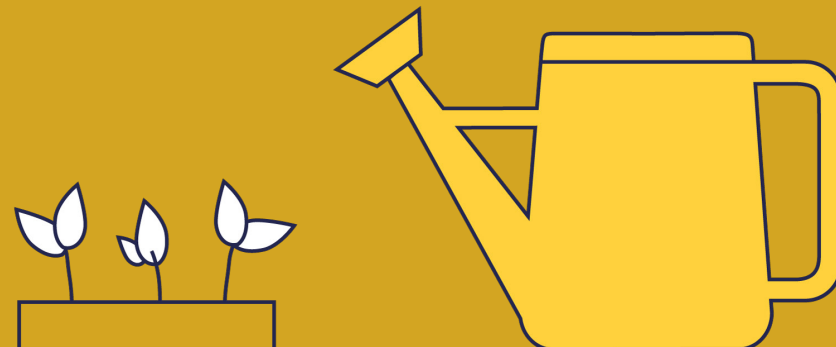


Seeding change

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

July 2021 to June 2022



Report

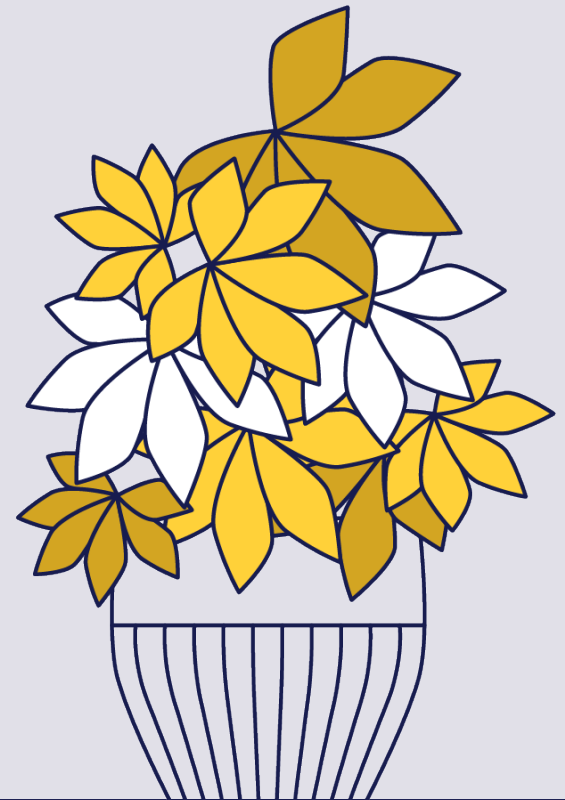
This report summarises our impact between July 2021 and June 2022

Over the last year we have continued to use data and evidence to fill the gaps in our understanding of the family justice system in England and Wales, and to highlight the areas where change will have the biggest impact in improving the lives of children and their families.

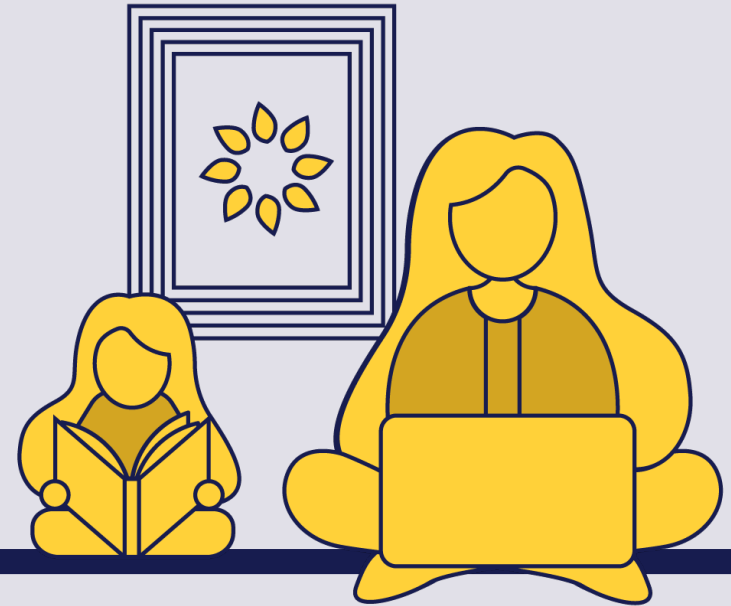
Together with our partners, we have reviewed research and linked data to uncover new evidence about the rising number of newborn babies and older children in care proceedings. We have started to shine a light on the experiences of these children and their families as well as the experiences of children involved in private law cases. We have also embarked on a journey to find out what we know about inequalities in the family justice system – including ethnicity, disability and deprivation – and how lack of data is hampering systemic change.

