This underlines the impact of the pandemic on children, particularly those who were already facing the potentially incredibly stressful prospect of their parents' separation on top of the other concerns and anxieties created by the pandemic.
- b. Nine in ten respondents said that **child arrangements were not being adhered to more often** during the pandemic (62% significantly more frequently; 28% slightly more). Only 2% said they were not being adhered to less frequently, with 8% reporting no change.
- c. 58% of respondents said that **parents alleging they and/or their children were suffering from or witnessing domestic abuse was more frequent** during the pandemic (19% significantly more frequently; 39% slightly more). Only 5% responded that this occurred less frequently, with 37% responding that there was no change. There was generally a significant increase in domestic abuse work, especially over the summer of 2020.
- d. 86% in total responded that parents raised concerns about **children being unable to spend time with non-resident parents more frequently** during the pandemic (34% slightly more frequently, 52% significantly more). Only 3% said they did so less frequently, with 11% reporting no change.

- e. 27.5% responded that parents raising **concerns about parental substance misuse** occurred more frequently during the pandemic; 68% said that there was no change; and 4.5% responded that this occurred less frequently or did not respond.
- f. Nearly two-thirds of respondents to our survey reported parents were raising **concerns about their own mental health** more frequently - 19% significantly more frequently; 46% said that this occurred slightly more frequently. 32% responded that there was no change and 3% said that this occurred less frequently or did not respond. One response commented on the continuation of these issues to this day – *“many parents are utterly overwhelmed by all that happened in the pandemic and are still functioning with a more limited mental and emotional bandwidth as a result...impacting their ability to parent”*.
- g. 22% of respondents said that **cross-border disputes (within the UK or involving other countries)** occurred either significantly (8%) or slightly (14%) more frequently during the pandemic. 57% said there was no change; 6% responded that this occurred less frequently; and 15% did not respond.

Identifying and supporting victims of domestic abuse

- 44. 71% of respondents to our survey agreed or strongly agreed that **identifying victims of domestic abuse was more challenging** during the pandemic; and 81% agreed or strongly agreed that **supporting victims of domestic abuse was more challenging** during the pandemic.

Communicating with parents

- 45. Communicating with parents seemed not to be an issue for our members during the pandemic. Almost 19% of those members who responded to our survey said that they found communication with parents they represented difficult during the pandemic, compared to beforehand. Over 45% in fact said that that this was easy or very easy. In terms of communication with parents

representing themselves, 45% of respondents said that this was difficult, compared to beforehand.

46. Over 50% of our members said that they experienced parents with **lack of privacy during their communications** with them during the pandemic, while 47% said they experienced this very little or not at all.

Operation of the family courts and remote hearings

47. During the pandemic, there were of course issues about whether the operation of the family court was what one would want it to be for children and families due to the challenges posed by Covid-19, social distancing and court buildings having to temporarily close if affected by virus cases. If parents could not work through the type of difficulties identified and a parent wanted to make a court application, they then faced a court process working at reduced capacity.

48. In July 2020 the House of Commons Justice Committee concluded in their 'Coronavirus: The impact on the courts' report Exhibit JE/03 [INQ000544648] that *"In the Family Court, it is clear that the Covid-19 crisis has caused problems that technology cannot mitigate. On 9 June 2020, the President of the Family Division, published 'The Family Court and Covid 19: the Road Ahead'. Sir Andrew McFarlane reported his concerns at the number of cases that continued to come into the Family Court which was already "attempting to process an unprecedented level of applications relating to children". The report highlights that after an initial dip at the beginning of the lockdown, receipts in the Family Court have continued at normal levels overall, but have risen significantly in certain areas, such as domestic abuse injunctions. Sir Andrew McFarlane's report contained a stark warning: The reality to be faced is that the Family Court must now, for a sustained period, seek to achieve the fair, just and timely determination of a high volume of cases with radically reduced resources in sub-optimal court settings. To meet this challenge, the report outlines that the Family Court will need "a very radical reduction in the amount of time that the court affords to each hearing"*.

