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SHARED CARE AFTER SEPARATION IN THE UNITED KINGDOM: LIMITED DATA, LIMITED PRACTICE?

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Despite legislative reforms over the last 5 years aimed at giving non-resident parents rights to 'involvement' in the lives of their children, the UK has not enacted a presumption of 50-50 shared care. The UK's emphasis on individual arrangements follows an overall policy trend toward privatization of family disputes. The sparse data that exists suggest that the UK lags behind other Western countries in the number of separated or divorced couples engaging in shared care. This article outlines recent legislative changes, examines the available information on post separation contact and shared care, discusses reasons for the scarcity of data, and concludes with observations on the importance of improved data-gathering on UK post separation parenting.

Key Points for the Family Court Community:

- Recent legislation in the United Kingdom considered (once again) introducing a presumption of 50–50 residence after separation, but decided against it.
- Instead, there was an emphasis on the involvement of both parents after separation, without defining shared care in terms of time or residence division.
- UK policy and legislation on post-separation child arrangements and child maintenance emphasize private arrangements without state intervention; only 10% of couples go to court for child arrangements and those that do are considered to be "high conflict."
- Data on shared care practices in the United Kingdom are sparse and difficult to analyze, reflecting a lack of definitional clarity in policy and poor measurement in existing studies.
- Estimates of the incidence of shared care range from 3 to 17%, although the accounts of resident parents suggest that 50–50 arrangements could be as low as 1%.
- There appears to have been no substantial increase in shared care over the last decade, but the impact of recent legislative changes has yet to be assessed and better data are needed.
- The United Kingdom has some way to go in strengthening the evidence base around patterns of post-separation parenting.

Keywords: *Child Arrangement Orders; Fathers' Rights; Household Survey Data; Presumption of Parental Involvement; Privatization; and Shared Care.*

I. INTRODUCTION

Despite the high profile of recent media and policy debates on shared care in the United Kingdom, the extent of shared care post-separation in the United Kingdom is difficult to establish due to the poor capture of the phenomenon in survey data, which in itself reflects a lack of direct policy interest. Estimates of 50–50 shared care in the United Kingdom range from 3 to 17% (Fehlberg, Smyth, Maclean, & Roberts, 2011a, 2011b), although figures from parents with care have been as low as 1%. The absence of an official definition of shared care in the United Kingdom, or even a clear academic sense of what should be counted, adds to the confusion. Terms such as "shared parenting," "shared care," and "shared residence" are often used interchangeably. The concepts of a resident or main parent and a nonresident or contact parent linger on, even though they have now been officially replaced by the supposedly neutral term "child arrangements" (along with the terminology of contact and residence orders; Children and Families Act 2014, s 12).

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There is a distinct lack of statistical and qualitative information on the prevalence and practicalities of shared care in the United Kingdom, and there are few signs that closing this gap in the evidence base is of any concern to policy makers. The issue has perhaps been sidelined, because 90% of separating couples make private arrangements regarding contact and residence of their child post-separation without going to court (see, e.g., Harding & Newnham, 2015). Official guidance on child arrangements for this group is limited to Web sites or leaflets advising the drawing up of a parenting plan, informally or with recourse to a mediator if necessary.[2] The emphasis on individual arrangements follows a more recent trend toward private solutions to family disputes, which includes the cuts to the legal aid provision discussed below and the semi-privatization of the child maintenance system (Gingerbread, 2016), where applying for child maintenance is optional for all groups. The 10% of parents who do go to court over parental responsibility and shared residence tend to be the most conflicted couples (Harding & Newnham, 2015). Despite the above changes to the terminology of child arrangements following separation and the introduction of an ambivalently worded presumption of shared parental involvement where it furthers the child's welfare (Children Act 1989, § 1(2A)), the UK government has demurred from imposing a 50–50 time split (§ 1(2B)[3]) and heavily encourages individually designed out-of-court settlements.

In this article, we refer to shared parental responsibility and residence when we are referring specifically to their legal meanings. Otherwise, we will use the term shared care, without reference to a specific time split between the parents. The reason for this choice is that shared care is probably the most commonly used term in the United Kingdom. The term implies that other arrangements, such as sole residence with one parent and regular contact with the other, would not constitute shared care—and in practice this might not be the case. The parents will be referred to as parent with care (PWC) and nonresident parent (NRP), as is the usual practice in the United Kingdom, though the terms are problematic.

The remainder of this article comprises four parts. Part II briefly sets out the most recent legislative amendments and places them in the context of relevant social and cultural changes. Part III contains a discussion of the available data on shared care and parent–child contact patterns in the United Kingdom and the shortcomings of these data. A number of key studies aimed at closing some of the gaps in our knowledge around shared care and post-separation parenting are presented in Part IV. Finally, we suggest some possible explanations for the remarkable lack of reliable data on shared care for the United Kingdom and conclude in Part V with arguments about why the absence of data matters.