We have worked with others – from judges and lawyers to local authorities, third sector organisations and academics – to gather insights and convene discussions about how evidence can be used to initiate change. We have run events to share evidence and innovation with thousands of professionals on the frontline of the family justice system.

And above all we have listened to the lived experiences of children and families who have shared their insights and ideas for an improved future – and to whom we are extremely grateful.



How we work



Our five goals

1. Right support, right time

Collating and promoting evidence to inform ways to either reduce the need for the family court to intervene or to identify ways that the court can provide a positive opportunity for change.

2. A stronger focus on problem solving

Sharing evidence about problem-solving approaches that combine the authority of the court with multi-agency support to explore how the approach might be applied to more cases.

3. Children, parents and families as active participants

Sharing and expanding the evidence relating to child and parent participation in court proceedings to inform and inspire future practice that allows all those involved to feel listened to and understood.

4. Inequalities are recognised and responded to

Pressing for improved data and evidence, and identifying inequalities relating to geography, ethnicity, income, disability and other characteristics as well as encouraging ways to tackle them.

5. Greater collaboration

Fostering an approach in all our work that supports leadership in a time of great challenge and complexity, and that encourages dialogue across professional boundaries to build a shared understanding of issues in the family justice system and how to address them.





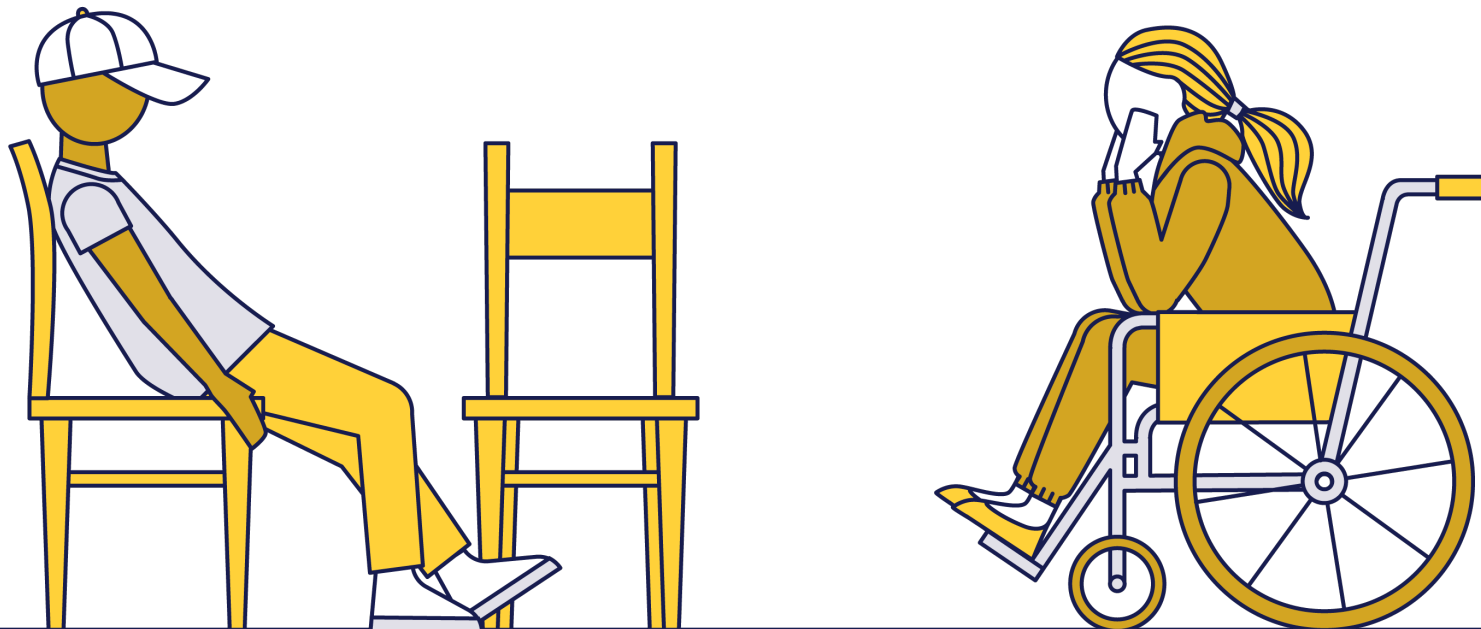
Focus areas this year

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 needs. We have been shining a spotlight on the needs of this group of children and young people, and convening discussions across the family justice system about how to better meet their needs.

