

15 September 2021

Voluntary charter for solicitors helping parents to make post-separation arrangements for their children

At the outset of our retainers, independently we each undertook a domestic abuse screening with you and independently determined that it is safe and appropriate to keep in mind the remainder of the points in this Charter.

We, your solicitors, have each been through this Charter with you independently and you have each indicated a wish for us to follow its guiding principles.

As your solicitors (and other legal representatives who may in due course commit to following the Charter), we commit together to the following:

1. To support you individually in accordance with your instructions and our professional and regulatory obligations. Where it is appropriate, to support you in a joined up and 'child first' way. This will include considering together and providing to you a **joint list** of helpful parenting resources and other appropriate sign-posting, for example to separated parenting books, websites or separated parenting courses that can help guide you when considering the best ways of create and sustain a positive environment for your children following your separation.
2. To treat one another with professional courtesy and respect at all times, acknowledging that an overarching shared goal is to help you as parents achieve mutually satisfactory arrangements for your children that will enable each family member, first and foremost your children, to thrive and feel appropriately supported.
3. To support a holistic approach to the process of your separation by considering together and communicating to you which other professionals might benefit your family, such as engaging appropriate dispute resolution processes, counsellors, therapists, coaches, other professional services and any other service that might help your family transition healthily and positively in its new form.
4. Work with you at an early stage so that you:
 - a. Understand Parental Responsibility and the importance, where possible, of exercising it together in your children's best interests; and
 - b. Identify your key and shared Parenting Values and to work with you to record them in a Parenting Charter, which will help anchor and focus your discussions and reflections when working towards a longer-term child-focused Parenting Plan. This will include identifying the key things you agree on so that your family starts off on a positive step towards separation with problem solving in mind. (See the attached example Parenting Charter, which we can work together to adapt to suit your own family's requirements.)
5. Confirm to you that we, as your solicitors, have a good working knowledge of the effects of chronic inter-parental conflict on children, and that we will share this key information with you as appropriate, so that you in turn can make informed and reflective decisions about the arrangements for your children. We confirm that we have read and understood the following downloadable and fully accessible documents:

- a. Annual Research Review: Inter-parental conflict and youth psychopathology: an evidence review and practice focused update. The Journal of Child Psychology and Psychiatry. [Click here](#)
- b. Early Intervention Foundation report: "What works to enhance inter-parental relationships and improve outcomes for children?" [Click here](#)

And that we keep under review, as a working progress, relevant professional reports such as those produced by the Private Law Working Group, the Family Solutions Group, and Ministry of Justice (such as the Harm Report).

6. Overall, as the solicitors representing you, we understand some of the key elements that help children towards positive adjustments following their parents' separation. We will keep them in mind with you at all times, including:
 - Understanding that inter-parental conflict is more troublesome for children than their parents' separation itself. Communication between parents that is constructive in nature, rather than destructive, helps children to recover from the separation and adjust more positively not only now, but throughout their lifetimes.
 - It is important to recognize that a relationship as former partners is separate to a relationship as parents. Identifying the differences, characteristics and boundaries of a parenting relationship at the outset can help parents reframe their relationship and move forwards as co-parents constructively from the earliest stage in the separation.
 - Separation is a hugely stressful and life-changing event for the majority of people. How parents are coping themselves affects how their children in turn are able to respond, adjust and recover. Parents need to feel well in order to meet their own children's needs and to support them. We will keep in mind what help can help you.
 - You should not be criticized for an underlying physical or mental health condition, such as having depression, or for stress reactions relating to the separation in a way that would make you feel you can't speak out or seek professional help i.e. that your child's other parent would use this to their advantage in relation to future child arrangements. Instead, we commit to encouraging you to speak out about any challenges with a commitment to the family's future success and children's long term best outcomes being dependent on the ongoing wellbeing of your whole separated family unit.
 - Remembering that children see themselves as half of each parent. If one parent is unnecessarily negative about the other (either in words or non-verbal communications), a child's own sense of self-esteem is impacted, potentially to their longer-term detriment.
 - Children suffer if they are brought into their parents' conflict. As far as possible, they need to be free to continue as they were and not asked to take sides, or in any way feel they should emotionally support or be responsible for their parents' mental health.
 - Children suffer if they're placed in a loyalty bind, which means they can't show their love for the other parent or speak normally about their other parent in the presence of the other. This can be damaging to all aspects of their development.
 - Parents are the primary teachers and role models to children of conflict resolution skills and – with the right support - are capable of demonstrating this through the process of separation.

- Making sure children understand the separation isn't their fault and that their parents love for them hasn't changed at all.
7. If there are to be court proceedings, inviting any other representatives you may have, such as a barrister, to commit to these values also. Where possible, inviting the court to provide judicial continuity, and for the judge to acknowledge the Charter, your representatives' and your own commitment to it. For the judge to conduct the case professionally and courteously at all times, with a shared commitment to acknowledging the importance of the professionals' role-modelling to your recovery and future as co-parents of your children.



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