II. SHARED CARE IN THE POLITICAL LIMELIGHT

Demands for legislation mandating 50–50 shared care climbed up the political agenda in the United Kingdom in the early 2000s. Globally, issues of equality in parenting time and the concept of parental rights to time with and control over children became key points of debate from the 1990s onward (Collier & Sheldon, 2006). The UK fathers' rights movement was a broad coalition, most closely identified with its noisiest manifestation, the protest group Fathers4Justice (Harris-Short, 2010; Trinder, 2014). It gained considerable political traction in an era where parenting as a form of personal achievement had become both increasingly central to identity and supposedly decoupled from traditional gender roles (Collier, 2014). The movement's argument was, broadly, that fathers were systematically disadvantaged by the courts, that court orders favored mothers in terms of residence, and that contact was not sufficiently enforced and was often blocked by "gatekeeping" or "implacably hostile" mothers (Jordan, 2009, 2014; Featherstone, 2010; Wallbank, 2007). Policy makers across the political spectrum echoed wider concerns about children's loss of contact with fathers post-separation and the social, moral, and particularly financial implications of the absent father and increasing numbers of lone-parent families. According to one frequently quoted figure, 1 in 5 children in the United Kingdom lose contact with their fathers entirely 2 years after separation (Lader, 2008; see also Poole, Speight, O'Brien, Connolly, & Aldrich, 2016).

Under UK[4] law, shared care has tended to be framed by policy makers as a matter of shared parental *responsibility*, rather than shared *residence* (Harris-Short, 2010), in line with the emphasis in the Children Act 1989 on parental responsibility rather than parental rights and the overriding principle in section 1(3) of the Act that the child's welfare shall be paramount in all decisions relating to him/her. This has not, however, prevented the development of case law and policies designed to validate and symbolically affirm parental rights. In recent decades, the rights affirmed have been those of the NRP, usually the father, leading to arguments that UK courts were doling out "therapy" to disgruntled fathers through awards of parental-responsibility orders to absent or abusive men (Collier, 2014; Reece, 2009).

The Family Justice Review led by Lord Norgrove (Ministry of Justice, 2011a; see also Heenan & Heenan, 2012) took the view that the evidence available following recent reforms in Australia mitigated against the enactment of a presumption of shared residence. The routine application of shared residence orders in Australia produced evidence of heightened conflict, further court hearings, and poor outcomes for children where shared-residence orders were made between high-conflict couples (Trinder, 2010; Fehlberg et al., 2011a, 2011b). Thus, the recommendations of the final Family Justice Review report (Ministry of Justice, 2011b) focused on parental responsibility and parental education both while in a relationship with the other parent and after separation, rather than parental involvement in care.

In the subsequent legislation, the Children and Families Act 2014, the presumption that the involvement of both parents is in the best interests of the child was included but with the explicit clarification that this involvement should not be detrimental to the welfare of the child and that involvement can be of any kind and does not mandate any particular division of the child's time (see Trinder, 2014; Family Briefing Paper, 2014). Thus, the 50–50 presumption lobbied for by the fathers' rights movement was evaded in favor of a loose endorsement of shared parental involvement. The aim was to enhance trust in the family justice system without bringing in significant changes, and thus the presumption represented a merely symbolic recognition of fathers' rights (Harding & Newnham, 2015). It remains to be seen, however, how the presumption will affect child-arrangements orders. These new orders combine the former contact and residence orders to avoid suggestions of unequal status between parents (House of Commons, 2014; Trinder, 2014). The refusal to place even a rebuttable 50–50 presumption into law reflects the lack of research evidence suggesting that children do better in shared-residence arrangements and the lack of observable shifts in actual parenting practices in the United Kingdom. The change in legislation has not been accompanied by any evaluation (unlike the Australian context; see Smyth & Chisholm, 2017), and it is thus difficult to assess its impact. As already noted, it is estimated that only 10% of separated parents go to court in the United Kingdom over child arrangements disputes and that parents in this group are the most highly conflicted.

The two most striking developments in UK family policy generally since 2010 are austerity-led cuts to public services and increasing emphasis on private arrangements. In particular, following the Legal Aid, Sentencing and Punishment of Offenders Act (LASPO), private family law matters no longer qualify for legal aid unless there is evidence of domestic violence (Family Briefing Paper, 2014). There is already evidence that LASPO is leading to more parents (particularly mothers, who were the main recipients of legal aid) appearing in court as litigants in person (LIP), without the assistance of qualified solicitors to prepare their case (Family Briefing Paper, 2014; Trinder & Hunter, 2015). Research carried out prior to LASPO on LIPs (Trinder et al., 2014; Trinder & Hunter, 2015) suggests that most LIPs struggled with the number and complexity of legal tasks, particularly preparing bundles and cross-examination. Thus, it is unsurprising that LIPs and courts fared best where the cases were relatively straightforward, the litigants were all solution oriented, and no safeguarding issues were involved, leaving those with more complex cases and vulnerabilities more exposed. In place of legal aid, and in line with the policy trend to individualize family disputes and separation, the government introduced the Web site and app 'Sorting out separation' and is requiring increased participation in mediation (see House of Commons, 2014).