“Once again the FJO has hit the target by identifying a topic that requires focus and profile as an issue.”

Sir Andrew McFarlane, President
of the Family Division



Making an impact: Using data to highlight a hidden issue

Some older children entering care are placed in secure settings because of risks to their own safety or the safety of those around them. A growing body of evidence tells us that there are marked similarities in the early life experiences of these children and those deprived of their liberty for youth justice reasons – both are likely to have experienced trauma and disadvantage from early childhood.

While those in secure children's homes are recorded in court data, those deprived of their liberty under a special high court power in unregulated settings – which might include anything from caravans to holiday parks – do not appear in administrative data at all. The system has no idea how many children are living in these most precarious of circumstances – or even where they are living.

Analysing data

Following a request to Cafcass we were able to access and analyse data that revealed that the use of this special high court measure had increased by a shocking 462% over three

years. An accompanying evidence review showed that there was also limited information about young people's needs and outcomes in any secure settings.

Our review of judgments in deprivation of liberty cases suggested grave concerns among judges about the level of support available for young people.

Inspiring action

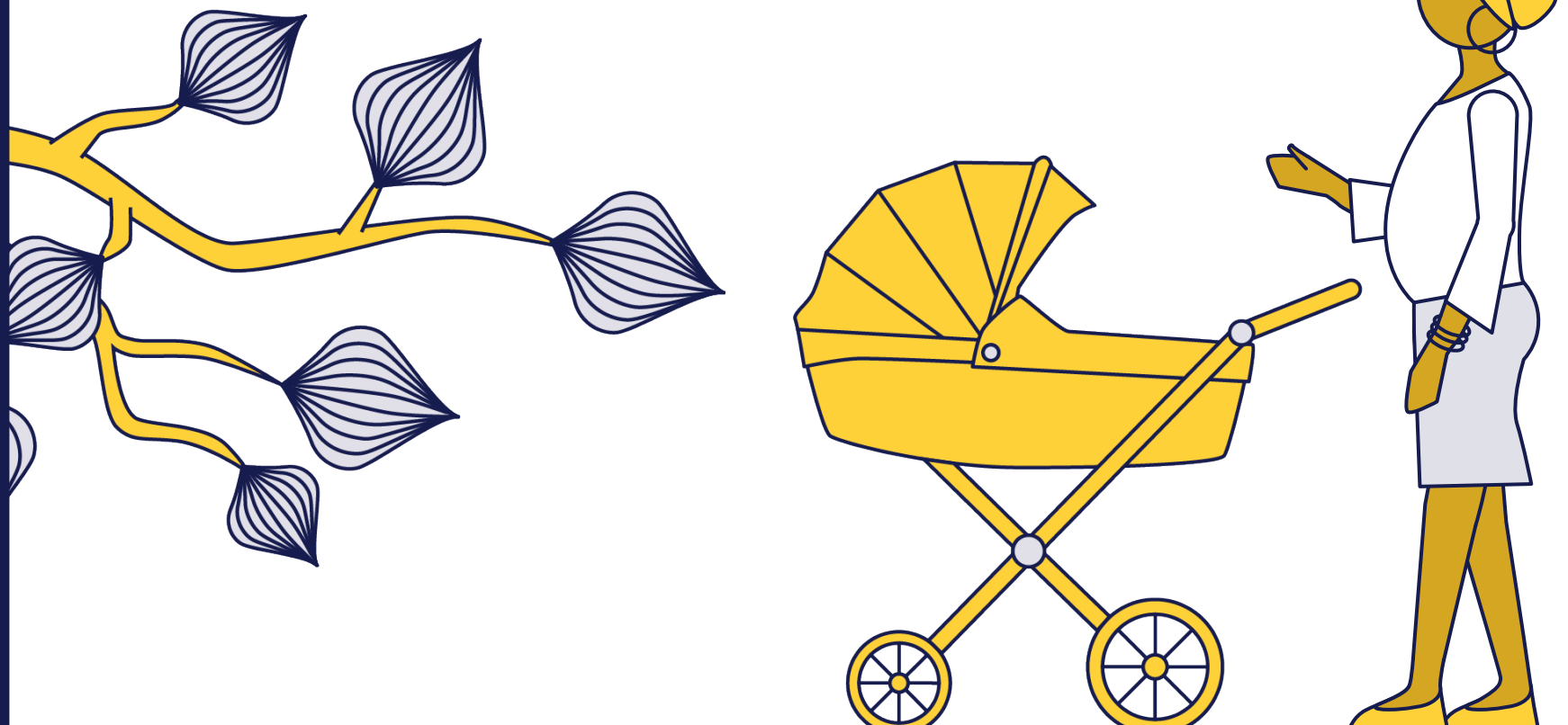
Our research dramatically highlighted that an urgent rethink was needed about how we improve the lives of the most vulnerable children and about the purpose of depriving young people of their liberty. We called on HM Courts & Tribunals Service, the Ministry of Justice, the Department for Education and others to start collecting data. The President of the Family Division announced the creation of a national court to oversee all deprivation of liberty cases and invited Nuffield Family Justice Observatory to gather evidence from them.

