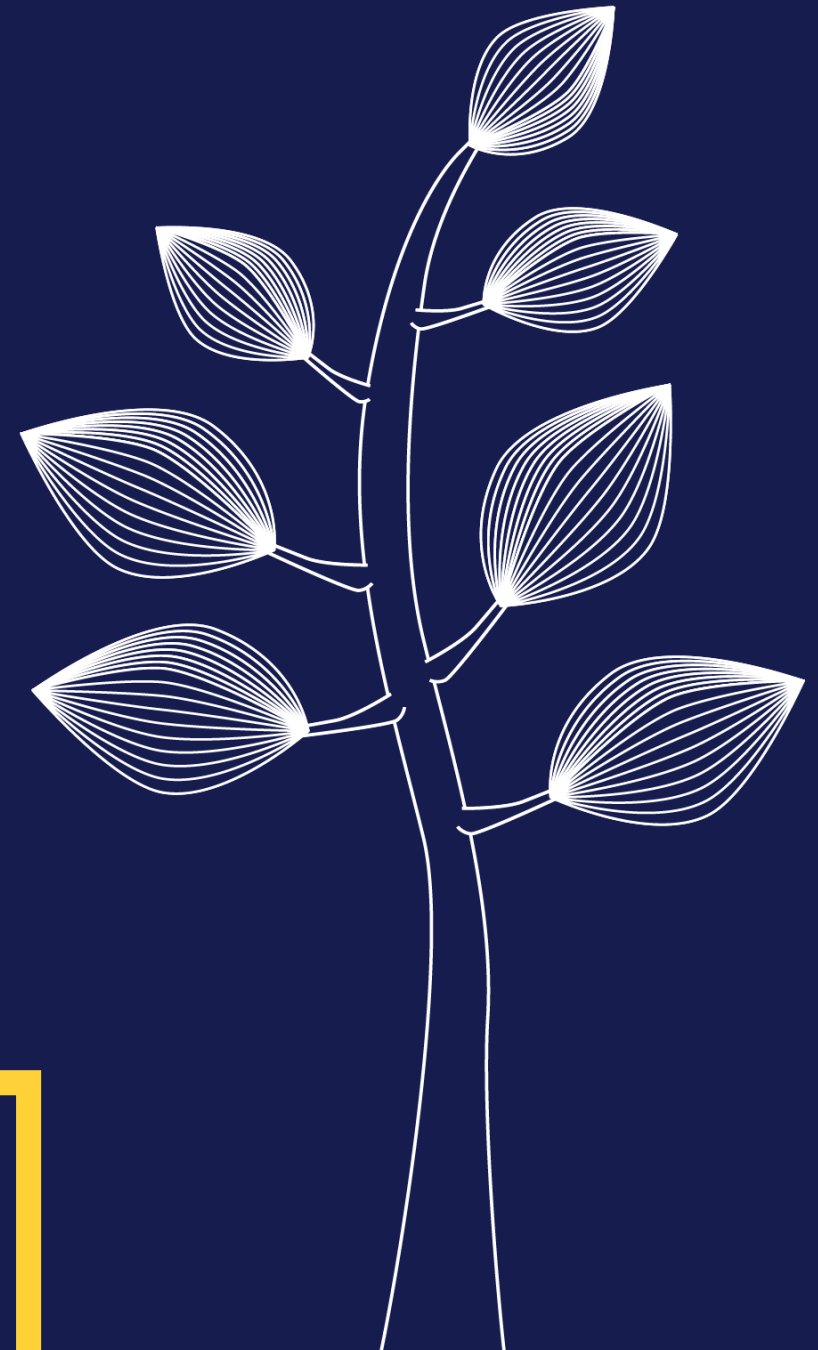




# Rooted in evidence

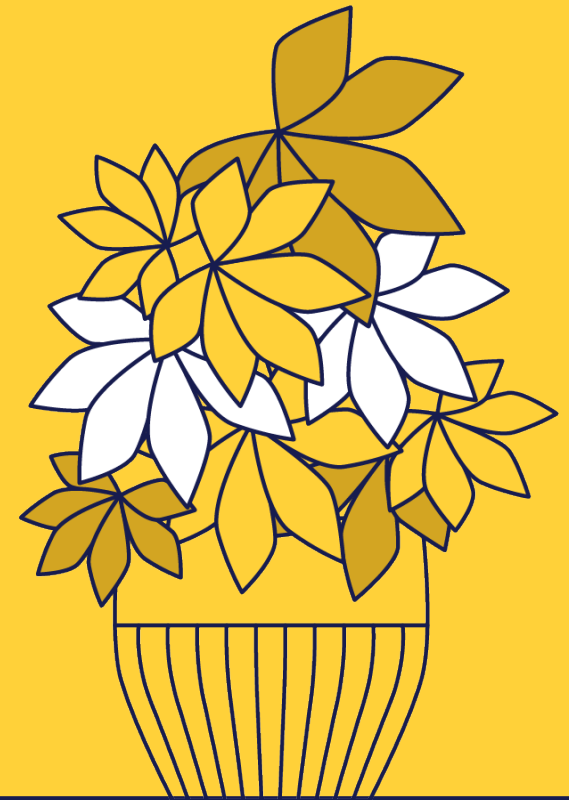
Improving the lives of children and families in the family justice system

Strategy 2022-6



# **This strategy sets out our goals over the next five years**

During our first three years we have talked to children and families, professionals working in and with the court, government, academics and more. Together with the the published evidence, these conversations paint a picture of systems and services under immense pressure. The family justice system, designed to act in a child's best interests, is not always effective in doing so.



# Five goals

## 1. Right support, right time

Children become involved in court proceedings when their parents disagree about how to care for them, or when the local authority has significant concerns about their safety or the ability of their parents to care for them. Too often there is insufficient support to help families resolve their problems before they reach court. Where cases do progress to court there is little evidence that interaction with court process is helping to promote positive change.

We will collate and promote evidence to inform ways to reduce the need for the family court to intervene. And where it is important for matters to be resolved in court, we will identify ways that the court can provide a positive opportunity for change.

How will we know if we have succeeded?

- There will be fewer cases coming to court as better support will have prevented the need for court intervention.
- There will be evidence that more children and parents find the court process humane, empathetic and comprehensible.
- There will be better outcomes for children who have been subject to decisions in the family court.