The recent reforms of child support in the United Kingdom, which saw the beginning of the replacement of the Child Support Agency with the Child Maintenance Service in 2014, exhibit similar characteristics to the changes to family law described above: a withdrawal of state involvement, an emphasis on

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Table 1
Prevalence Estimates of Shared Care in the United Kingdom

Authors	*Data Sources*	*Definition of Shared Care*	*As Reported By*	*Prevalence*
Ermisch et al. (2011)	UKHLS 2009	shared 50–50 contact	NRP	3%
Our own analysis	UKHLS 2013–2014	whether shared 50–50 contact	NRP	3%
Peacey and Hunt (2008)	ONS omnibus 2006–2007	whether child spent half the time in each household	NRP and PWC	12% unweighted (9% weighted to compensate for low response rate of NRPs) or 17% of PWCs (weighted)

Note: PWC: parent with care; NRP = nonresident parent; UKHLS = UK Household Longitudinal Survey; ONS = Office for National Statistics.

individual solutions, Internet-based information, and the introduction of fees (Douglas, 2016). The overall aim of the new Child Maintenance Service is to encourage private resolution of maintenance disputes and to disseminate strong and regular messages that informal arrangements are superior to formal ones. However, the new service seems to be as inefficient as its little-mourned predecessor (Gingerbread, 2016). Any child maintenance received does not affect entitlements to benefits (welfare) in any way, meaning there is no direct public financial interest in collection. Thus, the broader context of the recent family law and child support reforms is characterized by a withdrawal of the state, leaving individuals and families to fend for themselves both inside and outside the legal system.

III. CONTACT AND PARENTING PATTERNS IN THE UNITED KINGDOM

The concept of (an unspecified form of) shared care, which deemphasizes the roles of a main parent in favor of what appears at first to be a more egalitarian and gender-neutral framing, has motivated regular attempts to rewrite the prevailing legislation. Therefore, the lack of data on shared care and on parent–child contact more generally perhaps reflects policy assumptions that child arrangements are a matter for private negotiation and not really the business of courts or state (discussed further in Part V). The limitations of data collection over the past 20 years make it difficult to draw well-informed conclusions about UK patterns of shared parenting post-separation. The main question in the UK surveys is whether contact follows a broad daily, weekly, or monthly frequency (once or several times a week, for instance; see Lader, 2008; Ermisch, Iacovou, & Skew, 2011). Additional questions sometimes distinguish between modes of contact, for example, whether face to face, e-mail, or phone, and whether the child stays overnight. Furthermore, in a number of surveys, the partner leaving the household is not included in the survey. For example, in the Millennium Cohort Study (MCS), if parents separate and the partner leaves the household, s/he will no longer be included in the survey. Therefore, the MCS reports on contact are only collected from the PWC (Haux & Platt, 2015). Table 1 presents some recent estimates of the prevalence of shared care.

One of the main sources for data on contact patterns is the UK Household Longitudinal Survey (UKHLS, also widely known as *Understanding Society*) and its predecessor, the British Household Panel Survey (BHPS).[5] The accuracy of data collection on shared care is affected by the fact that the question wording and answer categories on contact for PWCs and NRPs differ in the UKHLS.[6] Table 2 shows the question wording and answer categories for PWC and NRPs. The difficulties of comparing reports by NRP and PWC in the same survey are immediately apparent. For NRPs, 50–50 shared care is one of the options in the answer categories, but not for the PWCs. This creates an omission in the data regarding differences between contact arrangements classed as 50–50 shared care and those that involve seeing the NRP almost every day. The other issue is the difference in the categories

Table 2
Question Wording in the UK Household Longitudinal Survey

Question to Nonresident Parents	*Question to Parents With Care*
Can you tell me how often you visit, see or contact your child(ren) under 16 living outside the household?	How often does [name of absent parent] see [cohort child's name or twins' names etc.]? Note: the same question is asked again for term and holiday time.
Shared care 50–50	
Almost everyday	Every day
Several times a week	5–6 times a week
About once a week	3–4 times a week
Several times a month	Once or twice a week
Once a month or less	Less often but at least once a month
A few times a year	Less often than once a month
Never	Never

capturing the frequency of contact, which makes comparisons between the responses of NRPs and PWCs (as well as over time for PWCs) more difficult.

A further methodological constraint is that PWCs are asked specifically about *seeing* the parent, whilst NRPs are asked about *contacting*, the latter of which need not involve face-to-face interaction but could include a phone call or perhaps electronic communication. Hence, on that basis alone, we would expect greater contact to be reported by NRPs. There has been no attempt to try to align these questions with what is known—little though that may be—about real-life patterns of parent–child contact. A shared-care arrangement close to one week on, one week off, but falling short of 50–50 care, might be recorded as weekly. Similarly, a common pattern, involving a weekday and alternative weekends, might be classified as either weekly or several times a week.