Next steps

We will be building a more detailed understanding of young people's needs and circumstances in order to inform discussions about the kind of support that they want and need.

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 have been continuing to explore what needs to change to reverse this trend. Where it is considered necessary to take a baby into care, we have been working to ensure that the practice is humane and less likely to result in a subsequent removal of a child from a parent's care.



Making an impact: Using research to improve practice

Analysing data

Analysis of new data since our original groundbreaking Born into Care research showed that the number of care proceedings involving babies has continued to grow. We also revealed that in four out of five cases in England (and three-quarters of cases in Wales) a baby's parents are given very little formal notice that care proceedings – which may result in a baby being removed from its parents' care – have been issued. One in every six mothers faced care proceedings issued and heard on the same day.

Facilitating discussion

Qualitative research revealed that the experience regarding newborn babies in particular was unnecessarily brutal and inhumane for both parents and the professionals involved, with no time for mothers to recover physically from giving birth or to instruct a solicitor. Together with the Rees Centre at Oxford University and Research in Practice, our partners at the Centre for Child & Family Justice Research at Lancaster

University have started facilitating detailed discussions with barristers, solicitors, social workers, hospital trusts, judges and magistrates at a local level to explore what it would take to shift practice in this area. The Centre for Child & Family Justice Research and the Rees Centre created guidelines for good practice, and eight local authorities committed to piloting them. The insights and innovation emerging from these discussions are also being shared with hundreds of professionals involved in safeguarding babies across the system and beyond via monthly bulletins.