## 2. A stronger focus on problem solving

The adversarial nature of the family court is too often counterproductive. Disputes become entrenched and parents feel unfairly judged. There is good evidence that a 'problem-solving' approach can be more effective. This is where the authority of the court is combined with multi-agency support to ensure that every last effort is made to help a family resolve its difficulties before a court judgment is made about who a child should live with. We will share the evidence about problem-solving approaches with all parts of the family justice system and explore how a problem-solving approach might be applied to more cases.

How will we know if we have succeeded?

- There will be more cases resolved using a problem-solving approach.



### 3. Children, parents and families as active participants

A prerequisite for justice is that all those involved can fully participate in the process. Yet children, parents and family members report that court proceedings are often difficult to navigate and that they do not feel listened to or understood. Even if individuals do not agree with the decisions made about them in the family court, feeling heard is important for future well-being. At a system level, the voices of the children and families affected by the system are not routinely heard and therefore those whose lives are most affected by the system have the least power to change it. We will seek to share and expand the evidence relating to children and parent participation in proceedings in order to inform future practice.

How will we know if we have succeeded?

- There will be more children and young people who feel heard and supported to actively participate in proceedings in the way they want to.
- There will be more parents who understand what is going on in proceedings, feel their voices are heard, and experience the process as just and humane.