Table 3 shows the results for those two questions in the most recent UKHLS data. A number of features will be familiar to observers of survey data. The first is the difference in reported contact frequency by the PWC and the NRP. Bradshaw, Skinner, Stimson, and Williams (1996), in a survey of NRPs, looked at various reasons why the reports might be so different. Clearly selection is likely to be

Table 3
Arrangements for Children—Parents' Reports

Question: Can you tell me how often you visit, see or contact your child(ren) under 16 living outside the household? *Column percentages*

Arrangement (NRP question)	*NRP %*	*Arrangement (PWC question)*	*PWC (term time) %*
Shared care 50–50	3		
Almost everyday	17	At least once per day	9
Several times a week	25	At least once per week	29
About once a week	16		
		At least once per fortnight	12
Several times a month	14	At least once per month	8
Once a month or less	5		
A few times a year	8	At least once per year	6
		Less often	3
Never	12	Never	33
Total	100	Total	100
N (parents)	781	N (children)	3,935

Source: UK Household Longitudinal Survey wave 5 (mostly 2013–14). Note that NRPs answer only for themselves, even if there are multiple children; PWCs answer separately about each child. This is another source of difficulties in making direct comparisons between accounts.
Notes: PWC = parent with care; NRP = nonresident parent.

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important, that is, the number of PWCs interviewed is between two and three times as many as the number of NRPs. NRPs, who self-identify, are more likely to be those with regular contact, rather than those with no contact. NRPs were also more likely to say that contact was more common, such as weekly or several times each week.

In Table 4, we combine the NRP responses to contact frequency with whether the child stays overnight; both aspects seem important to meaningful parental interaction. A case could be made for 2.3% representing shared care (reports 50–50 shared care and has child regularly). A further 8.8% regularly have the child stay over and sees them almost every day—the two groups constituting 11.2% of NRPs. However, even on the more positive accounts of NRPs, some 40% of their children *never* stay overnight with them. A similar proportion (37%) see their children at least weekly and have them to stay on a regular basis.

There is some consistency with the accounts of PWCs. According to the PWCs, around one third spend overnight time with their fathers/NRPs, with another third having no contact, and one third having contact not involving overnight stays. In addition to the differences in question wording and response rates of NRPs, when parents separate, large numbers of respondents may cease to take part in subsequent rounds of the survey (see Brewer & Nandi, 2016).

Table 5 provides the most consistent data available on parent–child contact over time. Three main conclusions can be drawn: First, the prevalence of 50–50 shared care as reported by NRPs has stayed relatively constant at around 3% from 2002 to 2013. Second, contact frequency—not including 50–50 shared care—has increased somewhat since 2002, but only as reported by NRPs. For example, in 2002, 19% of NRPs reported having no contact with their children; this dropped to 12% by 2013. Similarly, the proportion of NRPs who reported seeing their child almost every day increased from 10% in 2002 to 17% in 2013. Interestingly, the proportion of children with no contact, according to PWCs, was at 33% (see Table 3), the same reported in a predecessor survey in 2002. By that measure, contact between children and their NRPs had not increased over the last 12 years. While NRPs who respond to surveys are likely to be more actively engaged than their nonparticipating counterparts, it is hard to explain these conflicting accounts over time.

The UKHLS has recently asked PWCs about contact frequencies during the school term and during school holidays. The answers show little difference, suggesting that patterns stay the same regardless of whether children are at school or on holiday. Having more frequent contact is linked to the socioeconomic resources available to both households. McKay (2014) has found that NRPs in the

Table 4
Arrangements for Children—Parents' Reports for 2009–2010

Percentages are based on all with nonresident children (total percentages)

	Do they stay with you for weekends or school holidays on a regular basis, an irregular basis, or not at all?			
Can you tell me how often you visit, see or contact your child(ren) under 16 living outside the household?	*Regular basis*	*Irregular basis*	*Not at all*	*Total*
. . . never	-	-	**13.5%**	13.5%
a few times a year	1.5%	2.8%	7.5%	11.8%
once a month or less	1.4%	0.9%	2.3%	4.6%
several times a month	6.4%	2.3%	3.9%	12.5%
about once a week	**10.2%**	3.1%	5.9%	19.2%
several times a week	**15.4%**	2.9%	3.5%	21.8%
almost everyday	8.8%	2.0%	3.3%	14.1%
shared care 50–50	2.3%	0.1%	0.1%	2.6%
Total	46%	14%	40%	100%
N (Unweighted base)	598	196	554	1,348

Source: Own analysis of Understanding Society wave 1 (2009/10).
Note: Table omits nine cases with missing data (refused, not known) on either variable.