Shifting practice

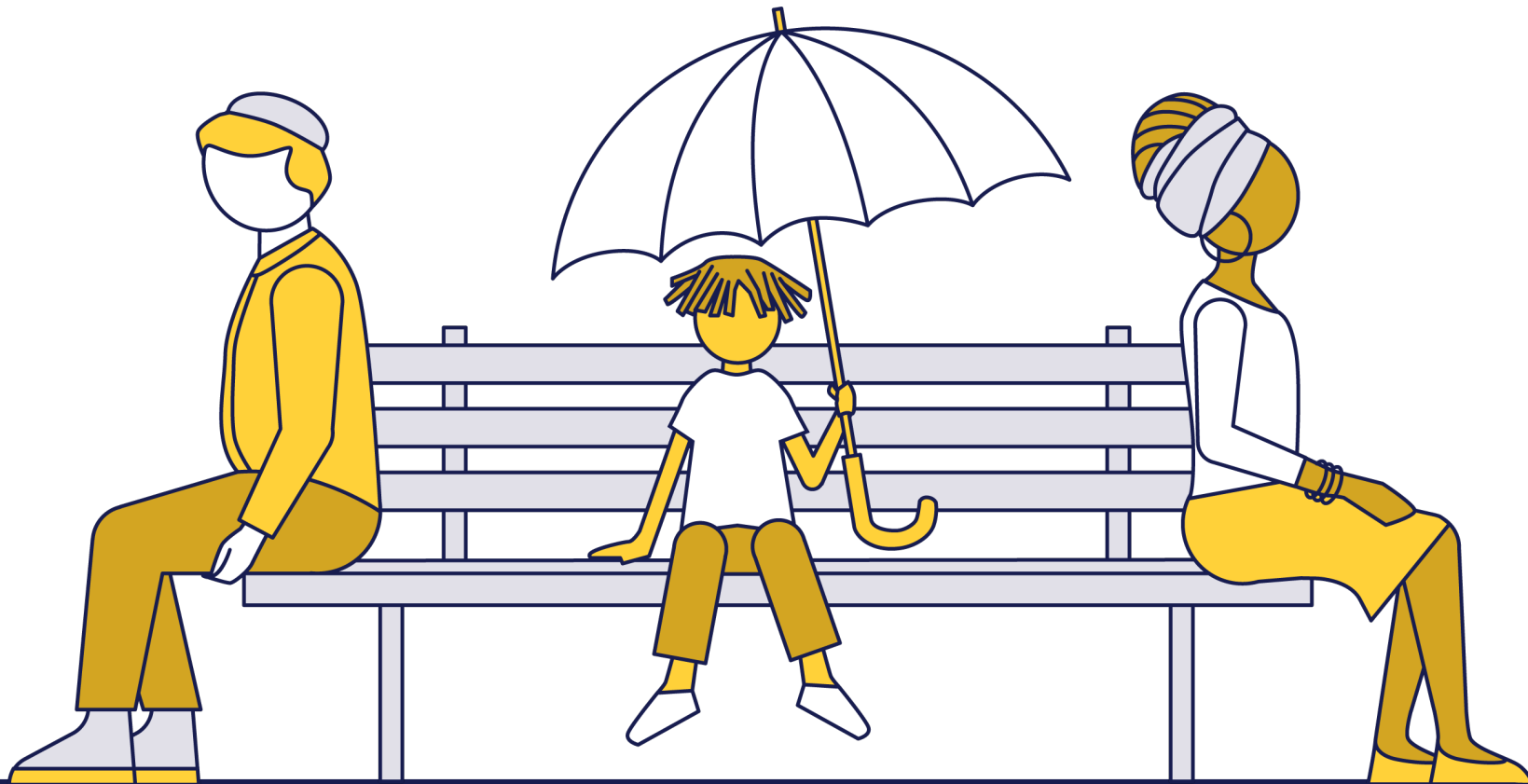
A growing movement of people – from social workers and local authority leaders to judges and third sector innovators – are now committed to shifting practice, including developing better support for families at an early stage to avoid the need for proceedings in the first place.

Next steps

We will be working to better understand the particular needs of certain ethnic minority groups, and of parents with learning difficulties or disabilities.

Separating families and private law proceedings

Children are far more likely to be involved in private law disagreements or disputes between parents or family members about arrangements for their upbringing than they are likely to be subject to child protection proceedings – but we know little about these children or their families as they are only just starting to be captured in national administrative data. We have been 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.



Making an impact: Gathering evidence to inspire conversations

A child's right to participate in private law proceedings is acknowledged in legislation and guidance – both as a way of informing welfare-based decisions and upholding their rights. We wanted to know how often children were being properly informed about what was happening throughout the court process surrounding their parents' separation, or were able to share their feelings when important decisions were being made about their future.