### 4. Inequalities are recognised and responded to

Significant disparities relating to geography, ethnicity, income, disability and other characteristics are known to exist. But because practice develops at a local level and the system is under constant strain, there is rarely the opportunity for those working in the system to identify, analyse and respond to the inequalities that present themselves. Sometimes the evidence is insufficiently detailed to be of value. For family justice to be fair, it is important to expose and act on any inequalities faced by families. We will seek to identify these inequalities and encourage ways to address them.

How will we know if we have succeeded?

- There will be more shared awareness of the inequalities that exist.
- More action will be taken to address inequalities in the family justice system.

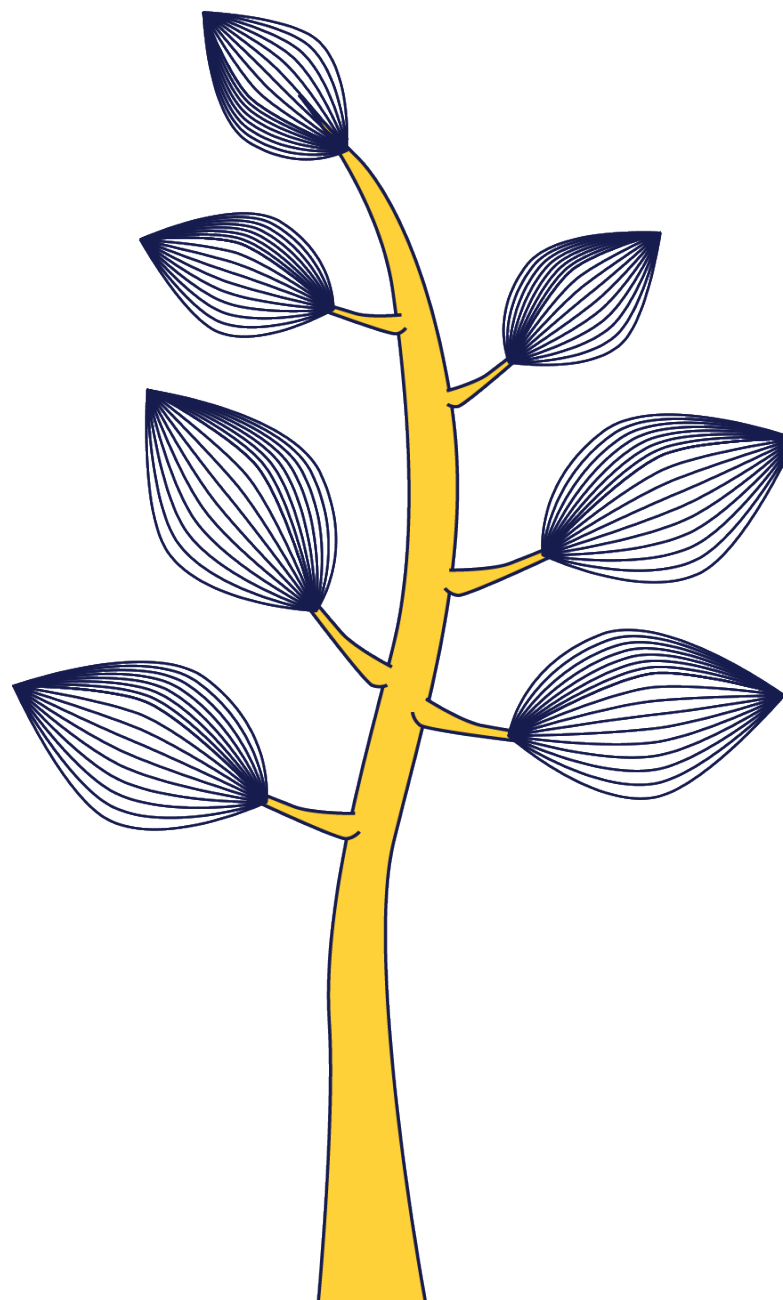


## 5. Greater collaboration

There is an emerging consensus that change is needed but the system is fragmented. There are many different professionals working in the family justice system, and in child welfare and related systems. Professionals can feel powerless to effect change when they identify issues that are wider than their individual practice. Changes in practice are only possible where professionals work together around a shared understanding of the issues and how to address them. Given their authority, the leadership role of the judiciary is particularly important for system change. In all our work we will foster an approach that encourages dialogue across professional boundaries and supports leadership in a time of great challenge and complexity.

