



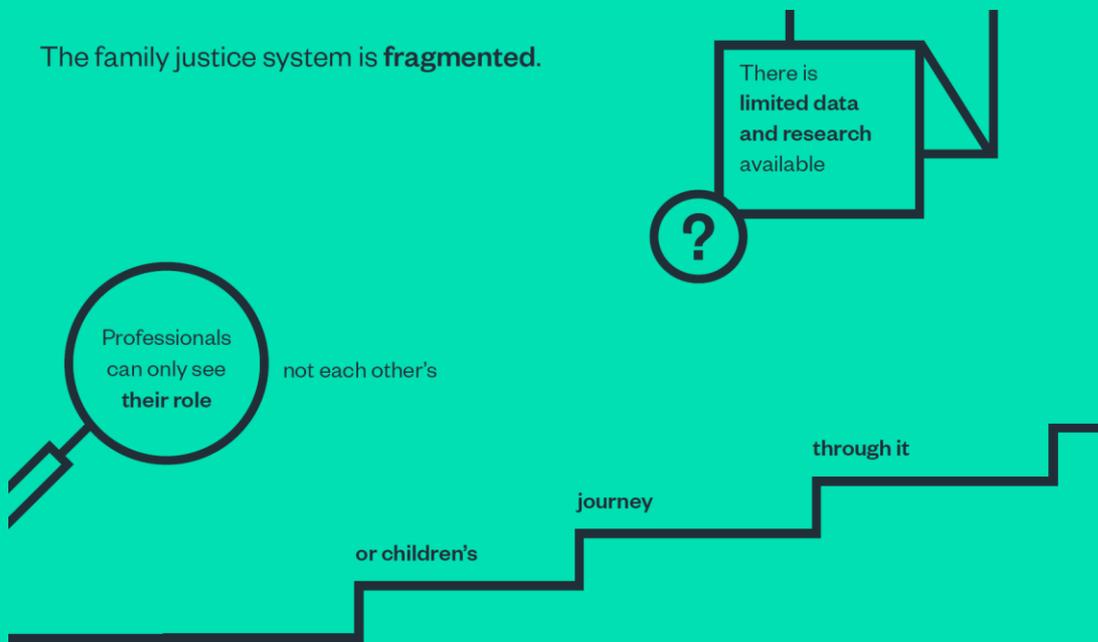
Annual report to the Nuffield Foundation

Y1 pilot phase: putting Nuffield FJO on the map

10 July 2020



The family justice system is **fragmented**.



We analyse and share data and research in an accessible way, so people can see the bigger picture.



By creating a space for professionals to **exchange ideas** and develop new ways of working, and providing insight and **clarity** into the system as a whole, we improve the lives of children and families.

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Summary of progress made in the last year

This annual report covers the period July 2019 to July 2020—the first full year of the pilot phase of the Nuffield Family Justice Observatory (Nuffield FJO). It has been a period of significant development for the organisation, with the recruitment of a team and a rapidly expanding programme of work to put Nuffield FJO ‘on the map’.

During the year, the NFJO’s activities, reach, profile and influence have increased significantly. As Sir Andrew McFarlane, President of the Family Division

put it, our work has ‘put the presence of [Nuffield] FJO on the family law map in indelible ink’.

It has also been an intense learning period, as we have embarked on our mission to put data and research at the heart of the family justice system in order to improve the lives of children and families. We are continuing to refine and improve our approach to ensure that our work has the greatest possible impact.

‘[This work has] ...put the presence of [Nuffield] FJO on the family law map in indelible ink.’

Sir Andrew McFarlane, President of the Family Division

About the Nuffield Family Justice Observatory

Nuffield FJO aims to support the best possible decisions for children by improving the use of data and research evidence in the family justice system in England and Wales. Covering both public and private law, Nuffield FJO provides accessible analysis and research for professionals working in the family courts.

We were established by the Nuffield Foundation in 2019. Everything we do reflects the Nuffield Foundation’s commitment to independent thinking, collaboration and rigorous, evidence-based research.