Gathering evidence

We reviewed 45 UK and international research studies from the last 20 years that directly obtained children's and young people's thoughts on parental separation and/or their experiences of court proceedings. The research suggested that children are actively – not passively – involved in their parents' separation and court proceedings, and that the quality of their participation has an impact on their feelings into the future. Our analysis of Cafcass data showed that children were participating (in one of the four established ways recorded in the data) in less than half of private cases.

Starting conversations

In partnership with JUSTICE, we brought together family justice practitioners with experts from health, criminal justice, children's social care, academia and the third sector to discuss the challenges we face around child participation in private law proceedings and what we can learn from other fields.

Our research was shared widely with the judiciary (via the President of the Family Division), with Cafcass through a bespoke webinar, and with others through local forums such as the Devon and Bristol local family justice boards.

Impact

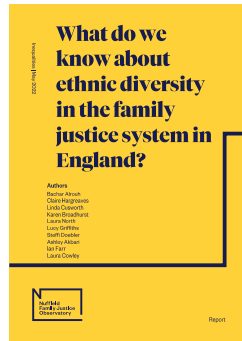
Our evidence has been widely cited and children's participation has now been made a priority by the Private Law Advisory Group, which oversees national development in private law on behalf of the judiciary and Ministry of Justice. Our work has been credited as having inspired a Ministry of Justice pilot in Bristol that focuses on sharing Cafcass recommendations with children.

Next steps

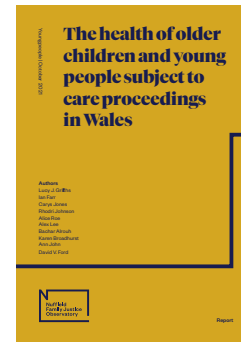
We will continue to push for the voices and experiences of children to be central to all private law proceedings, and to work with others to ensure this focus is embedded in planning and innovation.

Our research

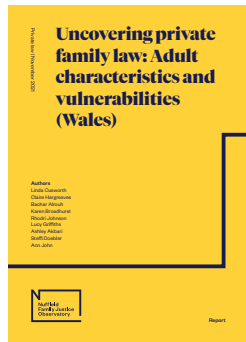
Inequalities



Young people



Private law



Newborn babies



Contact



COVID-19



Reaching audiences: The year in numbers

8,843 website users

40,809 pageviews

5,283 downloads



958 new Twitter followers

65.8% Twitter engagement increase

Most viewed web pages:

1,567

Infographic: What do we know about children in the family justice system?

1,212

Remote hearings in the family court post-pandemic – resource page

1,161

Modernising post-adoption contact – resource page

Most downloaded:



406

Spotlight on children's experiences of private law proceedings – six key messages from research

366

Spotlight on modernising post-adoption contact – findings from a consultation

314

Draft best practice guidelines for when the state intervenes at birth – for feasibility testing

382 media articles reaching **474m** readers

**The
Guardian**

Vulnerable children
need care, not
incarceration



Big data will help
family court judges
to make better
decisions

Prospect

Not seen, not heard,
not free: vulnerable
children vs our
austerity state



Average length of
care proceedings at
nine-year high

1,997

subscribers to our bulletins

1,497

attended events – from report
launches and webinars to
Judicial College training and
roundtables