49. From the beginning of the pandemic, and throughout 2020, the use of technology by HMCTS and in the family courts significantly increased. Some children met the judge dealing with their case over Zoom or similar. Some responses to our member survey identified the move to online meetings as a positive development compared to children being involved into proceedings “face to face” – one response commented that represented children found online interactions with family justice professionals less intimidating and disruptive than attending court or offices in person.
50. In terms of remote hearings, experiences varied within and between courts and regions, and our member survey free text responses were strongly polarised in their views on whether remote hearings are a positive or negative addition to the system. Many felt that remote hearings improved efficiency and accessibility, particularly in cases with international elements or cases involving professionals based in different regions. Others were of the view that remote hearings should not be used in cases involving children at all. We believe that hybrid hearings were generally unpopular, with everyone attending remotely or everyone in person being preferable to a hybrid hearing.
51. In Resolution’s view, remote hearings had a positive benefit for some people who had experienced domestic abuse, as this type of hearing is effectively a special measure. The protective impact of remote hearings for survivors of domestic abuse was a common theme in the responses to our member survey when asked about the key lessons for the family justice system following the pandemic. Responders also reported indirect positive and long-lasting consequences for children and family relationships – one response said *“the increased use of technology by society as a whole allowed professionals to impress upon parents the importance of maintaining communication between children and their parents and using technology to facilitate this. I have seen an increase in the routine use of FaceTime/video calls for children when they are in the care of the other parent, where perhaps in the past telephone contact was less frequently ordered and/or adhered to.”*

52. However, there were strong disadvantages for some. The experience of parties involved in children proceedings was questionable and must have made the process feel even more difficult to navigate for many.

53. At the time, many Resolution legal aid members reported feeling that a disservice was done to, for example, parties at home alone on the phone when they gave evidence to the court when the removal (which might include a plan for adoption) and future of their children was being decided. Not all clients had access to facilities to enable them to join a remote hearing; some courts claimed that this was their legal aid solicitor's responsibility but it should not have been for them to ensure that their clients had laptops. It could also be very difficult to accommodate access in solicitors' offices when they were closed, not available or were unsuitable for social distancing. Many clients reported feeling unprepared and removed from the process, or affected if their children were being home-schooled. Even those who said they were comfortable with video platforms might afterwards report that they didn't follow what was being discussed or felt that the system favoured the professionals over them. Responses to our member survey reinforced that this was a real problem. While much of this was a matter of perception, the feeling of not being listened to and not being able to engage fully was a serious concern. Vulnerabilities of parents in children law proceedings can include mental health challenges such as anxiety, depression and cognitive issues; English as a second language and needing access to interpreters; and marginalisation and isolation for a variety of reasons including a lack of financial resources or family or community support. Those vulnerabilities were amplified in the pandemic.

54. Some responses to our member survey also commented on the impact remote hearings had on participants' **perception of and respect for the court process and court orders**. One member said:-

"remote hearings were by their nature seen to be less formal than attended hearings by some parties. Parents were sat in their homes, cars etc whilst accessing the hearings and understandably this did not convey the formal setting of the court room. The Judge was essentially a face on a screen or a voice in their ear. There were many instances of "unacceptable

behaviour” from some during hearings – shouting over Judges, inappropriate and unacceptable language etc which would not have been tolerated to the same extent at an attended hearing. Accordingly this has led to some not taking the court’s authority seriously, which impacted on children involved in the disputes and the arrangements for them”.

55. The appropriateness of the use of remote hearings was of course especially important to consider in public law children cases. By October 2020 there were some reports that things were going better in the public children law arena, with those cases being prioritised because of the need to minimise delays for children in care. Court time is used most efficiently where parties with their representatives can be in court in person. But hybrid hearings could work well in that it was better for parents to be at court to engage in person with and be supported by their legal representatives (with the local authority and children’s guardian elsewhere), than for parents to be at home on their own or with their children present or elsewhere away from court.

56. The President of the Family Division indicated to Resolution that members should generally expect new matters after 1 March 2022 to involve in person hearings.

57. In our survey we asked *‘For parents you worked with, do you think the move to remote court hearings made things (e.g. their participation in and understanding of proceedings and outcomes) overall more or less difficult than before the pandemic?’* 62% responded that **the move to remote hearings made things difficult/slightly more difficult** for the parents they worked with; 4% said no change; and 34% slightly/much easier.