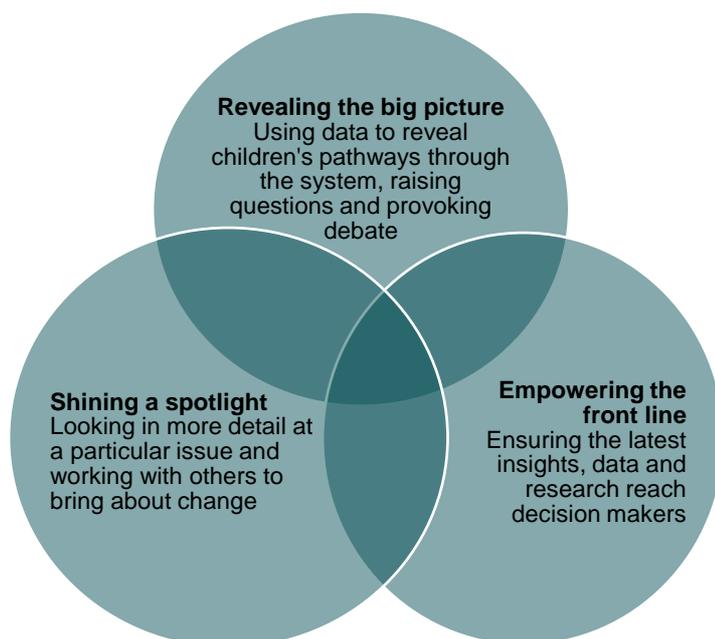
Our approach

Nuffield FJO improves the lives of children and their families by putting data and evidence at the heart of the family justice system. We were established by the Nuffield Foundation in 2019. Everything we do reflects the Nuffield Foundation’s commitment to independent thinking, collaboration and rigorous, evidence-based research.

All of the people who work within the family justice system—judges, lawyers, social workers, Cafcass guardians, policy makers and more—share a common goal: helping children and families to thrive in the future. But understanding how to achieve that ambition is limited by a lack of readily available data and research evidence. Too few opportunities also exist for those involved to share their knowledge and experiences.

Nuffield FJO exists to find and fill the gaps in our understanding of the family justice system, highlight the areas where change will have the biggest impact, and foster collaboration to make that change happen. A bridge between the academic community and frontline practitioners, we are independent and relentless in our focus on ensuring children get the best support based on the best available information. In everything we do, our work is guided by the experiences of children and families right across England and Wales.

We work in three closely connected ways:



Nuffield FJO has a unique contribution to make.

- We are independent, not part of government or any professional body. We do not represent any one part of the family justice system.
- We are focused on the family justice system as a multifaceted, multidisciplinary system. The centre of our lens is on the family courts but our focus extends far beyond this. Our work includes understanding the support that children and families need before they

reach family courts and understanding what happens once they have been through the family justice system.

- We are not only committed to ensuring that data and research evidence inspires change but to working through knotty issues and mobilising change by working with others.
- We are funded by the Nuffield Foundation, which is unique among funders in terms of its long-term commitment to funding family justice research.

With our unique position and clear focus, Nuffield FJO has the potential to make a substantial contribution to improving the lives of children and families who experience the family justice system.

Key activities in the last year

A full list of the year's outputs and events is included in the appendix. During this period three foundational projects have put the NFJO 'on the map'.

Born into Care is a series of studies, led by Professor Karen Broadhurst and colleagues at Lancaster University, which is exploring the trends, patterns and factors relating to the number of infants who are subject to care proceedings. [Born into care: Newborns in care proceedings in England](#) (2018) and [Born into care: Newborns and infants in care proceedings in Wales](#) (2019) highlighted a sharp increase in the number of newborns in care proceedings in recent years, and also showed marked regional differences in incidence rates. During 2019 and 2020, data from these studies has been shared with local authorities and designated family judges in a series of regional workshops in order to explore the circumstances surrounding these cases. A review of [existing case law](#) and a [rapid evidence review](#) of parents' and professionals' experience of infant removal were published to inform the debates. [Born into care: One thousand mothers in care proceedings in Wales](#) drew on the data linkage made possible through the Family Justice Data Partnership (see below) to explore the health histories of mothers whose children were subsequently subject to care proceedings and highlighted the very high levels of mental health problems among this population. A separate study, which is being funded by the Nuffield Foundation, is developing guidelines to inform best practice regarding which infants are taken into care at birth. During the pandemic we have convened discussions among practitioners about how best to maintain pre-birth practice while social distancing measures are in place.

