

EVERY FAMILY MATTERS

- An in-depth review of family law in Britain -
Speech by Rt Hon Iain Duncan Smith, 13 July 2009

Introduction

Allow me to extend my welcome to you all, and my particular gratitude to several people.

The CSJ is indebted to the support of the Doha International Institute for Family Studies and Development. Thank you for your sponsorship of this Review.

I'm also grateful to members of the Family Law Review for giving their time to this process. My thanks in particular to Dr Samantha Callan, for leading the early work, and to David Hodson, for chairing it to conclusion.

The reason for review

Today the CSJ publishes our recommendations for family law reform under a simple banner: Every Family Matters.

This review emerged from and builds on our original analysis of family breakdown in *Breakdown Britain*. Its publication fulfils one of our recommendations in *Breakthrough Britain*.

In these reports we presented evidence of dysfunctionality and fatherlessness across a range of incomes and social backgrounds, but most acutely in our poorest communities.

This family breakdown fuels Britain's social breakdown - breakdown which destabilises society and is becoming more entrenched every day.

Breakthrough Britain concluded that high divorce rates and a decline in marriage, combined with increasing levels of less stable cohabitation, were primary drivers of breakdown in recent decades. In it we criticised Parliamentary apathy towards family breakdown, and encountered an outdated and mechanistic legal system.

It is evident that the law plays a crucial role in shaping expectations and patterns of family life. It is also often the primary response mechanism when it comes under strain.

Family breakdown

Britain's record on family breakdown is currently the worst in Europe. Its scale and impact should be of concern to us all.

We know the family environment nurtures a child's physical, emotional and psychological wellbeing. It is where the vast majority of us learn the fundamental skills for life.

Yet such breakdown dominates our most deprived communities:

Approximately three quarters of households on social housing estates are headed by lone parents, or single men and women;

Only 15 per cent of social renting households are headed by a couple with children.

And nationwide,

15 per cent of babies are born without a resident biological father – this is certain to increase;

Approximately 7 per cent of children are born with no registered father on their birth certificate;

And the number of divorces, though stabilising, remains high: there were 129,000 in 2007. It is estimated that almost a third of all children will experience parental divorce by the time they are 16 years old.

Figures also show that while marriage is in decline, cohabitation is increasing:

The number of people choosing to marry in the UK fell from 480,000 in the early 1970s, to just 270,000 in 2007;

And in the last 10 years the proportion of cohabiting couple families in the UK has increased from nine per cent to 14 per cent.

As a result, we now have one of the highest rates of cohabitation in the Western world.

The stability of marriage:

This increase in cohabitation raises an important question. It has long been assumed that cohabitation and marriage are separated only by a signature on a piece of paper.

Yet this assumption is countered by evidence which confirms they are culturally very different, with markedly different outcomes:

Research shows that cohabiting couples are more than twice as likely as married couples to break up.

And more significantly, when children are born within a cohabiting relationship, outcomes are less positive still – on average half of all cohabiting couples will break up by a child's fifth birthday – compared to only one in 12 married couples.

Indeed marriage is strengthened by the arrival of a child: the divorce rate falls from one in three to one in twelve.

Instinctively it seems the British people recognise this. Two fascinating polling results, conducted for the review by YouGov, found that:

84 per cent of people we polled agreed that it's important for the law to support marriage

And approximately 60 per cent thought the law should promote marriage in preference to other kinds of family structure such as cohabitation.

This evidence should move us beyond outdated arguments of the political left and right – the left asserting that marriage is an optional extra or a 'lifestyle choice', the right inciting moral justifications for one over the other.

Instead, in developing family policy we should simply ask 'what works?'

Family also protects against poverty. Fatherless households are twice as likely as two-parent families to be living in poverty at any one time. Furthermore, the worklessness rate for lone parent families, a major cause of this poverty, is 42 per cent. This compares to five per cent for couple households with dependent children.

The impact of family breakdown on children

In developing policy we also need to understand the impact of family breakdown on children.

Research shows that it severely damages their life chances.

Children who grow up in a lone parent family are:

75 per cent more likely to fail at school;

70 per cent more likely to be a drug addict;

50 per cent more likely to develop an alcohol problem;

40 per cent more likely to have serious personal debt problems;

And 35 per cent more likely to experience unemployment and welfare dependency.

Given present rates of family breakdown, and these figures, it's unsurprising that we have increasingly damaged young people in our society:

There has been a tripling of children murdering children in the last three years.

70 per cent of young offenders come from lone parent families, and the safety net for children experiencing the most dysfunctional family life – the care system, is instead more a conveyer belt to crime and underachievement.