58. We also asked members about their experience with remote hearings during the pandemic.

- a. 62% of those who responded reported experiencing last minute cancellations;
- b. 58% experienced technical problems within their firm;
- c. 87% experienced technical problems for clients;

- d. 89% experienced technical problems for Litigants in Person;
- e. 84% experienced technical problems within the court and/or for judges;
- f. 76% experienced technical problems for counsel/witnesses/other third parties;
- g. 70% experienced difficulties for parties in digital access, for example, no laptop;
- h. 68% reported issues with access to privacy during a hearing; and
- i. 77% reported being unable to provide additional support to parents outside of the remote hearing (i.e. before or after the hearing).

59. 91% of respondents to our member survey agreed or strongly agreed that **people who struggled with technology were disadvantaged within the family justice system** to a greater extent during the pandemic.

60. 81% of respondents to our member survey agreed or strongly agreed that **people with physical or cognitive challenges were disadvantaged** within the family justice system to a greater extent during the pandemic.

The impact of delays

61. The main impact of the pandemic on the subject of children proceedings was delay in both private and public law cases. The listing of public law children hearings was rightly prioritised over private children hearings, with last minute cancellations of private hearings to allow public cases to be heard, but both public and private case lengths increased. In the period January to March 2020, according to the Family Court Quarterly Statistics it took on average 31 weeks for private law children cases to reach a final order. By the period January to March 2022, it took 46 weeks. In relation to public children law proceedings, the average time for a care and supervision case to reach first disposal was 35 weeks in the period January to March 2020 and only 36% of care proceedings were disposed of within the 26 week limit. By the period January to March 2022, it took an average of 49 weeks, with only 17% of care proceedings being disposed of within 26 weeks.

62. Delay continued to be the top issue consistently reported by our members during the pandemic. Unfortunately, there were even longer periods of

uncertainty for many parents and their children, with lives on hold. It is well-established that delay in resolution of children cases is usually adverse to a child's wellbeing. Children should not be left uncertain and in limbo for long periods of time. We believe that for many children in private law proceedings, the impact of the pandemic was profound, in terms of outcomes having effectively been decided by delay. For example, I personally have cases where clients are now having next to no contact with subject children because contact was suspended early on by a parent; there were then extensive delays during the pandemic, occasioned by for example some experts saying that they were not prepared to carry out psychiatric assessments on parents remotely and would only do so in person, leading to delays, whilst also many hearings were adjourned at short notice because of the pandemic. The net effect of some of these cases taking 2-3 years to be resolved was that status quos had become established from which it was difficult to move and/or children were older and were able to articulate their wishes and feelings, sometimes with a concern that those wishes and feelings had been negatively influenced by the resident parent who had had the benefit of extensive delays. Too many parents were left walking away from proceedings/their children and the impact of that will likely only properly be felt in years to come.

63. Similar observations around the impact of delay apply to children in public law proceedings. For some children, public law cases taking too long can result in a narrowing of the long-term options for them, for example, adoption is no longer possible.
64. In September 2020 we asked our members to provide any practical, real-life examples of the impact on their clients of the additional delay caused by the Covid-19 pandemic and whether there was appropriate access to justice post-Covid-19 Exhibit JE/04 [INQ000621015]. In relation to private children work, the main theme was the impact of excessive delay, including for listing of fact-finding hearings and long periods of no contact between children and parents pending court decisions.

Changes to services adjacent to family court proceedings affecting children

65. One area in respect of which we received regular information for legal professionals, children and families during the pandemic on changes to delivery and/or availability of services adjacent to family proceedings affecting children, was from and in relation to Cafcass. They had guidance for their staff on direct contact with children and families, working in the office and attendance at court. For example, in January 2021, the announcement of Government restrictions resulted in the removal of the expectation that an in-person meeting with the child/ren would have taken place at least once during the course of proceedings. This was no longer realistic and Cafcass updated their guidance Exhibit JE/05 [INQ000621016] to clarify that for the expected period of restrictions (but subject to review), *"a Family Court Adviser should only see children and families in-person if the meeting is considered essential and it can be undertaken safely for both our staff and for the children and family with whom they are working. The decision remains that of the Family Court Adviser and should be recorded on the casefile, explained clearly to the family and communicated to the court in all subsequent reports. The risk assessment made will clearly show the balance of judgement in respect of the need to see a child in-person versus the risk we present to them by in-person work and vice versa. The result is likely to be that in most cases the children and families will be seen remotely. It will remain a matter of discussion between the Family Court Adviser and the court on the most effective way to participate in hearings i.e. by attending remotely or in person, with an agreement reached in advance. We recognise that some hearings may have to take place in person and appropriate arrangements will be made for the Family Court Adviser to attend in person. Our offices are Covid-secure and remain open for in-person meetings with children and families (if required) and for other work purposes (if required), government guidance on social distancing must be followed when using this space."*