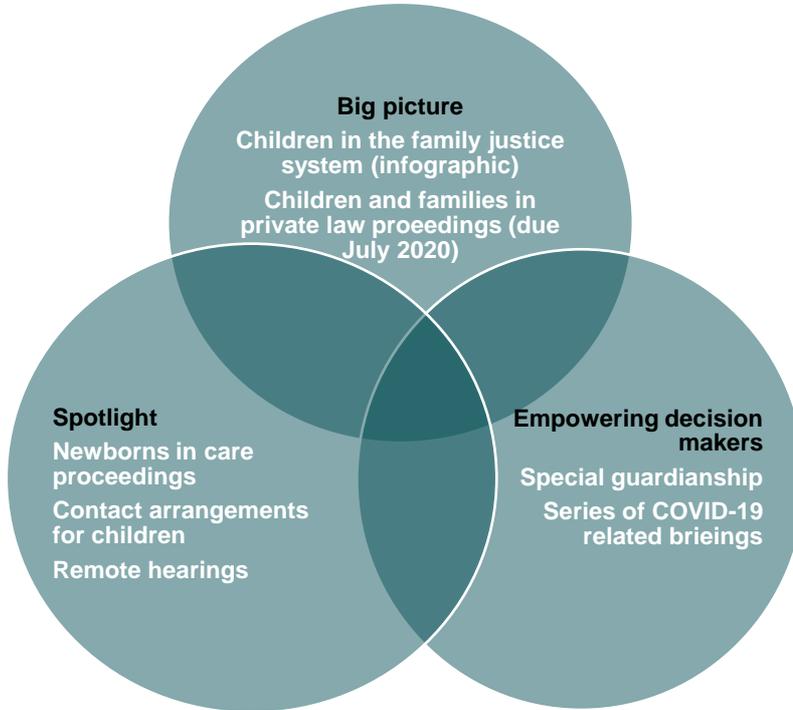
Remote hearings under lockdown. One month into lockdown and at the request of Sir Andrew McFarlane, the President of the Family Division, Nuffield FJO was asked to carry out a rapid two-week consultation on remote hearings. The consultation received a huge response, with over 1,000 respondents. The resulting [50-page report](#) painted a picture of how virtual courts were performing in delivering justice for families, documenting first-hand accounts from those involved on all sides. The report was published in early May 2020 and was described by Sir Andrew McFarlane as:

'... a stunning piece of work, which is not only brimming with detail and helpful insight, but has also been produced to a high professional standard. ... If the [Nuffield] FJO had not existed I cannot see how we could have commissioned and financed anything of the sort in anything like a timescale to meet the urgent need to provide information to those of us trying to steer the ship in this very stormy and uncharted ocean. This is very impressive and [proof], if that were needed, it will put the presence of [Nuffield] FJO on the family law map in indelible ink.'

Modernising contact. During Nuffield FJO's development phase, stakeholders requested up-to-date research on the impact of contact arrangements on children's development and well-being. Nuffield FJO commissioned [a rapid evidence review](#) from the University of Sussex and National Centre for Social Research. As the pandemic struck and social distancing measures were put in place, we realised that face-to-face contact arrangements for children living in care would be affected, so commissioned two further pieces of work: a [study](#) of how contact arrangements were being managed during lockdown and [a rapid evidence review](#) on the impact of digital contact on children's well-being and development. In

addition, Nuffield FJO has worked with Professor Beth Neil and a digital design company to develop a prototype of an app that could help support a wide range of contact arrangements for children. This package of evidence and ideas is being used to inspire local authorities, regional adoption agencies, foster carers and others to reappraise how contact arrangements might be managed during and post-pandemic.

Over the past year, our work has contributed in each of the ways we envisaged:



We have also invested time building up relationships with key stakeholders. We have set up a Stakeholder Advisory Council, which comprises 30 individuals/organisations that represent all parts of the family justice system, and with whom we meet and consult twice annually. We have taken part in hundreds of meetings with key individuals and presented at a wide range of forums, including the Judicial College, the Association of Lawyers for Children and the Association of Directors of Children’s Services.

The Family Justice Data Partnership

The Family Justice Data Partnership (the Data Partnership) is an integral part of Nuffield FJO's work. A collaboration between the University of Lancaster and the University of Swansea, it is funded by a £2.183m grant that makes up 40% of the total expenditure on Nuffield FJO during the pilot phase.

The Data Partnership was established to be the analytical 'engine' of Nuffield FJO, enabling ground-breaking linking of data to provide new intelligence on system-wide family justice issues. Specifically, the aim of the Data Partnership is to 'establish a bespoke data platform and analytics service for the new Observatory' to deliver four core objectives:

- to increase access to—and capability in the use of—administrative data
- to improve intelligence about how the family justice system is working through routine and specific issue analyses
- to demonstrate the value of data harmonisation and data linkage, through the delivery of bespoke linkage projects
- to increase the capacity of policy and practice stakeholders to understand, interpret and apply data for policy and practice development.

The Data Partnership started work on 1 January 2019, and its programme of work runs until June 2023, so it is one-third of its way through its programme. In this first phase the focus has been on data acquisition, cleaning and preparation, with a total of five datasets acquired: Cafcass Cymru data, Cafcass (England) data, Wales Children receiving Care and Support (CRCS) census, Looked After Children Wales (LACW) and Maternity Indicators Dataset (MIDS).