Table 5
Arrangements for Children—Parents' Reports over Time Column percentages

Data Source	*BHPS 2002*		*BHPS 2007*		*UKHLS 2009–10*	*UKHLS 2013–14*
Respondent:	*PWC*	*NRP*	*PWC*	*NRP*	*RP*	*NRP*
Arrangement						
Shared care 50–50	1	3	1	2	37	3
Almost everyday	7	10	7	10	15	17
Several times a week	15	22	19	24	22	25
About once a week	16	22	20	22	19	16
Several times a month	14	13	13	14	13	14
Once a month or less	8	4	6	6	5	5
A few times a year	9	7	7	8	10	8
Never	32	19	27	14	13	12
N	870	423	647	308	1348	781

Source: Based on analysis of data from BHPS waves 12 and 17 (approximately 2002 and 2007) and UKHLS waves 1 and 5.
Note: PWC = parent with care; NRP = non-resident parent.

United Kingdom who are better off tend to live nearer to their children, see them more frequently, and have a closer relationship with them. The high cost of housing in the United Kingdom may militate against regular and prolonged contact for less affluent parents, who may not be able to afford suitable accommodation for overnight stays following separation. Interestingly, daily contact is quite common for working-class NRPs, where contact is happening at all. This may be the result of job flexibility and perhaps of trade-offs against financial support. Previous research confirms that contact is more likely to continue when parents live in geographical proximity, have not repartnered, and come from more affluent backgrounds (see Lader, 2008; Poole et al., 2016).

In summary, we have some evidence from NRPs that contact frequency has increased in the United Kingdom over the past 15 years, but PWCs (i.e., typically resident mothers) have reported less change. The lack of (high-quality) survey questions makes it difficult to say much about post-separation parenting arrangements beyond contact frequency. For the United Kingdom, the focus of policy makers has tended to be on reducing levels of contact breakdown post-separation. It could be that there is a small but growing population of parents hidden in the data, who have unequal shared-parenting arrangements (e.g., 60–40 splits; 70–30 splits) that nonetheless involve regular patterns of children moving homes. However, even then there does not seem to be a shift in culture and practice toward more equally shared care, as is taking place in some other countries. Addressing this major evidence gap is thus essential, but presents many methodological and financial challenges, as will be outlined below.

IV. KEY STUDIES OF SHARED CARE AND CONTACT IN THE UNITED KINGDOM

In the previous section, we established the problems with information about shared care in the main survey vehicles. These problems limit any quantitative analysis that can be carried out on shared-care families. However, we now turn to a number of qualitative studies and studies investigating related questions that have been carried out in the United Kingdom.

A. PATTERNS OF CARE

The most directly relevant study to the present article is a qualitative, comparative study of legislative frameworks for shared care and the parenting practices of separated fathers in Britain and France conducted by Masardo (2008, 2009). The study is based on 35 qualitative interviews with fathers in Britain and France who had shared-residence arrangements. The small nonprobability purposive

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sample was based on a mixture of personal contacts and snowball sampling. The definition of shared care in this instance required families to have at least a 70–30 temporal split. The comparison of British fathers' parenting practices with those of fathers in France helps to draw out the similarities and differences between the two groups.

One of the key differences in shared-care arrangements in Britain and France seemed to be the patterns of contact. Fathers based in the United Kingdom reported shorter stays, usually around 3 days, whereas in France, stays were more likely to be as long as a week, a month, or even a year. In the United Kingdom, the main concern voiced by fathers regarded the effect of either parent's prolonged absence on the child, hence the more frequent changeovers observed. Moreover, there was a perception that having a routine changeover was more important than the exact nature of the routine in terms of the length of stays at each parent's house (i.e., predictability mattered more than the exact pattern).

In contrast, the fathers in the French study emphasized keeping the number of changeovers to a minimum. Fathers in both countries emphasized the desire for their children to have a sense of ownership over their two worlds and fathers paid particular attention to nurturing the biological link within new family arrangements, such as where the father had repartnered and/or stepsiblings also lived in or visited his household. Requests for changes to the residence arrangements could come from either parent or the child involved. Parents requesting to change residence patterns could either lead to further acrimony and even a change of residence orders, or reduce conflict as it removed a particular point of argument about parenting. As Neale, Wade, and Smart (1998) found in their earlier studies, Masardo (2008) suggests that "while the younger child might adapt unquestioningly to alternating their home life, the more mature child may at some stage feel the need to settle in one place and may have formed preferences. This may require a certain amount of unselfish understanding from parents" (p. 143).

Masardo's study also raises some interesting questions about whether overnight stays should be regarded as an integral part of any definition of shared care. As noted by Masardo (2008):

> Defining residence by the number of overnight stays alone to some extent masks the complexity within which overall contact takes place. Non-staying contact can be a significant factor in the negotiation of residence and the development of patterns of care. It proved to be of particular significance within the samples where younger children were at nursery or where children needed care during the day while the PWCs at the time was out at work. This was also the case where parents would pick their children up from school and spend the evening together, or where parents had adapted their working hours specifically in order to spend more time with them (p. 134).

B. THE IMPORTANCE OF PATERNAL INVOLVEMENT

The main question posed by Haux and Platt (2015) was whether fathers who are more involved in parenting prior to separation are more likely to see their child(ren) post-separation and to do so more frequently. In the United Kingdom, a quarter of separated fathers are no longer in contact with their child(ren) 2 years after separation (Poole et al., 2016) and this figure has remained stubbornly high for the past two decades (Haux & Platt, 2015). Therefore, the underlying question Haux and Platt (2015) try to address is whether fathers who go on to lose contact with their children were less involved before the separation and whether it is possible to establish a clear link between paternal involvement pre-separation and contact post-separation.