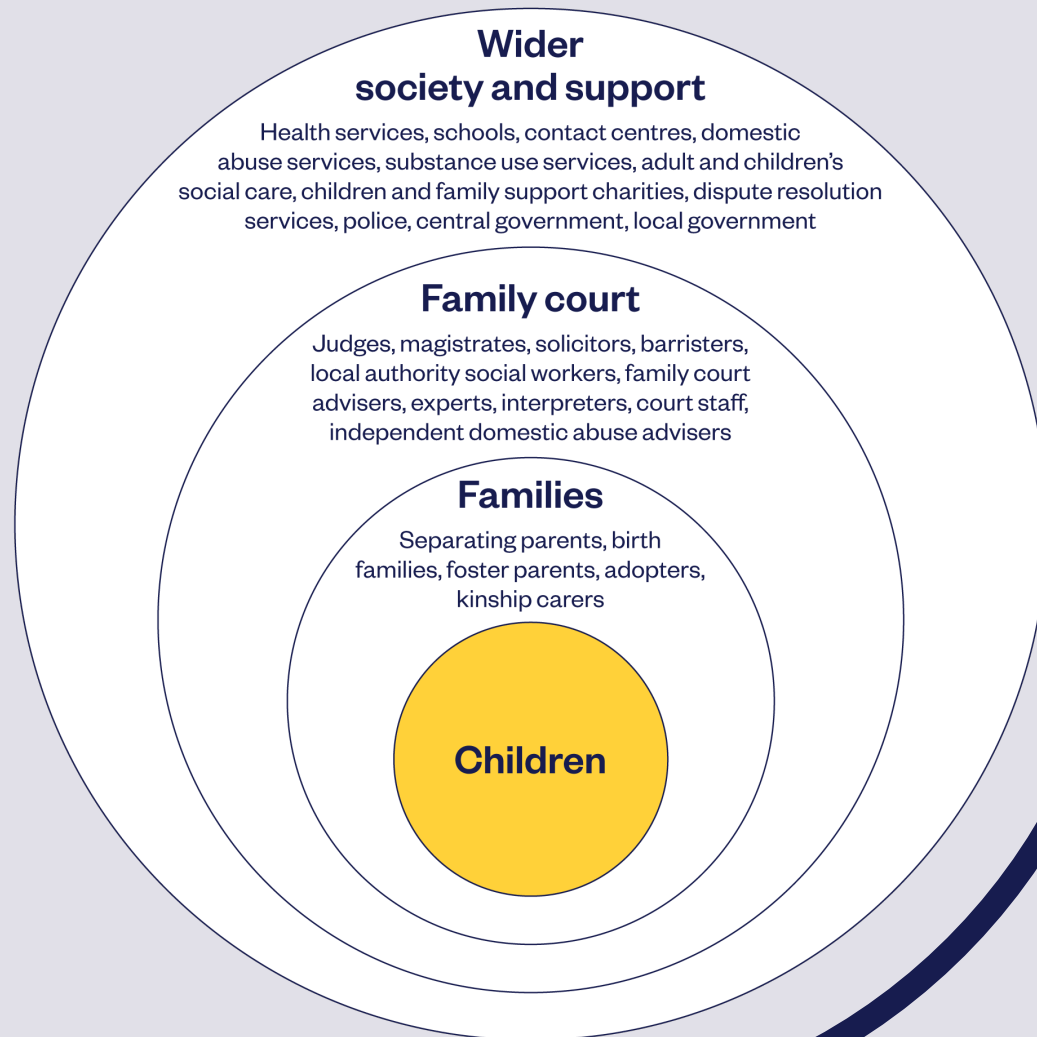
“Another very useful webinar. I love
the emotionally intelligent approach
and output from the NFJO.”

Magistrate

“I am passionate about empowering
people and facilitating their
development and growth and
this webinar has really helped me
understand how the law can assist
in procuring this.”

Deputy district judge

Working in partnership



Over the last year we are pleased to have worked with and alongside others from across the family justice system to share ideas and catalyse change.