Excellent progress has been made with data acquisition in Wales, while the acquisition of data from England has been slower and is largely dependent on decisions made by government departments. With support from Administrative Data Research (ADR) UK, the Ministry of Justice has put plans in place to make family court data available by the summer of 2021. The Data Partnership continues to work closely with the Ministry of Justice and other government departments to try to expediate plans to share relevant datasets with the SAIL databank (which hosts the Data Partnership).

In the meantime the Data Partnership has produced three outputs of ground-breaking data analysis for Nuffield FJO in the past year, drawing on Welsh datasets: [Born into care: Newborns and infants in care proceedings in Wales](#), [Women in recurrent care proceedings in Wales](#) and [Born into care: One thousand mothers in care proceedings in Wales](#). These reports are based on first ever use of population-level data produced by Cafcass Cymru and the third report is based on complex linkage of five datasets (relating to family court, demographics and health).

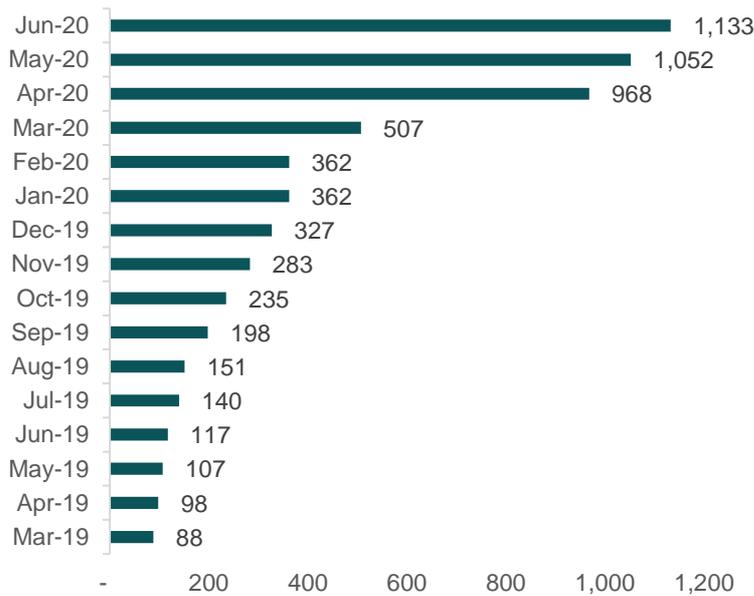
The Data Partnership has also played an important role in helping to put Nuffield FJO 'on the map', by attending and organising events and meetings on behalf of Nuffield FJO. Several academic articles, keynote presentations and papers have been given to policy and practice audiences and five conference papers were given at the Administrative Data Research Conference. Altogether, this is helping to establish Nuffield FJO as a leader in the dissemination of ground-breaking family justice data analysis.

Communications and reach

During the year, Nuffield FJO’s reach and profile have grown significantly. Our focus has been on raising our profile among our key audiences: social workers, barristers, solicitors, judges and Cafcass workers.

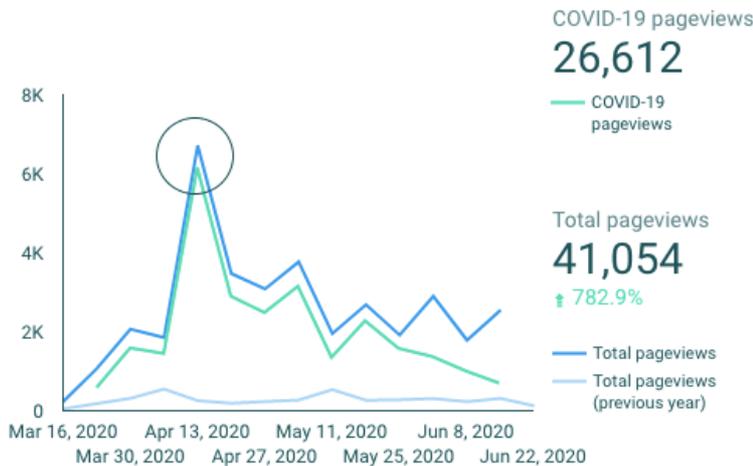
In the last 12 months (comparing the period June 2019 to June 2020) subscribers to our bulletin have rocketed from 117 to 1,133. The majority of subscribers work in children’s services or legal services.

Figure 1: Total bulletin subscribers



Our profile and reach has increased particularly sharply during the pandemic, largely as a result of the work that we undertook on [remote hearings](#). Subscribers to the regular bulletin tripled in April 2020, and the period March to June 2020 saw a 783% increase in website traffic compared to the same period in 2019.