66. It was sub-optimal that Cafcass, the service that is responsible for being the independent voice of the child, was not meeting all children in person at this time. By March 2021 Cafcass were able to return to the previously held position that, in most circumstances, an in-person meeting with the child/ren

should take place at least once during the course of proceedings Exhibit JE/06 [INQ000621017]. This sat alongside their Engaging With and Meeting Children Policy, March 2021 Exhibit JE/07 [INQ000621018].

67. At times and in particular regions, Cafcass also had to consider applying a Protocol for prioritising the allocation of new cases (for excess demand and backlogs) Exhibits JE/08-09 [INQ000621019 and INQ000621020]. It would be necessary to ask Cafcass exactly when and where the Protocol was applied.

68. We believe that children in care had less direct contact and face-to-face meetings with local authority social workers and other professionals during the pandemic (see paragraph 32f). We also understand that there was push back from some local authorities about assessments in person, for example, independent social workers were unable to conduct supervised assessments of contact with family members, or venues were not available for psychiatric assessments of parents which needed to take place in person. Family visits often depended on whether the individual foster carer was happy to facilitate that or not.

69. Our member survey asked, *'During the pandemic, were children being kept more or less safe within the public law system than pre-pandemic?'*. Of the 74 members who responded, the overwhelming majority – 64 – said that children were being kept less safe (41 far less safe/23 slightly less); 8 responded the same; 2 responded slightly or far more safe.

70. We also asked *'How effectively were family courts able to meet the needs for urgent child protection during the pandemic compared to before?'*. Of the 114 members who responded to this question, two-thirds – 75 respondents – said that family courts were less well able to meet the needs for urgent child protection during the pandemic; 29 said there was no change; 14 members responded slightly or far better.

Were issues and challenges for parents and children understood by government?

71. Whether children could move between the homes of separated parents during lockdown was a lacuna in the original lockdown guidance when first published

on 23 March 2020, but this was [remedied by 24 March](#) to make clear this was in the list of “stay at home” exclusions.

72. But 2020 guidance and regulations only seemed to envisage there being two households of separated parents, and children moving between those two households. The reality was that many may have had very much more complicated arrangements than that. For example, there may have been fathers who had children with two or more ex-partners, or mothers who were living with a new partner in a blended family. This could produce a tension between the expectation of children having a relationship with both of their parents provided it was safe/the obligations in any existing child arrangements order or parenting plan; and the clear message in the guidance and regulations that restrictions on movement exempted only a child’s movement between *two* homes of separated parents. Also, the taking of exercise and visiting a public open space for the purposes of open-air recreation were restricted to being done alone, with one or more members of the same household or with one member of another household.

73. In March 2020, as part of the Covid-19 Gold Command work, the Ministry of Justice set up the Covid-19 Family practitioners working group. This was a regular weekly call with key internal and external stakeholders, to ensure updates on what the Ministry of Justice was doing on Covid-19 and to respond to urgent stakeholder queries. Officials seemed to Resolution to be as helpful and responsive as they could be in the circumstances. The focus though was more on keeping the family justice system going than considering the direct impact on children.

74. In May 2020 we expressed Exhibit JE/10 [INQ000621021] to the then government that we shared the concerns of the Children’s Commissioner for England Exhibit JE/11 [INQ000621022] about the Adoption and Children (Coronavirus) (Amendment) Regulations 2020 and received a response Exhibit JE/12 [INQ000621023]. The measures provided for by those Regulations removed many of the monitoring requirements and legal safeguards which, in our members’ experience, were essential to keeping children in care safe and

feeling supported and we queried whether they were justified. The regulations were temporary and we are unclear whether any local authorities made use of the “flexibilities” on children’s social care duties.

75. Although challenges and concerns were largely understood, HMCTS simply struggled to support the increase in the volume of remote hearings as well as conduct other areas of business and administrative work. It was never going to be possible to recruit staff and judiciary indefinitely. It was fortunate that the development of some digital processes had already begun and Covid accelerated this. During 2021 it was possible for electronic bundles for public law children cases proceeding on the public law portal to be uploaded. For private law children cases and public law cases not proceeding on the public law portal, existing established arrangements for delivery of documents had to continue to be used.