Studies concerned with children's outcomes in separated families have highlighted the potentially positive role of ongoing father involvement in the lives of their nonresident children and the significance of the father–child relationship to children's well-being (Adamson & Johnson, 2013; Amato & Gilbreth, 1999; Gilmore, 2006; Kalmijn, 2015; Mooney et al., 2009). Yet, most research on parent–child contact focuses on the period post-separation. Although this research has been important in revealing post-separation factors associated with contact maintenance and breakdown, little attention has been paid in the United Kingdom to the extent to which post-separation contact is informed by pre-separation paternal practices (but see Dunn et al., 2004; Gilmore, 2006). Studies that try to make

the link between outcomes and pre-separation experiences are often dependent on retrospective accounts (Fortin et al., 2012; Kalmijn, 2015), which can be subject to recall bias and selection issues.

The analysis is based on the MCS, a UK-wide cohort study of around 19,000 children born to families residing in the United Kingdom between September 2000 and January 2002. The main carer (typically the mother) and their co-resident partner (typically but not always the father) were first interviewed when the children were around 9 months old and then again at age 3, 5, 7, and 11 years old. The MCS contains three questions on contact answered by the PWC: any contact, frequency of contact, and overnight stays. However, the questions on father involvement (active and sole) and fathers' perceptions of their own parenting (closeness and competence) were answered by fathers themselves while still in the household. Sole fathering in this instance refers to the father looking after the child by himself for stretches at a time within a relationship rather than being a sole parent. The analysis also accounted for other pre-separation paternal and family characteristics that might be expected to influence levels of contact following a split, specifically the socioeconomic position of the family and the father's educational, health, and work status.

Thus, the contribution of the study to the existing literature is threefold: it is based on information provided by fathers about their own parenting while in an intact family, it includes both previously married and previously cohabiting fathers, and it distinguishes effects due to the age of the child at separation versus the length of separation. In sum, fathers who were more involved in their children's care (in terms of active fathering or sole fathering) and who felt closer to them tended to engage in more frequent contact with their child post-separation and to have them for more overnight stays. Despite this, frequency of contact declines with time for both more- and less-involved fathers. We found somewhat less evidence that perceived parenting competence was linked to subsequent contact patterns, though this might be in part a consequence of the smaller sample size. Finally and importantly, none of the measures of pre-separation fathering were associated with lower chances of breakdown in contact. More-involved fathers, then, remain relatively more involved where contact post-separation takes place, but loss of contact seems to be driven by somewhat different processes.

C. THE 10% OF HIGH-CONFLICT FAMILIES

The available research on shared-parenting orders predates the Children and Families Act 2014 and thus covers section 8 residence and contact orders rather than child arrangements orders (Harding & Newham, 2015). Harding and Newham's (2015) analysis is based on documentary analysis of 197 case files from six UK county courts between February and August 2011. It shows that the vast majority of applications (88%) come from family members. Almost a third of applications were either for sole residence or for restrictions on or to establish contact. Applications for shared residence made up fewer than 1 in 10 applications in the sample. Concerns over child abduction loomed large in the reasons for applying to court.

Harding and Newham (2015) suggest that there are three main points at which parents resort to the court system for contact and residence orders. First, when the relationship initially breaks down and an agreement or routine had never been established post-separation; second, when existing arrangements break down some time after separation; and third, when existing cases return to court. In this sample, the second group was by far the largest. Similarly, in the largest group of cases the children were living with their mother, and around half the children did not have any contact with the NRP at the time of application. This compares to around one in five of all children whose parents had separated for two years or more. Allegations of domestic violence were made in about half the cases, mostly, but not always, against fathers. However, only half of parents who claimed domestic violence to have occurred were able to meet the new threshold of evidence required for the purposes of LASPO. Harding and Newham (2015) argue that a number of cases, which were initially rejected as not meeting the LASPO criteria for trigger evidence, clearly involved violent ex-partners who had official records of violence to the point of prison sentences. They contend that this raises some interesting questions about the appropriateness of the thresholds in LASPO for capturing domestic

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violence. In other words, the Children and Families Act 2014 continues to emphasize parental responsibility over shared residence despite the addition of the presumption of shared parental involvement. It is too early to say whether and, if so, how the presumption will affect child arrangements orders. Yet, it is clear that it is not meeting the demands of fathers' rights groups and that we are therefore likely to see yet another review into shared parenting, in the not too distant future.

D. IMPROVING THE EVIDENCE BASE

Although the above studies offer valuable insights, they fall short of what is required if we are to understand the profile, experiences, trajectories, and outcomes of separated parents and their children. If we want to better understand the post-separation arrangements that families make in terms of the actual time that a child spends with each parent, how this works in practice, and the resultant outcomes, more comprehensive data and new approaches are needed.