Figure 2: Monthly page views



Monthly website page views and total Twitter impressions remain significantly higher than a year ago, as our publications and bulletin continue to reach new audiences.

Figure 3: Website users and page views

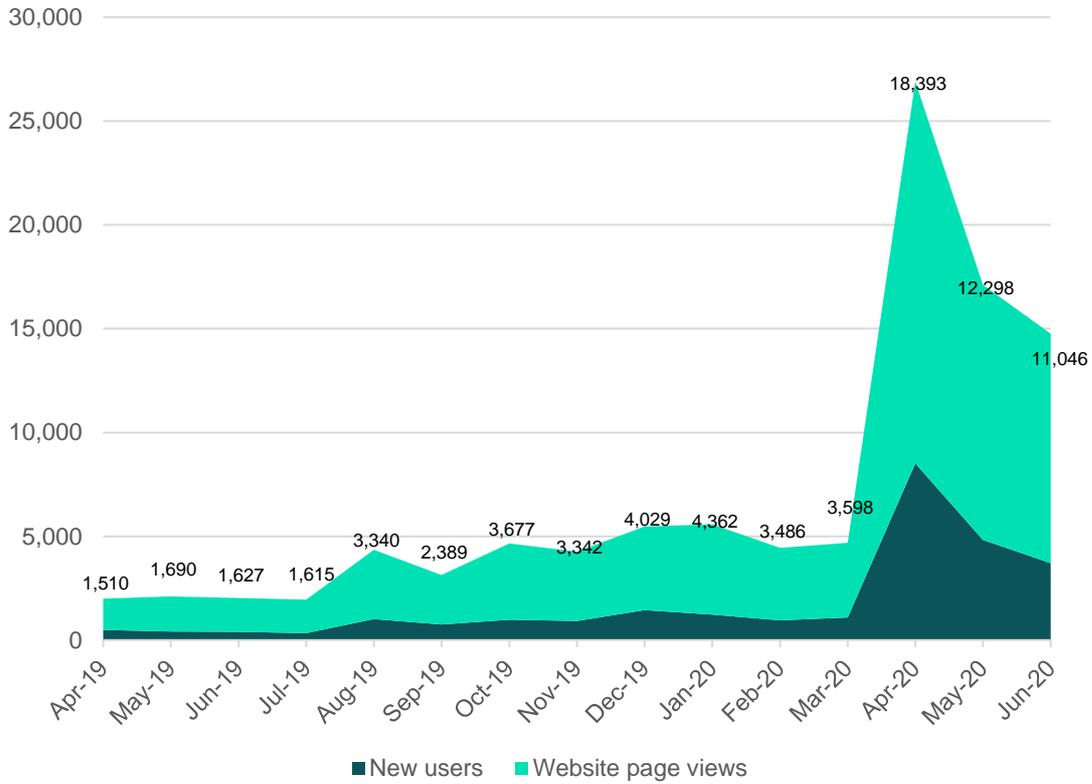
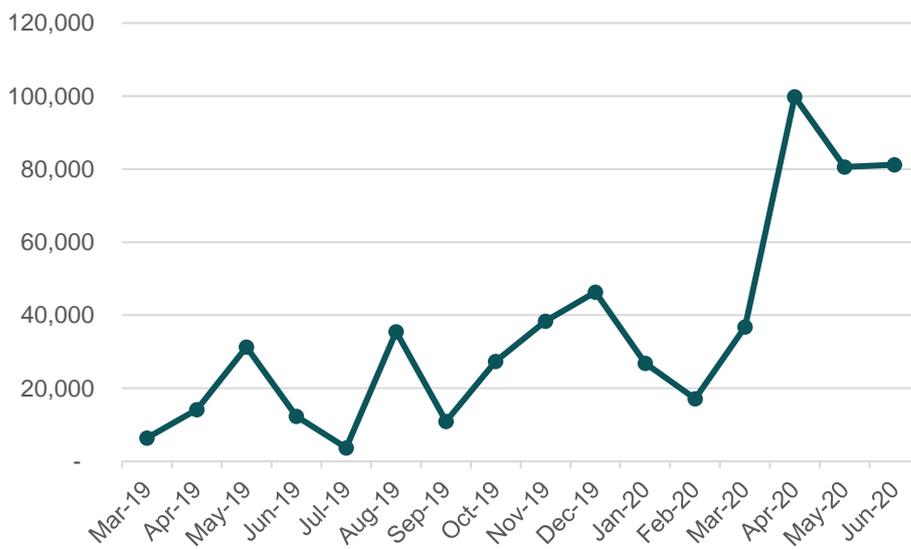


Figure 4: Total Twitter impressions



Measuring success

Nuffield FJO set three strategic objectives for 2019 and 2020, which reflect our ‘start up’ phase as an organisation.

