Leverhulme International Network on New Families, New Governance

Workshop One – Voices Heard and Unheard
University of Exeter 6 – 7 September 2012

Programme

Day 1 – Thursday 6th September

10.45 Introduction and Welcome (Anne Barlow, Exeter University)
Workshop Chair: Caroline Davey (Director of Policy, Advice and Communications for Gingerbread)

Session 1
11.00-1.30 *Comparative perspectives on children and changing governance in the Legal/Social Policy Process*

Abstract

This session explores how children's voices are heard and whether they are heeded in legal and policy settings in different jurisdictions. In the UK over the last 10 – 15 years there has been a new focus on children and the development of 'children's policy' (rather than solely family policy). This has occurred alongside an increasing recognition that children are bearers of rights and entitlements in accordance with Article 12 of the UNCRC. In addition children have been progressively seen as social actors who are able to contribute to governance as part of a new trend towards including the voices of service users in policy and practice. However, despite the growing expectation of children's consultation and participation in policy making and in the decisions that affect them, making this process meaningful, sustainable and effective has been challenging and children's voices in many settings have remained unheard and/or unheeded. A key example of this trend has been the issue of child poverty where disadvantaged children's voices and concerns have been drowned out by new discourses of the 'deserving and undeserving poor'

Speakers – Tess Ridge, University of Bath, UK – A British view
Cathy Humphreys – University of Melbourne, Australia – Australian developments
Barbara Bennett Woodhouse – Emory Law School, USA – Children's participation in USA and Italy
Anna Singer – Uppsala University, Sweden - The Scandinavian perspective

Speakers speak for 10- 15 minutes, providing in advance a briefing paper of 2,000 words on key issues as they see this including some jurisdictional background.

Plenary discussion followed by (broadly guided) breakout group discussion on tables with specific issues to address or identify for research/publication ideas.

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Session 2
2.30-5.00 Family and care: Working things out for themselves?

Abstract

This session will focus on informal family negotiation and decision-making in very different contexts of emerging importance. First, comparatively little is known about how ordinary families go about routine domestic decision-making. It is recognised that families are complex 'micro-systems', comprising a range of overlapping and discrete relationships that tend to rely on informal processes and established, but not necessarily explicit, points of reference to determine what is the 'right' decision for the family as a whole and for individual family members. As such, decision-making within families is subtle, complex and dynamic and tends to rely on indirect forms of negotiation. The degree to which children can be decisive influences in decision-making is uncertain although they are neither uncritical nor passive participants.
But can such conceptual insights into ordinary family decision-making and informal processes be productively engaged by families in times of crisis or where a family is created by 'extra-ordinary' means? At points of crisis, much of the implicit, cumulative and shared understanding of 'how we are going to live' may be cast into doubt and both parents and children have to face the challenge not only of *what* is the right decision to make but *how* to go about making it. Family Group Conferences (FGC) has been one way of attempting to harness the 'family network' to identify solutions to problems of family, child protection or substitute care. At the heart of the FGC approach is 'private family time' where only the family network members discuss solutions to problems identified by professionals. Little is known about how family networks use 'private family time' to identify solutions, and the extent to which existing power relations impact on participants.
The final focus of the session is on family decision-making where donor conception can both create and resolve a crisis about the family's future. This raises issues and choices around donor involvement within the newly created in-tact family which may complement and/or complicate family life. The availability of Artificial Reproductive Technology provides of itself a new site for family negotiation between adults. What role, if any, should the voice of the child play?

Speakers –
Ian Butler – University of Bath, UK, Care and intact families
Judith Masson – University of Bristol, UK, Family Group Conferences – the British approach
Marie Connolly – University of Melbourne Australia - Family Group Conferences - perspectives from Australian research
Masha Antokolskaia - VU Amsterdam, The Netherlands- Thoughts on legally embedding the role of the donor within Family Life during childhood
June Carbone – University of Missouri-Kansas City, USA, - Embryo Abstractions and Obligations Toward Children

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Plenary discussion followed by (broadly guided) breakout group discussion on tables with specific issues to address or identify for research/publication ideas.

Evening Reception – funded by SETSquared
6.00 – 8.00 Evening reception for workshop audience and local family professionals with speaker Baroness Scotland (former Attorney General).

Day 2 – Friday 7th September

Session 3
9.30 – 12.00   Reconfigurations of heard and unheard voices in family law disputes

 Abstract

In England and Wales, recent reforms to Legal Aid combined with the government's response to the Family Justice Review look set to shift family disputes away from formal legal processes with represented litigants towards heavily encouraged use of alternative dispute resolution such as mediation (to be considered in detail workshop 2, Melbourne) and to promote the 'delegalisation' of issues such as the settlement of child support where parents are now under pressure to make 'family based arrangements' outside of formal processes and free access to the claim and enforcement process is being withdrawn. We see these trends as a new form of governance of the family. It is anticipated we will experience more court proceedings involving litigants in person (now styled self-represented litigants!) in private family disputes, with a high bar being set for safeguarding provisions where domestic violence is experienced having been set. A possible resort to greater use of alternatives such as religious tribunals in some contexts in this new climate seems possible, and raises major issues concerning autonomy and choice for litigants (usually women) who may sometimes feel constrained to make use of them due to family and community pressures. The voices of children are likely to be further marginalised in all of these scenarios, despite recent calls for children to have a more direct line to speak to judges in the family courts. How does this picture compare with other jurisdictions?

Speakers –
> Jo Miles, University of Cambridge – Family proceedings without legal aid in England and Wales
> Lieke Coenraad (VU Amsterdam, The Netherlands) - Fewer conflicts, less Legal Aid: Alternative dispute resolution techniques in Judicial Adjudication of Family Disputes in the Netherlands – better or worse for children's voices?
> Margaret Brinig - Notre Dame University, USA –The child's voice in mediation: a View from the States
> Rachel Field – Queensland University of Technology, Australia - Heard and unheard voices in mediation
> Samia Bano University of Reading, UK - Family law and religious community approaches

Speakers speak for 10- 15 minutes, providing in advance a briefing paper of 2,000 words on key issues as they see this including some jurisdictional background.

Plenary discussion followed by (broadly guided) breakout group discussion on tables with specific issues to address or identify for research/publication ideas.

12.00 – 1.00 - Concluding Remarks