76. In all the circumstances, we supported HMCTS’s focus for recovery in the family jurisdiction on encouraging take up of online channels and seeking to increase capacity for socially distanced physical hearings of complex contested cases not suitable for remote hearings. But, from our members’ feedback, access to justice was not available for many families using the family courts.

77. It was welcome that the Legal Aid Agency listened to our legal aid members representing children and others to put various Covid-related contingencies in place, for example, new payment on account arrangements, contingencies around office and supervision requirements and forms confirming advocate time in hearings no longer requiring the Judge’s signature. With lockdown and continued restrictions we often sought the extension of contingencies or even to make some permanent. The Legal Aid Agency generally took a reasonable approach but there was probably more that could have been done to aid financial security of legal aid providers serving children. Solicitors’ firms reported being anxious about how delays in court proceedings would decrease cash flow from court work. They reported putting in place contingency budgets including bank loans to meet business outgoings which were fixed or increased. Many firms had increased overheads owing to urgently setting up

working from home facilities. Some solicitors were asked to reduce their hours and take reduced income at this unprecedented time.

78. There were, as far as we are aware, no moves by the Ministry of Justice to allow temporary non-means testing for emergency domestic abuse applications and any linked Children Act applications. There did not appear to be any real consideration of how to help those trying to safeguard children where Local Authorities were too stretched, for example, by considering temporary non-means testing for private law proceedings for safeguarding vulnerable children.

The response of family justice professionals

79. Resolution considers that its members and other family justice professionals, including the family judiciary, did their best to respond to issues during the pandemic under extreme pressure and in unprecedented circumstances. They responded as well as they could to the needs of families and children, both in and outside of family court proceedings, during the pandemic. At our National Conference in May 2022 the President of the Family Division praised Resolution members saying: *"It was heroic what you did professionally during the pandemic to ensure family courts remained open"*. In our view, the President showed great leadership and care, hosting fortnightly "Leaders Meetings" with representatives of Resolution, The Law Society, the Family Law Bar Association and the Association of Lawyers for Children to share our members' experiences of conducting family cases and, in particular, litigation during the pandemic. This aided speedy sharing of information and developments with our members and these regular meetings have (helpfully) continued.

Did any measures taken by other stakeholders exacerbate or mitigate the impact of issues on children?

80. The Ministry of Justice's Mediation Voucher Scheme launched in 2021, and recently further extended to 2026, certainly had some success in motivating separating and divorcing parents to participate in mediation and avoid court delay. The direct impact on outcomes for children is more unknown, especially

on how enduring agreements reached in voucher scheme-funded mediation are. Much more analysis of the impact assessments undertaken will be needed.

Did any changes to the practice of family law have a positive impact on children?

81. For many children, meeting judges remotely works better than coming to court. Remote meetings can be easier to arrange in a timely way and more likely to take place. It is the default approach now in some courts. Equally some children may prefer/choose to meet the judge in person and that should be facilitated wherever possible.

82. The adoption of remote hearings has aided the swift and more cost-effective resolution of international family law cases in relation to children where witnesses and parties need to participate remotely. Experts frequently give evidence remotely, which has cost-saving benefits. Remote hearings also have their place in domestic cases in certain circumstances, for example interim directions hearings.

83. In our survey, 58% of members who responded agreed or strongly agreed that **remote hearings should have continued more frequently once lockdown restrictions were lifted**; 30% disagreed or strongly disagreed; and 12% neither agreed nor disagreed. We suggest there should be a proper analysis of the pros and cons of remote and in person hearings relating to different types of children hearings in more 'normal' times.

84. One response to our member survey commented on the increased flexibility within the family justice system of working with parents – *“services like CAFCASS and Local Authorities became more creative in engaging with families, using virtual tools and offering more accessible support. This flexibility, if maintained, could benefit children by reducing parental conflict and promoting earlier resolution”*.

85. Another response identified a greater awareness of children's emotional needs – *“the pandemic highlighted how emotionally vulnerable children are during*

times of family breakdown and we have seen a welcome shift towards more trauma-informed practices and support”.

86. Remote child-inclusive mediation is now no longer an issue where that is the family’s choice. As indicated above, this can be more accessible and less intimidating for children than a face-to-face setting.