How will we know if we have succeeded?

- There will be regular opportunities to listen, discuss and reflect across the family justice system.
- Children and relatives will have the opportunity to routinely share their experiences with professionals.
- Professionals will feel informed by high quality, locally relevant data and research. Cross-sector dialogue to investigate issues and explore innovation – between judges, lawyers, family court advisers, social workers and voluntary organisations – will be the norm.
- More judges will take a transformational leadership role – inquiring, convening, challenging and championing change – to ensure the best interests of children.

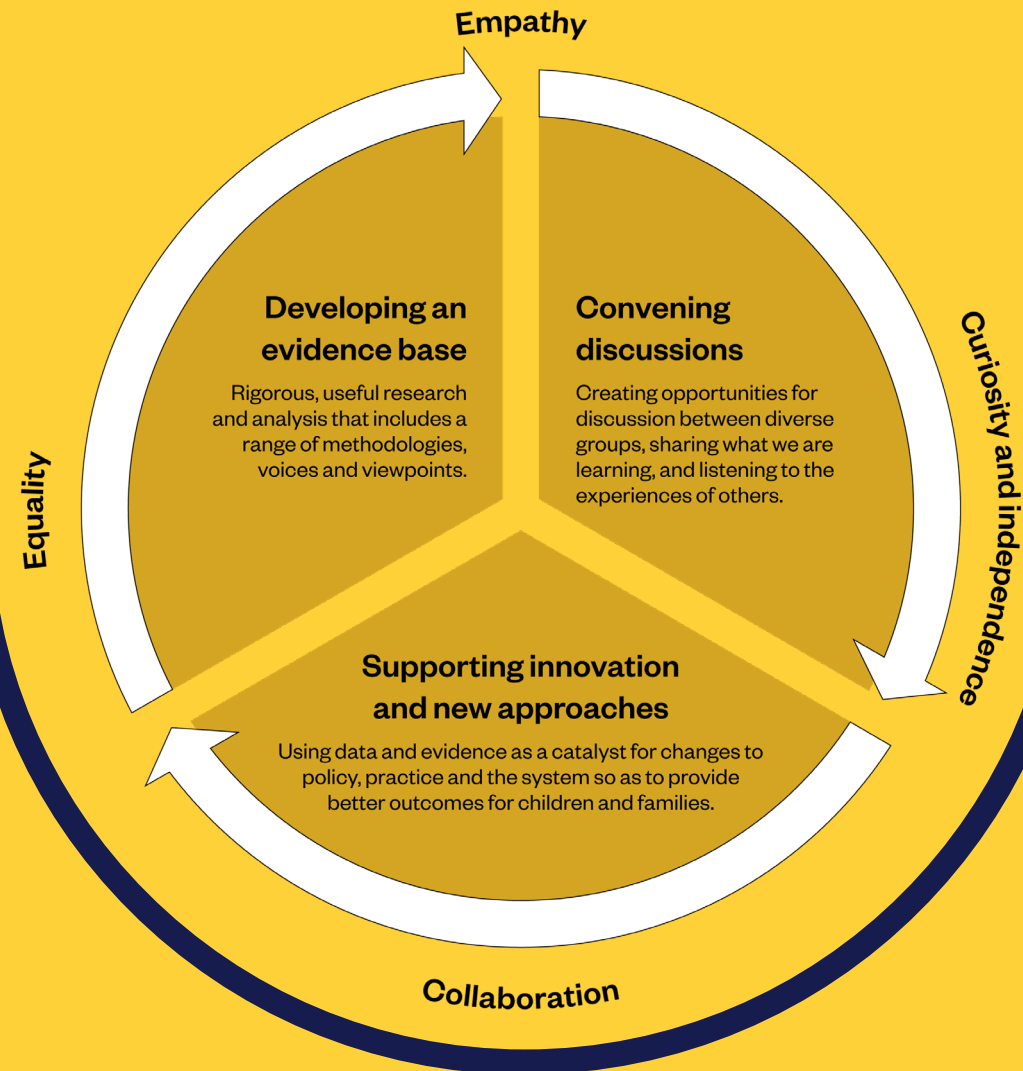








# How we work

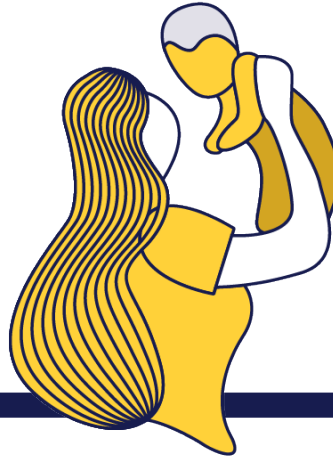


# Current focus areas



## Young people and the care system

The sharp increase in the number of older children and young people who are being taken into care has prompted concerns about the ability of the family justice system to respond to their needs. We are shining a spotlight on the needs of this group of children and young people, and convening discussions across the family justice system about how they can be better met.