These innovations fall broadly under three headings: (a) patterns of contact, (b) post-separation parenting, and (c) the degree to which post-separation patterns of parenting reflect pre-separation patterns when parents were together. For patterns of contact, more sophisticated measures of parenting time are needed in the United Kingdom. These measures need to reflect different *types* of contact (especially in the age of rapidly evolving technology and communication tools) and describe both the qualitative and quantitative differences in different parenting arrangements after separation—differences not easily captured by standard frequency measures. Moreover, there is a need for better identification and recruitment of NRPs into surveys, both mirroring that data collected from PWCs and their partners and asking additional questions specific to co-parenting after separation. We also need more data on how arrangements are made, how well they work, and how and why they change over time. In short, the United Kingdom needs data not only on the profile of shared care but on the experiences of it. Last, we need data collected from children to capture their particular perspective. Newer technologies (such as social media) mean that PWCs are not always the gatekeeper to the contact between NRPs and their children.

We also lack good information about parenting post-separation more broadly. A richer picture requires improved understanding of parenting practices, styles, and values in the two households. This needs to include the involvement of wider family members and friends in maintaining and shaping contact arrangements. Last, we lack information in the United Kingdom on how and why parenting changes as a result of divorce and separation. This goes beyond the practices of parenting to include questions about changes in the division of labor, childcare, and paid labor for the former couples. A key research question to address is the extent to which desired/actual post-separation patterns of involvement reflect a continuation or diversion from pre-separation arrangements.

V. WHY IS THERE NOT BETTER DATA IN THE UNITED KINGDOM?

The short answer: practical and political reasons. To begin with, there are no population-level administrative data sources in the United Kingdom that could be used, either alone or in combination, to construct a representative sample of separated families. Legal and statutory services are in contact with only a few, relatively small subsets of separating and separated families: the (usually high-conflict) 1 in 10 who go to court to finalize arrangements, those who choose to pay to use the statutory child support system (again, those unable to negotiate private arrangements), and those claiming income-related benefits. A large proportion of separated families are thus invisible within administrative data. We are therefore reliant on the large-scale household surveys analyzed above.

Relying on survey data in turn means an overreliance on reports by the PWC, as many surveys either no longer include the parent who has left the household or struggle to locate them post-separation. Where we do have data from NRPs, those who identify as such tend to be those more actively engaged with their children, and thus may not be representative of the broader NRP population. Linked to the technical challenges is that the absence of a readily accessible sample frame means the

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recruitment of a sufficiently large and representative sample of separated parents for a new survey would be prohibitively expensive.

The second reason is political, and somewhat more fundamental, in that it is linked to the absence of an explicit family policy (Daly, 2010) and therefore clear ministerial responsibility for (separated) families in the United Kingdom. A renewed interest in family policy emerged in the 1990s, based on a perception of new social risks such as demographic change, but also focused on child outcomes. Family policy was now expected to deliver on many fronts, for example, women's labor market participation, child education, and the facilitation of flexible working and longer working lives. Maetzke and Ostner (2010) describe this shift as "functional family policy." As stated by James (2009, p. 27) in her review of family policy between 1999 and 2009,

> [T]he relationship between parents has been relatively neglected in government policies for children and families, compared to the parent-child relationship. . ..in particular, when couples are separating to enable them to make the best decisions for their children.

More recently, Iain Duncan Smith focused on "broken families," described as both emblematic and productive of a "Broken Britain" (e.g., Duncan Smith 2006). Once in government as the Secretary for Work and Pensions under the previous Coalition government (2010–2015), his department's Family Stability Indicators were included in the Social Justice Outcomes framework. Thus, every year there is an update on the proportion of children living with both birth parents (71% in 2013–2014), the proportion of children in low-income households living with both birth parents (48% in 2013–2014), and the proportion of children living with both birth parents who are in a "happy" relationship (76% in 2013–2014). The analysis is based on the UKHLS (all figures in Department for Work and Pensions, 2016). The absence of an explicit family policy is mirrored in the fact that there is no government department for the family. The creation of a Department for Children, Schools and Families was short lived (2007 to 2010) and then reverted back to the Department for Education. Responsibility for matters relating to families tends to be split across a range of departments: Health, Education, Justice, and Work and Pensions (essentially social security). It is telling that currently the only ministerial post with family in its title is that of Minister for Vulnerable Children and Families, reflecting the focus on targeting (Department for Education, 2017). Policy development regarding PWCs focuses on their relatively low employment rates by international standards as principal means to reduce the high rates of child poverty in the United Kingdom while the collection of maintenance payments from NRPs has effectively been privatized.

In other words, family policy in the United Kingdom tends to be implicit and where it exists is functional and/or targeted on particular groups. As discussed above, family separation is regarded as a private matter and separating families thus appear on policy makers' radar in two main ways: the focus on family stability by the Department for Work and Pensions and the push by fathers' rights groups for 50–50 shared residence directed at the Department for Justice. Beyond that, families have traditionally been and are increasingly being left to their own devices.