Lessons learned

87. Covid-19 has clearly had a long-lasting negative impact on family court backlogs. Children are not only affected by backlogs in children proceedings but also by backlogs in finance cases, which may be impacting heavily on the emotional state of their parents and their interim and long-term financial security and certainty.

88. There were pre-existing challenges negatively impacting children engaged with the family courts before the pandemic, some of which were exacerbated as a result of the pandemic. Although the open caseload of both private and public cases is now gradually reducing, Resolution’s concern is that the demand on the family courts, delays and backlog will not go away without the long-needed investment in early family support, legal advice and the family justice system, including increasing judicial capacity and the vital technology and infrastructure required to keep the system running. One response to our member survey said *“we need to address the fundamental issues in the family justice system and, in particular, the delays. We need better technology and better communication. We cannot accept the type of issues arising from the pandemic as an excuse to allow standards to reduce even further. We also need to recognise that the pandemic left lasting effects on children and families and the effects continue to be felt”.*

89. There has still not been proper testing of what might work to reduce the numbers of cases and children affected entering the family justice system. Resolution would particularly like to see public funding for early family legal advice. We fear that if there is another pandemic, the system will not be much better placed to cope. The most recent statistics available (for Q4 of 2024)

still show private law children cases taking on average 42 weeks from start to finish.

90. Resolution members and other family lawyers of course have their part to play in using their problem-solving skills, encouraging use of the courts in the right way and not adding to court backlogs where that can be avoided; guiding clients through all the options available to them is an important part of the Resolution Code of Practice. For example, mediation, child-inclusive mediation and children arbitration can be suitable and affordable. Respondents to our member survey felt that digital interaction since the pandemic has made non-court dispute resolution processes more accessible. Nevertheless, many users of the family courts are litigants-in-person without co-parenting support and legal advice and may be unaware that the outcome they want from the court will not be achieved or speedy.
91. We support the continuation of the Mediation Voucher Scheme. We suggest that expanding the scope of the vouchers for other out-of-court processes, for example children arbitration and collaborative practice, should also be tested, as these are additional opportunities to reduce the burden on the family courts, and get children to quicker resolutions.
92. HMCTS online and listing processes need to work and be as effective as possible. The end of March 2025 marked the formal conclusion of HMCTS's reform programme, but there are always improvements that can be made for both litigants in person and legal professionals. The private children service is still in the pilot phase in limited areas, has had numerous 'teething' problems and has missing features, such as the ability to add counsel.
93. The legal aid issues set out above under Challenges facing children before the pandemic need to be addressed and funded.
94. There is a strong need for clear instructions (from the outset) to separating/separated parents in the event of any further pandemic or national emergency; and to recognise that families come in lots of different shapes and sizes, and there may be more than two households.

95. If similar circumstances arose again, Resolution suggests that those questions outlined in paragraph 35 above should be anticipated and answered clearly in Plain English in one set of guidance. The starting point and emphasis should be what is in the children's best interests, to place the welfare of the children first, with discussion of balancing physical safety with the child's emotional wellbeing and the impact of not seeing one parent at a time of high anxiety. The spirit of existing court orders should be delivered by making safe arrangements for the child. Trust and communication between parents, and age-appropriate communication by both parents with the child are vital. This guidance could be prepared in advance by government working with the family judiciary, Resolution and other stakeholders. Reported cases that have come out of Covid-19 related issues, such as the giving of the vaccines to children, might also be useful in preparing guidance for future use.
96. Maintaining accessible professional support for children in public law proceedings also requires more advance and contingency planning.
97. Resolution considers that the pandemic further highlighted the need to address the interests of children involved in family proceedings that existed before the pandemic began. The family court system should both avoid unnecessary delay, which is not in the welfare interests of the child concerned, and hear the voice of the child, to ensure a safe, fair, timely and lasting outcome for each child and family involved. There must not ever again be a situation in which families become permanently fractured as a result of the court not being able to determine applications for child arrangements and no experts being available to produce reports to support the court, meaning that a status quo of a child living with one parent becomes permanent. Existing orders should also be robustly enforced, either with judges being available to do so or with there being clearer guidance as to the negative consequences for a parent who has blocked contact (despite there being no safeguarding concerns) once the pandemic is over.

Statement of Truth

I believe that the facts stated in this witness statement are true. I understand that proceedings may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief of its truth.

Signed: Personal Data

Dated: 30 June 2025