Table 1: Progress against strategic objectives

Objective	Progress made	Lessons learned
Nuffield FJO understands how the system operates as a whole	Successive projects have illuminated how different parts of the family justice system work—with the lens on infants, contact arrangements, and court hearings for example. The team has spent time shadowing cases in different family courts. Event ThinkIns (held online) have provided an unexpected source of insight from the front line, and given us access to stakeholders in all parts of the family justice system. We have identified the fragmentation of the FJS as one barrier to change and see that Nuffield FJO has a convening role to bring different parts of the system together. We also recognise that the experiences of parents and children need to be made more visible.	We are still trying to understand some of the barriers that prevent system change and want to draw in lessons from change that has happened in other sectors too.
Nuffield FJO establishes itself as a knowledgeable and influential organisation	The remote hearings consultation significantly raised our profile and influence. The studies we have published during the pandemic have demonstrated that we understand what was happening 'on the ground'. The <i>Born into Care</i> series continues to build our reputation in relation to infants in care proceedings. Our infographic, which highlights what is known and what is not known about the family justice system from the publicly available data, has been popular with stakeholders.	Holding up a mirror to the system and how it is operating is really powerful—and is also allowing us to demonstrate our understanding.
Nuffield FJO builds relationships of trust with professionals and parents in the family justice system	The remote hearings consultation and related events showed that we are listening to parents and professionals, and giving both a voice/platform. Sign-ups to the regular bulletin have increased substantially. The fact that we have been invited to undertake consultations by the President of the Family Division and the Department for Education, for example, shows that we are becoming a trusted source of research and data. We have worked collaboratively with organisations such as Research in Practice, Family Rights Group, Grandparents Plus and Dads Unlimited.	It is much harder to reach parents than professionals— we need to develop our strategies for doing so.

Progress against Nuffield Foundation strategic goals

Nuffield Foundation's recent strategy review documents the ways in which Nuffield FJO has contributed towards meeting its strategy's goals.

Goal 1: Research portfolio

Nuffield FJO's work over the past year has strengthened Nuffield Foundation's understanding of the key research gaps in family justice. Building on the [consultation work](#) undertaken with judges, barrister, solicitors, social workers, academics and others during the development phase to identify pressing research and data questions, we have established a Stakeholder Advisory Group to provide a mechanism for ongoing feedback. Nuffield FJO has also developed an [infographic](#) that clearly sets out the major data gaps relating to family justice.

Goal 2: Data and evidence

A £2.17m grant was awarded to Lancaster and Swansea Universities to establish the Data Partnership (2019–2023). The partnership provides the first opportunity to link data sets relating to family justice via the SAIL databank in England and Wales, offering the prospect of ground-breaking analysis that will advance understanding of children's pathways into, through and beyond the family justice system. Several key datasets have already been acquired by the SAIL databank: Cafcass Cymru and Cafcass (England) data, Wales Children receiving Care and Support (CRCS) census, Looked After Children Wales (LACW) and the Maternity Indicators Dataset (MIDS). The [first research outputs](#) drawing on linked data analysis were published by Nuffield FJO in June/July 2020.

Goal 3: Increasing profile and influence

Nuffield Foundation has a long history of funding family justice research, and this is often recognised by stakeholders. However, Nuffield FJO is dramatically extending this profile, reach and influence through its work with frontline decision makers. In the last 12 months (and especially as a result of our work during the COVID-19 pandemic) subscribers to our regular bulletin have rocketed from 117 to 1,133 and monthly webpage views have soared from 450 to 12,000. Under lockdown, subscriber numbers tripled in little over a month as practitioners turned to the bulletin for the latest news, while Twitter engagement increased five-fold. Nuffield FJO's main audiences are frontline social workers, barristers, solicitors and judges, with the aim of ensuring that data and research is reaching those taking decisions about children.

'[Nuffield] FJO's work is already having an impact. This is a very impressive and professional piece of work and has proved, if proof were necessary, the value to the family justice system of having the Observatory as an independent research body which is focused on our needs (both long and short term). We should all be grateful for the funding that the Nuffield Foundation has made available so that the Observatory can function in this way.' Sir Andrew McFarlane, View from the President's [Remote] Chambers, May 2020.