• Adoption UK • AFA Cymru • All Wales Heads of Children's Services (AWHOCS) • Anna Freud National Centre for Children and Families • Article 39 • Association for the Directors of Children's Services (ADCS) • Association of Directors of Social Services Cymru • Association of Lawyers for Children • Baby and Me • Barnardo's • Become Charity • Birmingham and Solihull Family Drug and Alcohol Court • Birmingham Social and Emotional Health Pathfinder • Birth Companions • Black Barristers' Network • Blackpool Better Start • British Association of Social Workers (BASW) • Cafcass • Cafcass Cymru • Cardiff University • CASCADE (Cardiff University) • Centre for Data Ethics and Innovation • Centre for Justice Innovation • Centre for Mental Health • Childline • Children and Young People's Centre for Justice (CYCJ) • Children's and Young People's Commissioner Scotland • Children's Commissioner for England • Children's Commissioner for Wales • Comma • Commission on Young Lives • Coram Chambers • Coram Voice • CoramBAAF • Council of Her Majesty's Circuit Judges • CYP First • Dads Unlimited • Department for Education • Domestic Abuse Commissioner • Durham University • Economic and Social Research Council • Equality and Human Rights Commission • Escape2Make • Families Need Fathers • Family Advisory Board (Camden) • Family Justice Council • Family Justice Network • Family Justice Young People's Board • Family Law Bar Association • Family Psychology Services Limited • Family Rights Group • Foundations • FrameWorks • Greater Manchester Police • Gwent Magistrates Family Panel • HM Courts & Tribunals Service • Howard League for Penal Reform • Institute of Public Care (Oxford Brookes University) • Jig-So • Jonah's Project • Judicial College • JUSTICE • Kinship • Lancaster University • Law for Life • Legal Education Foundation • Leicestershire Cares • London Innovation and Improvement Alliance • Magistrates Association • Michael Sieff Foundation • Ministry of Justice • Nagalro • National Adoption Service (Wales) • National Youth Advocacy Service (NYAS) • Newport City Council • NHS England • NIROMP • Northumbria University • Nottingham University Hospitals NHS Trust • NSPCC • NWG Network • Office for National Statistics • Ofsted • Parent Zone • Pause • Pearson Solicitors and Financial Advisers Limited • People Dialogue and Change • Positive Steps • Principal Social Worker (PSW) Network • Quality Circle (Sussex Family Justice Board) • Reflect (Barnardo's Cymru) • Regional adoption agencies • Research in Practice • Resolution • Rights of Women • Safellves • Social Care Wales • South London and Maudsley NHS Foundation Trust • Strengthening Families • Supporting Separated Families Alliance Kent • Swansea University • The Angelou Centre • The Care Leavers Association • The Divorce Surgery • The Kempe Center (University of Colorado) • The Law Society • The Parenting Apart Programme • The Point of Care Foundation • The Transparency Project • Turning Point (Walsall Council) • UK Research and Innovation • University of Bedfordshire • University of Bristol • University of East Anglia • University of Sussex • Welsh Government • West Midlands Police and Crime Commissioner • WhatWorks for Children's Social Care • YoungMinds

Looking forward

Over the next year we will continue to provide evidence and convene discussions to inform and inspire policy and practice relating to our five goals for the family justice system.

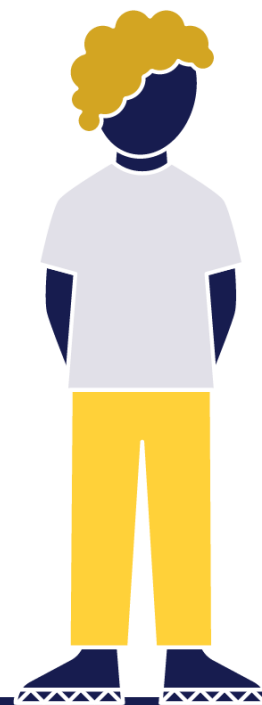
Together with our partners we will complete the feasibility testing of our Born into Care best practice guidelines at pilot sites to improve practice when children are removed at birth, and revisit data on recurrence to determine how many parents are still facing the removal of multiple children and what this suggests about their access to support services.

We will continue to champion the availability of timely, national data to help shed light on the needs, circumstances and long-term outcomes of children and families. This will include pressing government for administrative data on children's deprivation of liberty cases and – our new role – collecting and analysing data from the new National Deprivation of Liberty (DoLs) Court.

We will complete our research exploring the issues that parents undergoing separation and their children face and what support they think might be helpful. We will use data to understand more about the 10% of private law applications made by non-parents.

We will also continue to shine a spotlight on inequalities between children and families of different ethnicities in the family justice system.

Alongside this programme of work, we will continue to expand our networks to reach further into the system, to support innovation and fresh ways of looking at entrenched issues, and to seek out and listen to the experiences of the children and families at the heart of the family justice system.



Get in touch

Nuffield Family Justice Observatory is now in the fourth year of its pilot phase (2019–2026). It is incubated and funded by the Nuffield Foundation.

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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