VI. SUMMARY AND CONCLUSIONS

The majority of separated parents in the United Kingdom are making their own arrangements and do not seem to be moving in the direction of 50–50 shared care—as far as can be gleaned from the inadequate statistics available for the United Kingdom. There certainly does not seem to be a marked increase in contact frequency or overnight stays over the past 10 years. While the introduction of the presumption of parental involvement in the Children and Families Act 2014 sounds like a significant change, it was intended to be largely symbolic; however, how that will impact future judicial decisions remains to be seen. Either way, lobbying to introduce an overriding presumption of 50–50 shared residence is likely to continue (Trinder, 2014) as will policy concern about the relatively high levels of (father–child) contact breakdown post-separation. Harris-Short (2010, p. 268) argues that

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'we are in danger of being driven towards a normative model of post-separation parenting that is based on the 'myth of equality' within intact families.'

Yet, the absence of quality data on post-separation parenting and contact matters for a number of reasons. First and most obviously, it is impossible to monitor change over time if there is no robust baseline. This has serious implications for the development or refinement of family policy in the United Kingdom. Second, the absence of data on shared parenting precludes any understanding about the choices and constraints families face. This is particularly pertinent at a time when welfare provision is being radically cut in the United Kingdom. For example, adults on social assistance under the age of 35 without the main responsibility for a child are only eligible for a "bedsit" (living with other adults) rather than a flat with a separate bedroom—limiting the opportunities for stay-overs. Third, the pressure for legislative change occurs in the absence of data, as can be seen from the 2014 Children and Families Act. Thus, decisions appear to be made on the basis of data from other countries, in this case mainly Australia (see Trinder, 2014), which presumes that the circumstances and outcomes are similar enough for this to be appropriate. This is a risky approach. Finally and perhaps most importantly, without robust data on post-separation contact patterns and parenting practices, it is impossible to explore the impact of different post-separation patterns of parenting on children's and parents' well-being in the United Kingdom.

However, there is growing recognition in the United Kingdom that we need better data to understand the profile, experiences, trajectories, and outcomes of separated parents and their children. There is a dearth of statistics and other research on shared care and other post-separation arrangements in the United Kingdom beyond contact frequency. A recent study (Bryson et al., 2017) consulted widely across government, academia, research, and the third sector on the evidence requirements around family separation, and it found significant gaps in the data available. The study also investigated the feasibility and cost associated with collecting better data and will make recommendations on the best research design to address at least some of the gaps identified.

We believe the way forward must include the design and development of new questions around shared parenting in the UK context, methodological work to improve our ability to identify and recruit NRPs into surveys, and identification of the best survey vehicle to explore these issues. Our hope is that these things are achieved before the next UK policy debate on shared care occurs.

NOTES

1. We thank Caroline Bryson for her contribution to the article, particularly on the complexities around collecting better data on shared care in the United Kingdom.

2. Government advice for separating and divorcing couples appears on various differently branded Web sites to which readers are directed from the Web page, "Making child arrangements if you divorce or separate" (https://www.gov.uk/looking-after-children-divorce). "Sorting out separation" (https://www.sortingoutseparation.org.uk/children-parenting/) provides a reasonably comprehensive basic guide to mediation, maintenance issues, and the parenting plan, with interactive tools that direct users to do-it-yourself advice sources. The Children and Family Court Advisory and Support Service (2015) has links to an online parenting plan tool with a version in leaflet form, including a pro forma declaration to be signed by both parents. The piecemeal nature of the advice and its emphasis on individual solutions are notable.

3. The wording of the relevant newly amended sections is worth noting:

> 1(2A) A court, is. . . to presume, unless the contrary is shown, that involvement of [each] parent in the life of the child concerned will further the child's welfare.
>
> (2B)In subsection (2A) "involvement" means involvement of some kind, either direct or indirect, but not any particular division of a child's time.'

4. The legal systems within Scotland and Northern Ireland are separate from those of England and Wales. Our empirical evidence is for the whole United Kingdom; our legal discussion largely follows English Law.

5. The UKHLS is designed very much to follow the BHPS, as a large longitudinal survey of households with children. These surveys can be used to track changes over time within families and, with some weighing, changes across families as a whole. The UKHLS also incorporated some BHPS respondents into its main design from its second wave in 2010–2011.

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6. The reason for this discrepancy is that the two questions have been imported into *Understanding Society* from different surveys and for each partner the consistency over time with previous questions was more important than consistency across PWCs and NRPs.

7. A total of 31 NRPs said that they had 50–50 care arrangements, equating 2.6% of contact arrangements. This updates the figure in Fehlberg et al. (2011) that was based on only part (broadly speaking, half) of the first wave of this data set. Moreover, 3 of those 31 did not have their child(ren) to stay on a regular basis, which sounds at odds with the idea of 50–50 care. The question wording is also consistent with a 'living apart together' arrangement, where a committed couple do not live in the same dwelling.

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