Summary of financial position

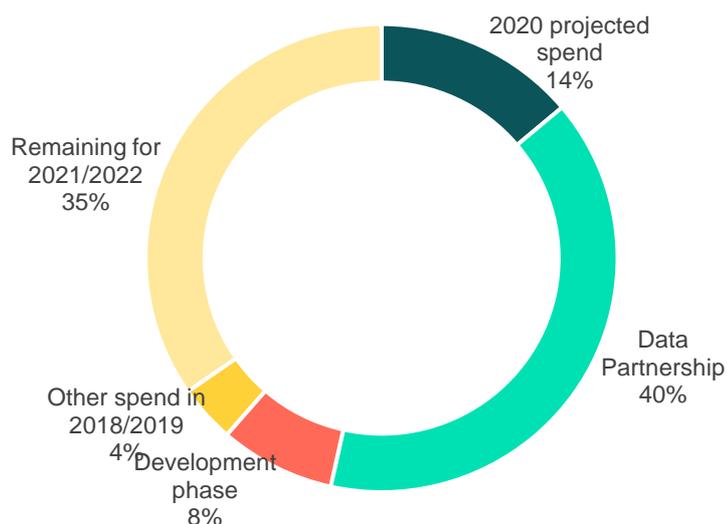
£5.5m was allocated for Nuffield FJO’s development and pilot phases. Based on current projections, funding should run until March 2023.

Table 2: Breakdown of expenditure

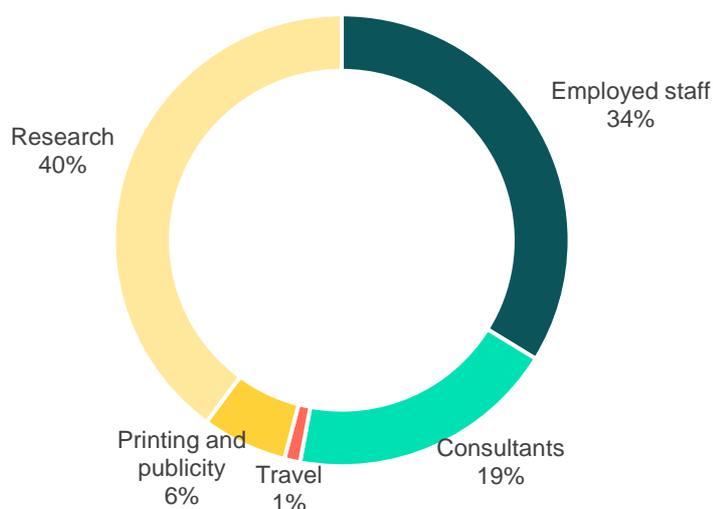
Grant/expenditure	£
Grant from Nuffield for 2018-2023	£5.5m
Set aside for Data Partnership	£2.183m
Spent during development phase	£0.452m
Additional spending in 2018	£0.045m
Additional spending in 2019	£0.169m
Projected spend in 2020	£0.743m
Projected expenditure for 2021 and 2022	£1.677m
Remaining projected surplus	£0.231m

Just under half of this £5.5m was earmarked for the development phase (40%) and the Data Partnership (8%). A further £230K was spent in 2018 and 2019, and projected spend in 2020 is £740K. This leaves £1.9m for 2021 and 2022.

Figure 5: Breakdown in anticipated expenditure during development and pilot phases



When you exclude expenditure on the Data Partnership and development phase, just over half of NFJO’s current expenditure goes on employed staff or consultants, about 40% on commissioned research and the remainder on travel, printing/publicity and general costs.

Figure 6: Breakdown of anticipated expenditure in 2020 (not including Data Partnership)

Projected spend on employees in 2020 is £250K. Nuffield FJO currently has 3.2 FTE staff but this is expected to increase to 4.9 FTE by September 2020 (see appendix for organogram).

Projected spend on freelance staff in 2020 is £142K. This is largely due to a decision to outsource our communications work to Sonder Communications. 85% of the spend on freelance staff pays for the equivalent of two full-time communications staff. This has proved an excellent arrangement; by working with Sonder Communications we have benefited from a wide range of excellent communications support including press/strategic communication, social media and editorial services.

It is worth noting that the original cost estimates for Nuffield FJO assumed an annual spend of £400K on staffing, so with expenditure on employees (£250K) and consultants (£142K) combined we are spending in line with these estimates, albeit with a different configuration of roles (the original estimates assumed a Director plus three senior staff).

