



## **Family Law Research Project Dismantling Gender Stereotypes in Family Roles.**

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# Overview

This research project was conducted in close collaboration with law students, who played a pivotal role in examining the complexities of the Family Justice System.

Their contributions included analysing key legislation, studying landmark cases related to gender biases, and formulating recommendations aimed at enhancing child welfare and parental rights.

This partnership not only enriched the research process with fresh perspectives but also provided the students with valuable, practical experience in applying legal principles to real-world issues.

# The Family Justice system

The Family Justice System, governed by key legislations such as the Children Act 1989, the Children and Families Act 2014, the Family Law Act 1996, and the Matrimonial Causes Act 1973, aims to ensure fair and just proceedings in family law cases.

It encompasses various agencies, including Family Courts, Social Services, Mediation Services, and the Children and Family Court Advisory and Supportive Service (CAFCASS).

# The Children Act 1989

- ▶ Cornerstone legislation for child welfare
- ▶ Parental Responsibility: Rights and duties of parents
- ▶ Acquisition of parental responsibility for unmarried fathers



# Child Arrangements and Welfare Principle

- ▶ Child Arrangements Order (CAO): Residence and contact
- ▶ Welfare Principle: Child's welfare is paramount
- ▶ Section 1 (3) Factors: Child's wishes, needs, background, harm, parental capability

# No Order Principle



SECTION 1 (5): COURT SHOULD  
NOT MAKE ANY ORDER UNLESS  
NECESSARY



PROMOTES AMICABLE  
RESOLUTION WITHOUT COURT  
INTERVENTION

# Family Justice Reforms

- ▶ Family Justice Review 2011 Led by Lord Norgrove  
Evaluated inefficiencies and delays
- ▶ Recommendations: Unified family court, parental involvement, child protection
- ▶ Children and Families Act 2014: Implemented recommendations

# Failures of Social Services

Scourfield (2003)

- ▶ Biases and problematic practices in social services
- ▶ Negative portrayal of fathers: 'Useless, dangerous, absent'
- ▶ Need for re-evaluation of gender biases

*Philip et al. (2018) found that professionals tend to view women's challenges as "vulnerabilities," while similar issues in men are deemed "risk" factor.*

# High-Profile Cases: Baby P (2007)

- ▶ Case overview and systemic failures
- ▶ Gender biases in child protection and judicial systems
- ▶ Recommendations from Lord Laming's report



# High Profile Case: Star Hobson

- ▶ Despite numerous warnings from concerned family members and professionals, social services did not take adequate action to protect her. A total of six referrals were made to social
- ▶ It has been reported that social services did not take referrals seriously because abusers were female



# High Profile Case: Victoria Climbié

► The primary caregiver, Marie-Thérèse Kouao, was presumed to be a responsible and caring figure due to her role as a female relative.



# Recommendations

**Enhanced Training and Education:** Bias Awareness and Management: Implement training programmes to recognise and mitigate gender biases, ensuring equal treatment of all caregivers and thorough investigations.

**Specialised Knowledge:** Equip social workers and practitioners with knowledge of domestic abuse, child psychology, and trauma-informed care to improve decision-making and support.

# Legal Disadvantages for Unmarried Fathers

- ▶ Historical legal disadvantages
- ▶ Adoption and Children Act 2002: Addressed some disparities
- ▶ Persistent societal and judicial biases

## Key cases :

Re A (A Child) [2015] EWFC 1: 1 Sir James Munby, President of the Family Division, addressed the issue of potential bias in family courts against fathers in custody disputes

Re H (Minors) (Local Authority: Parental Rights) [1991] 2 AC 476: When a father shows devotion to his children, he should ordinarily be granted a parental responsibility order. Orders relating to the upbringing of children should be made without delay (p 872A)

# KEY RECOMMENDATIONS

**Gender Sensitivity Training:** We propose that specific gender sensitivity training be provided to judges and legal professionals involved in family law cases.

**Oversight Mechanisms:** fundamental oversight mechanisms should be established to monitor court decisions and ensure that the rights of both unmarried fathers and mothers are upheld consistently

# Men as Victims of Domestic Abuse

- ▶ In 2022/23, 13 men died at the hands of their partner or ex-partner compared to 56 women
- ▶ However, men are overlooked due to societal stereotypes
- ▶ Domestic Abuse Act: Recognises abuse irrespective of gender
- ▶ Need for awareness and support services

# Key Case: Alex Skeel



Due to societal assumptions on males being victims of domestic abuse, keel's visible injuries and deteriorating health, initial responses from those around him were inadequate.

Alex's partner was the first woman jailed for coercive and controlling behaviour

# Supporting Male Victims of Domestic Abuse

- ▶ Awareness Campaigns
- ▶ Dedicated Services: Helplines, shelters, counselling
- ▶ Training for Professionals: Recognising and responding to male victims

# Conclusion

While reforms have brought significant improvements to the Family Justice System, persistent issues, including gender biases, inefficiencies, and gaps in support services, remain. Ensuring a fair, effective, and compassionate system requires ongoing efforts to address these challenges, with a particular focus on recognising and supporting the needs of all family members, irrespective of gender.

# Some student feedback on project

*“I just wanted to firstly say thank you for this amazing opportunity! It has been great to work with you and the team. Moreover, it has been amazing to research a topic that I am immensely passionate about”.*

*“Working on this research project coordinated by Trudie has been an incredibly rewarding experience. Trudie's exceptional leadership and guidance have created a collaborative and stimulating environment that has allowed us to excel in our research endeavours. Trudie's ability to foster effective communication and teamwork among the team members has been instrumental in our collective success. Her dedication and passion for the project have inspired us to push the boundaries of our research and strive for excellence. Under Trudie's mentorship, we have grown both personally and professionally, and we are confident that our findings will make a significant impact at the upcoming symposium”.*

# References

- ▶ Brandon, M., et al. (2009)
- ▶ Davidoff, L. & Hall, C. (1987)
- ▶ Harris-Short, S., & Miles, J. (2011)
- ▶ Lansdown, G. (2001)
- ▶ Norgrove, D. (2011)
- ▶ Philip, G., et al. (2018)
- ▶ Scourfield, J. (2003)
- ▶ Stitt, B. G., & Macklin, L. E. (1995)