More than 11,000 British children were treated for addiction to drugs or alcohol last year.

We have the highest rate of teenage pregnancy in Western Europe. This is not primarily driven by a lack of sex education, but by fatherlessness.

As our report *Dying to Belong* revealed in February, we are witnessing an unprecedented surge in street gang membership in our inner-cities. These violent gangs thrive where family life breaks down.

And UNICEF's 2007 report on childhood development found that Britain is the worst of all industrialised nations, 21st of 21, in which to grow up. Far behind other nations in measures of poverty and deprivation, happiness, relationships and bad or risky behaviour.

Family breakdown and the early years:

During their early years, children are particularly vulnerable to the impact of breakdown. The level of stimulation, nurture and empathy an infant receives profoundly shapes their ability to enter into all future relationships.

Labour MP Graham Allen and I have presented research, including brain scans highlighting neurological underdevelopment of our most dysfunctional children, which demonstrates this. Within 24 months from birth it is possible to accurately predict lifestyle outcomes at 26 years old.

Programmes such as Colorado's Nurse Family Partnership, which engages parents during and after pregnancy, produce life-changing results. They can reduce breakdown by up to a half.

Evaluation of this model shows that compared to control group-counterparts, 15 year-old children of low income, unmarried mothers, who had been in the programme thirteen years earlier had:

56 per cent fewer emergency room visits where injuries were detected;

A 79 per cent reduction in child maltreatment;

56 per cent fewer arrests and 81 per cent fewer adolescent convictions;

56 per cent fewer behavioural problems due to drug and alcohol consumption;

And 63 per cent fewer sexual partners.

In the UK we spend an annual £500 to £800 spent per taxpayer in dealing with the consequences of family breakdown – or more than £20 billion. We spend just 60 pence on preventative measures such as this one.

Family Law: Every Family Matters

It is in the context of these historic and damaging family breakdown trends, that we present our recommendations for legal reform.

These reforms make a clear statement about how the law should value family and support marriage, how it should reflect modern day relationships, and how it could better protect children – often the neglected party in proceedings.

The review makes recommendations on pre-marriage information, cohabitation, divorce law, and marriage support.

Several key proposals include:

More effective and early **community support for families**, including information about the family law process:

Evidence shows this early intervention can highlight and prevent potential areas of conflict. Our Family Relationship Hubs, based on the successful Australian model, will be central to the delivery of family services. They will strengthen families and prevent breakdown.

We recommend strong government encouragement of **accredited marriage preparation** for couples. Evidence demonstrates such courses can improve marriage, develop parenting skills and can reduce divorce by 30 per cent in the first five years of marriage.

We recommend **binding pre-nuptial agreements** as part of an overhaul of divorce financial provision.

The family legal system should introduce **mandatory referral to information** before the commencement of court proceedings, and in due course, a **mandatory attempt at resolution** in children matters before proceedings:

In particular, information should be given about Alternative Dispute Resolution methods (ADR), which should be regarded as a form of primary dispute resolution. Proposals for seeking information and resolution, particularly in children matters, are influenced by our visit to the highly successful Australian model, widely recognised as stabilising families.

The government should **resist asserting legal equivalence for cohabitants with married couples**:

Nearly 60 per cent of people we polled agreed that giving them similar legal rights would undermine marriage, and act as a disincentive. Such a move would also be illiberal, as those cohabiting have decided not to enter into the obligations and commitments of marriage yet.

We reiterate calls for the government to value the **uniqueness of marriage in the tax and benefits system**:

People will and should make their own choices. But government should recognise the outcomes of marriage, which polling suggests is still a main aspiration for almost 70 per cent of people.

Where a married couple initiates divorce proceedings, we recommend a **three month period of reflection and consideration at the outset**.

This will give saveable marriages time to seek help, and will prevent an escalation of conflict. I think here of the polling we commissioned for *Breakthrough Britain* which asked adults who had been children at the time of their parents divorce, what they had hoped for as opposed to what had actually happened. They recalled hoping their parents would stay together but that nobody wanted to hear their opinions.

We also reiterate our concerns about the rush to the divorce court created by European Union legislation known as *Brussels II*.

Conclusion

The review calls for Parliament to recognise that healthy marriages build healthy families, and healthy families build a healthy society.

The erosion of both, overseen and occasionally orchestrated by government, damages it.

The cost of family breakdown is not simply met by the £20 billion bill we collect each year. Family breakdown also fuels the annual cost of crime - £60 billion; drug and alcohol abuse - £40 billion; and educational failure - £20 billion.

Legal reform must play its part in reversing this breakdown.

This family law review comes not a moment too soon.

Let us consider it rationally, and act on it urgently.