Nuffield FJO is projected to spend approximately £300K per annum on research outside the Data Partnership. In the past year, we have commissioned a wide range of research to support our work. Notably, however, the average expenditure on each research project is significantly lower than usual Nuffield Foundation grants (normally reflecting work undertaken in a short timescale):

- evidence review on the impact of contact arrangements on children's well-being and development (forthcoming), £35,438 – University of Sussex and the National Centre for Social Research (NatCen)
- designing a prototype for a digital contact system, £25,620 – University of East Anglia, Reason Digital and Cliff Manning (consultant)
- evidence review on digital contact, £17,929 – NatCen
- remote hearings consultation, £11,000 – Centre for Justice Innovation, Mary Ryan and Sarah Rothera (consultants)

- developing a community of practice for services to reduce recurrent care cases, £10,500 – Research in Practice
- contact arrangements during lockdown, £9,494 – University of East Anglia
- evidence review on child protection mediation (forthcoming), £7,370 – University of Bristol.

However, Nuffield FJO is also benefiting significantly from additional grants that the Nuffield Foundation has awarded. For example, a £300K grant has been awarded to the University of Lancaster to develop guidelines for the removal of infants subject to care proceedings at birth. This project is working with eight local authorities in England and Wales to co-design and test guidelines for good practice. In addition, Nuffield FJO is increasingly invited to review and comment on applications for funding received by Nuffield Foundation.

A forward look at the challenges

As we look forward to the next year, we anticipate several challenges.

- The Data Partnership will not be able to become the 'analytical engine' of Nuffield FJO as originally envisaged if the Partnership cannot gain access to key English datasets during this pilot phase. We are exploring ways to try and expediate access over the next year.
- Nuffield FJO's fast pace work has yet to be matched by the pace of analytical work undertaken by the Data Partnership. While in-depth data linkage and analysis is crucial and takes time, we need to build in more capacity for regular responsive data analysis to support our main areas of work. We are recruiting a researcher to join the Nuffield FJO team who will work with the Data Partnership to undertake descriptive analytical work. We also intend to increase awareness of the administrative datasets and the potential to illuminate issues relating to family justice to a wider academic audience.
- We recognise that making the experiences and views of children and families more visible is a prerequisite for change in the family justice system, but this kind of research is difficult to do, and comes with important ethical considerations. We intend to find ways to address these challenges in the next year.
- Now that the Nuffield FJO team is established, we would like to work more closely with the Nuffield Foundation justice team to maximise the impact of all the family justice research that the Foundation funds.

As part of Nuffield FJO's commitment to continued learning, we will ensure that an independent review of progress takes place within the next year. This will inform our plans for the next two years and beyond.

Appendix

Publications (1 July 2019 to 30 June 2020)

- [Special guardianship: A review of the evidence](#)
- [Children in the family justice system \(infographic\)](#)
- [Born into care: Newborns and infants in care proceedings in Wales](#)
- [Born into care: Case law review](#)
- [Born into care: Pre-birth assessment and infant removal at birth](#)
- [Women in recurrent care proceedings in Wales](#)
- [What we know about the impact of remote hearings on access to justice](#)
- [Remote hearings in the family justice system: a rapid consultation](#)
- [Contact during lockdown: how are children and their birth families keeping in touch?](#)
- [The effects of digital contact on children's well-being: evidence from public and private law contexts](#)
- [Born into care: One thousand mothers in care proceedings in Wales](#)

Briefing and insight papers (1 July 2019 to 30 June 2020)

- [Use of children's social care data at local and regional level](#)
- [Potential impacts of COVID-19 on kinship carers and special guardians](#)
- [Managing family contact during the coronavirus crisis](#)
- [Impact of COVID-19 on children's social care workforce](#)
- [Who are the children most likely to be impacted by lockdown?](#)
- [Remote hearings in court systems around the world](#)
- [How many remote hearings are taking place in England and Wales?](#)
- [Domestic abuse and COVID-19: perspectives from family courts around the world](#)
- [Making special guardianship work for children and their guardians](#)

Events (1 July 2019 to 30 June 2020)

- [Children in care: preserving family connections](#)
- [Born into care: Newborns and infants in care proceedings in Wales](#)
- [Making better use of local area data: opportunities and challenges for children's social care](#)
- [Supporting Separated Families Alliance scoping event](#)
- [Working with harmful conflict and recurrent private law cases](#)
- [Algorithmic decision-making, predictive analytics and children's services: use, ethics and impacts](#)
- [Can we do digital child protection and family justice safely – and fairly?](#)
- [Digital family contact time: sharing and building knowledge](#)
- [Remote hearings – fair family justice?](#)
- [The family courts after the COVID-19 crisis – what are we learning?](#)
- [Born into care: One thousand mothers in care proceedings in Wales](#)
- [Pre-birth practice in socially distant times: challenges and innovations](#)

NFJO organogram, July 2020