## Babies who are subject to care proceedings

Given the rising number of babies being removed from parents at birth (many of whom have previously had a child taken into care), we are exploring what needs to change to reverse this trend and, where it is necessary, how to ensure that the practice of taking a baby into care is humane and less likely to result in a subsequent removal of a child from a parent's care.

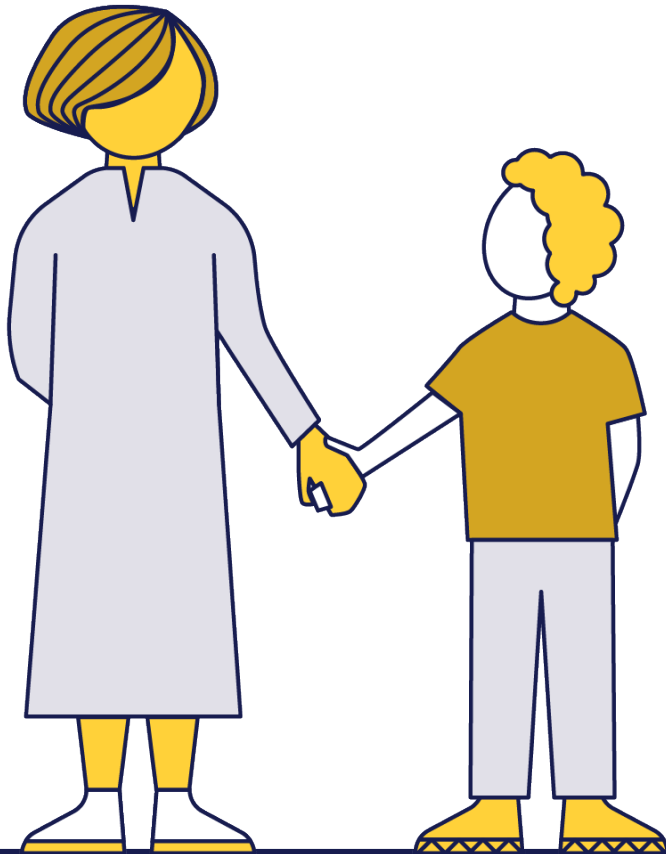


## Separating families and private law proceedings

Children are far more likely to be involved in private law disputes between their parents than they are likely to be subject to child protection proceedings – but we know little about these children or their families as they are not captured in national administrative data. We are working to better understand the families that are coming to court following separation, why they are coming to court, and how their needs can be better met.



