



## SCOTTISH EXECUTIVE

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Dear Pauline,

My colleague Hugh Henry wrote to you in May about the commencement of the Family Law (Scotland) Act 2006 and the non-legislative measures we introduced to complement the Act.

Mr Henry undertook to keep your Committee informed of progress in these areas. I have provided an update on each project in the attached annex.

I hope you find this helpful.

Best wishes,  
Johann

**JOHANN LAMONT**

## **FAMILY LAW (SCOTLAND) ACT 2006 NON-LEGISLATIVE MEASURES**

1. Below is detailed the progress made since May on the non-legislative measures that accompany the changes to the law made by the Family Law (Scotland) Act 2006.

### **Information Campaign**

#### *Parenting Agreement for Scotland*

2. The Parenting Agreement is a tool to help separating and separated parents to set aside their differences and focus on what their children need. We have distributed the Agreement widely, having issued over 10,000 copies of it to date. Family Mediation Scotland and the Family Law Association are working with us to gather feedback on how these agreements have worked in practice and to consider any adjustments that may be necessary further to refine the pack.

#### *Charter for Grandchildren*

3. The Charter for Grandchildren is designed to raise awareness of the important role that grandparents and the wider family can play in children's lives. We have distributed the Charter both as part of the Parenting Agreement and as a separate document. It is also reproduced in the information booklet for young people.

#### *"Family Matters" information booklets*

4. We have produced three information booklets under the *Family Matters* heading. The booklets contain information about the law and contact details for support services. Their titles are:

*Family Matters: Marriage in Scotland*

*Family Matters: Living Together in Scotland*

*Family Matters: Family Law and Young People in Scotland*

#### *Distribution*

5. We have distributed all of these documents, and a small flyer which gives an overview of them, widely and to a variety of outlets. This includes Citizens Advice Bureaux, Registrars, public libraries and law firms, in addition to family support organisations such as Family Mediation Scotland, Relate Scotland, One Parent Families Scotland and Scottish Marriage Care projects.

6. You will appreciate that raising awareness of the law and of the support services available is a long term project. We are considering other avenues for distribution of the materials, to ensure that people who need information and support receive it at the most appropriate time for them.

7. All of our family law publications and links to support services are available on our website <http://www.scotland.gov.uk/familylaw>. We have made some minor revisions to the layout of the website following some user feedback, and will continue to refine it in the coming months.

### **Contact**

8. There is a broad consensus that – where it is safe, practical, and in the child’s interests – children should have the benefit of regular and quality contact with both their parents. During the passage of the Bill, we undertook to commission research to find out more about post-separation contact arrangements to better understand what agreements (both formal and informal) parents come to, and what the issues are. The outcome of the various research projects will inform future policy and practice.

### *Research*

9. We plan to undertake two main research projects. One will examine the contact arrangements made through the courts, and the other will look at the private arrangements parents come to. We have recently awarded the contract for the in-court survey to a team from Newcastle University; and we are currently working on the specification for the research into private contact arrangements.

11. These two projects will be supported by three smaller projects, the first of which has already been completed. Professor Fran Wasoff from the Centre for Research on Families and Relationships at Edinburgh University conducted a small-scale survey of sheriff clerks. The results have been published on the Executive’s website at the address below. It found that child contact enforcement is not a significant issue for the courts surveyed.

<http://www.scotland.gov.uk/Publications/2006/10/16092253/0>

12. The second project is the inclusion of questions on child contact arrangements in an existing omnibus survey – we are in the process of inviting tenders for this. Thirdly, Professor Fran Wasoff is conducting a literature review on child contact across jurisdictions.

### *Family Contact Facilitator*

13. The research will of course take some time to deliver conclusions, and we are keen to ensure that we take early action to find out more about the issue of compliance with court ordered contact. We are establishing two pilot Family Contact Facilitator projects; one will be located in the Glasgow family court and the other at a court within Lothian and Borders. The Family Contact Facilitators will contribute to the local resolution of disputed contact cases, and also provide data and analysis for wider research on the causes of breach of contact orders. Referral to the facilitator will be at the Sheriff’s discretion, and the pilots are expected to run for three years.