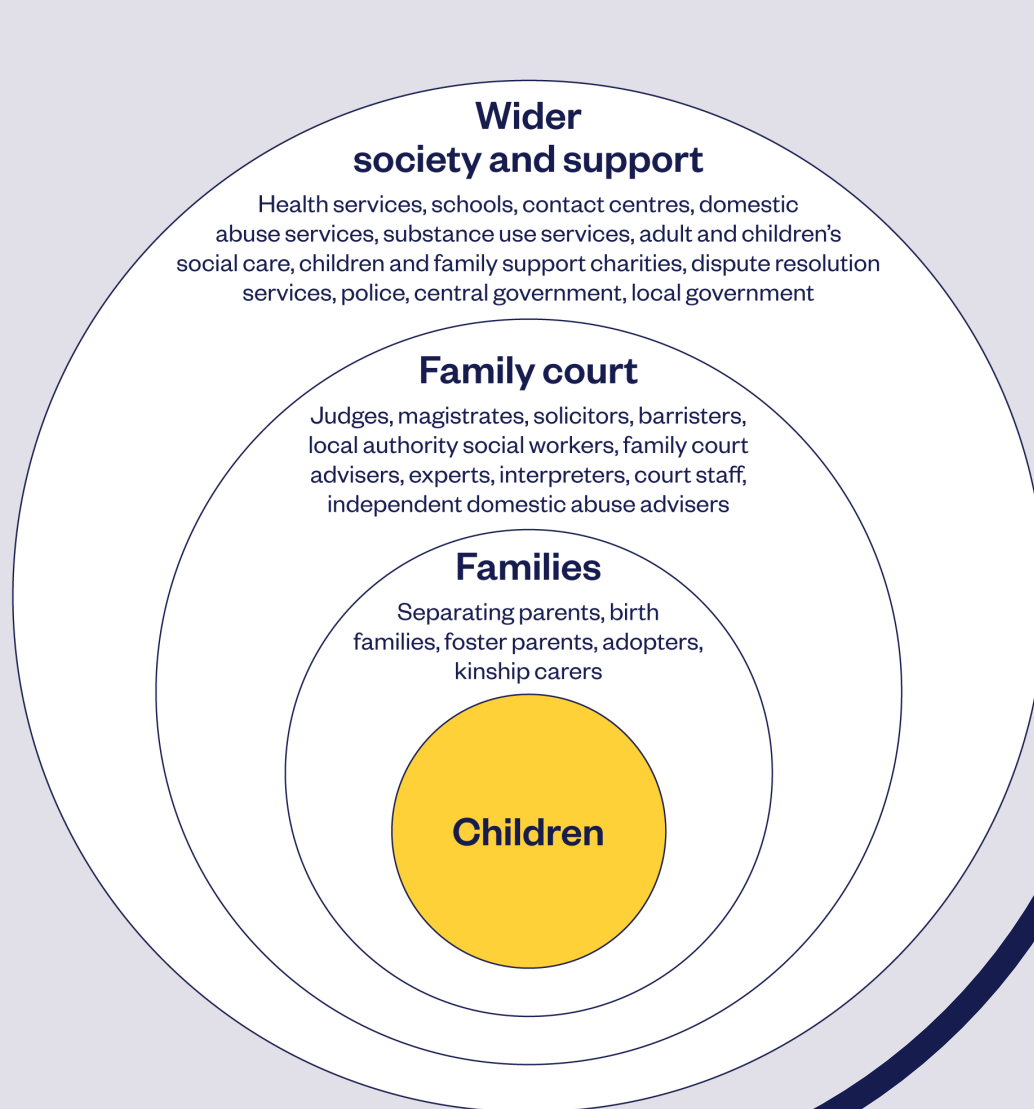
# The importance of partnership



Although we are a small team, we aim to catalyse change on a grand scale. To do this we work with and alongside others in the spirit of partnership – engaging with curiosity, mutual respect and a recognition of both what we bring and what we gain.

- By working with organisations directly supporting children and families we seek to ensure our work is constantly informed by the views and ideas of those most affected by the actions and decisions taken within the family justice system.
- By working with professional bodies and membership organisations we know we can reach far more of those working in the system who are best placed to turn good ideas into tangible action.
- By working with organisations that have responsibility for developing and delivering services we can support practical projects rooted in the evidence we provide.

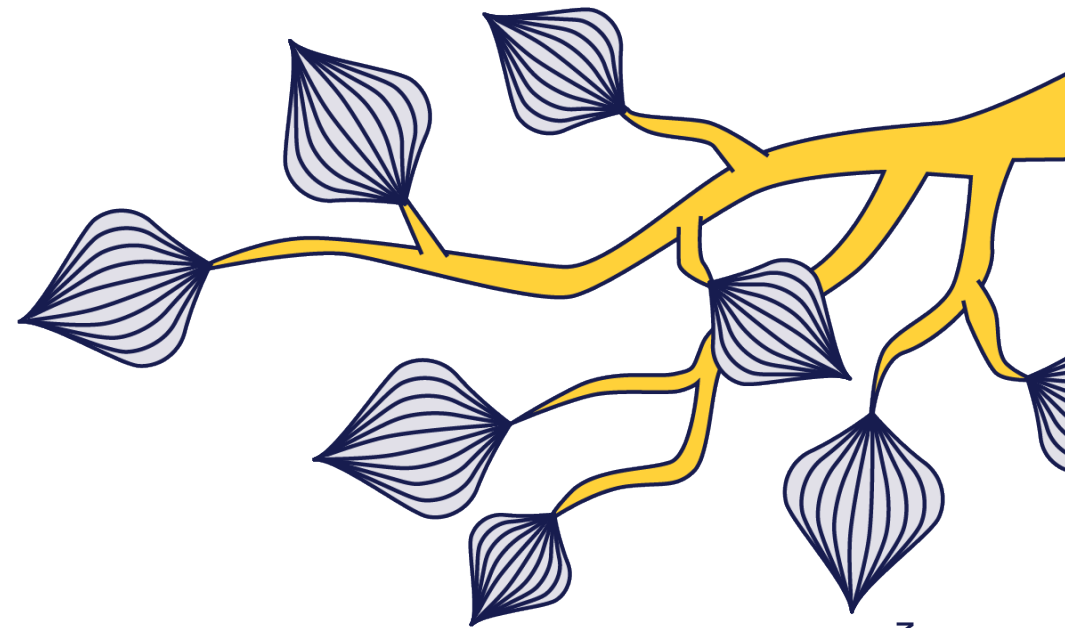
By working with individuals and organisations with a wide range of expertise and experience, both within and beyond the family justice system, we can gain new insights, allow ourselves to be challenged by a range of views and perspectives, and find new approaches to achieving positive change for children and families.



# Linking data

Decisions made in the family court are among the most serious that can be made about a child. And yet there is barely any feedback as to the consequences of these decisions. Over the next five years Nuffield Family Justice Observatory will continue to champion the availability of timely, national data to help shed light on the changing patterns in family needs and circumstances, understand variations in how services respond across England and Wales, and the long-term outcomes for the children and families involved.

Thanks to advances in data science, we now have the means to link data already being routinely collected by different agencies (such as health, education and children's services, as well as the family courts) in ways that guarantee anonymity and security. To benefit from these opportunities, Nuffield Family Justice Observatory has invested in the Family Justice Data Partnership – a collaboration between Lancaster University and Swansea University – a partnership that links data about children who come into public and private law proceedings (Cafcass and Cafcass Cymru data) with other types of data. Over time, together with other data linkage initiatives, this will help us to better understand how we can improve outcomes for children and families.









# Get in touch

Nuffield Family Justice Observatory is in its pilot phase, incubated and funded by the Nuffield Foundation to 2026.

This strategy sets out our goals over the next five years.

Our work reflects Nuffield Foundation's commitment to independent thinking, collaboration and rigorous, evidence-based research.

We are always keen to expand our network of partners and would invite anyone who is interested in improving the lives of children and families in the family justice system to get in touch.

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