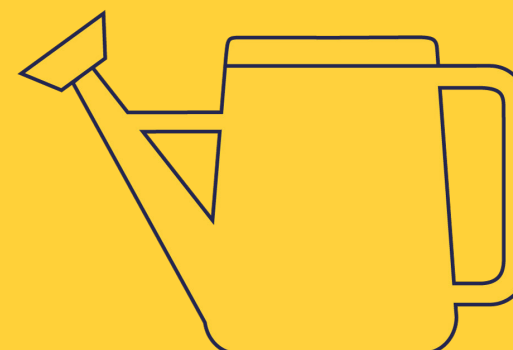




# Cultivating change

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

July 2022 to June 2023



Report

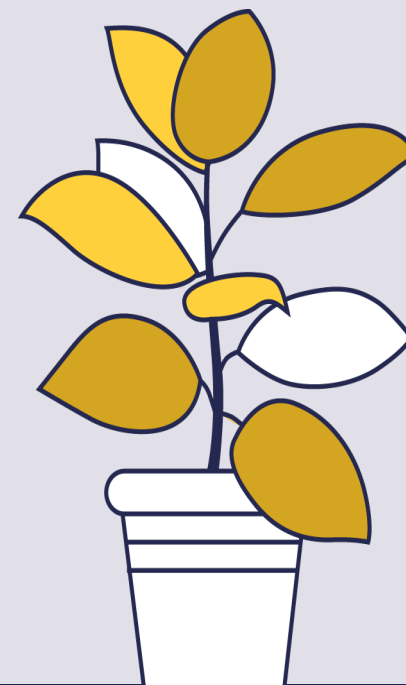
# **This annual report summarises our impact between July 2022 and June 2023**

Over the last year we have continued to break new ground in how data and evidence can be used to improve the lives of children and families in the family justice system.

We have sought out and analysed previously unstudied data as part of a journey towards understanding how a child or family's ethnicity affects their experience of the family justice system. We have worked with partners to bring parents and practitioners together to reimagine what humane practice should look like when a baby is at risk of being removed from its mother at birth. We have pushed for the growing number of vulnerable children deprived of their liberty in unregulated placements to be given a place in administrative data, and for the system to urgently find a way to better support them. We have used evidence to shift the narrative in private law cases to focus on the needs of children and their families, and how we meet those needs.

Our relentless pursuit of rigorous, independent evidence continues to draw unseen issues out of the shadows and to prompt reflection. We are also bringing people together to innovate and pilot solutions to complex and sometimes longstanding challenges.

Throughout it all, it is our partners – the organisations and individuals working within or alongside the family justice system – and, above all the families whose lives have been affected by it, who have brought our work to life. Those who have attended our events, shared our research and contributed ideas and experiences have given them the power to improve the lives of children and families. We are very grateful.



# How we work



# 5 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.



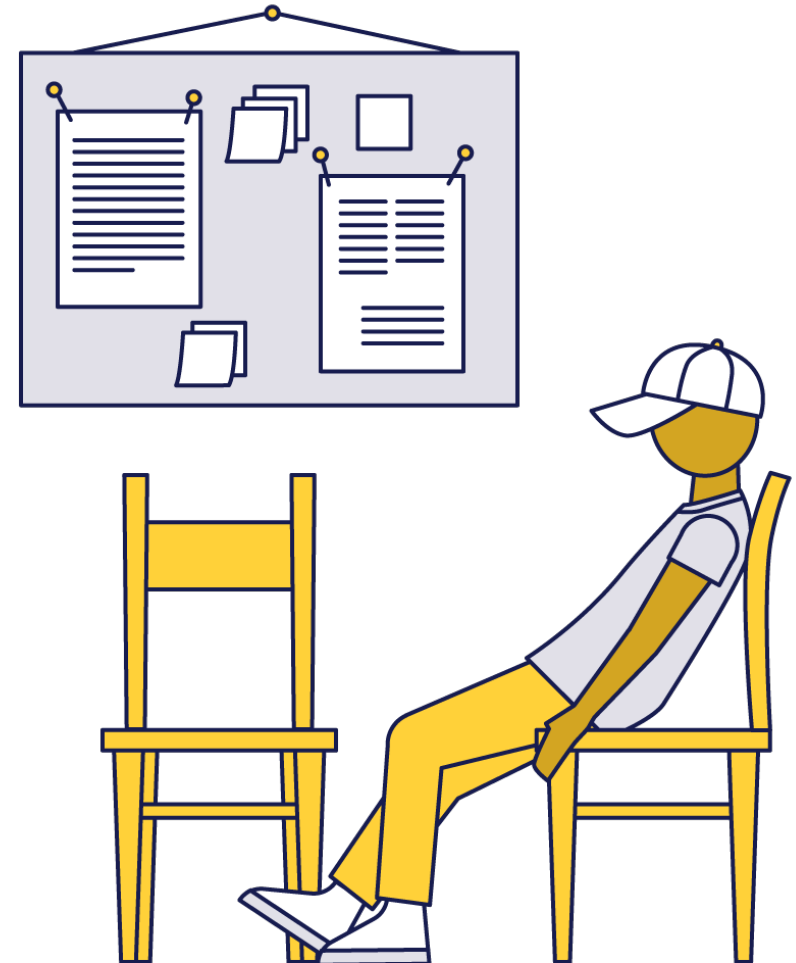




# Focus areas this year

## Young people and the care system

Older children and young people come into the family justice system with different experiences and difficulties to younger children. Long-term trauma and highly disrupted childhoods often combine to create complex needs, which are not always being met. In the most extreme cases, when no services are available, emergency court measures are employed to deprive the most vulnerable children of their liberty in unregulated settings. We have been shining a light on this most vulnerable group of young people, pushing for them to be counted in administrative data, revealing their complex and unresolved needs, and pressing for an urgent redesign of the support they receive.



## **Making an impact: Using data to highlight a hidden issue**

In 2021 we obtained and analysed data that revealed how many children were being deprived of their liberty in unregulated settings, inspiring the President of the Family Division to launch a national deprivation of liberty court to handle and monitor children's cases. We have been collecting and publishing monthly data about the circumstances of the children subject to the decisions made by the new court. This data has opened eyes to the number, characteristics and circumstances of older children and young people being deprived of their liberty – previously missing from the administrative data – and the extent of their unmet needs. This has now prompted the Ministry of Justice to collect and publish data on a more permanent basis in the future.

## **From evidence to action**

We have helped policymakers and professionals see the scale of the difficulties faced by these older children and young people in the family justice system, and contributed to debates about how to improve older children's care. This has included helping to inform the Department for Education's decision to set up a task and finish group to improve the care of children with complex needs.

## **Next steps**

We are working with practitioners, clinicians and academics to define the type of care that young people on deprivation of liberty orders really need, and to share any emerging positive practice.



## Separating families and private law proceedings

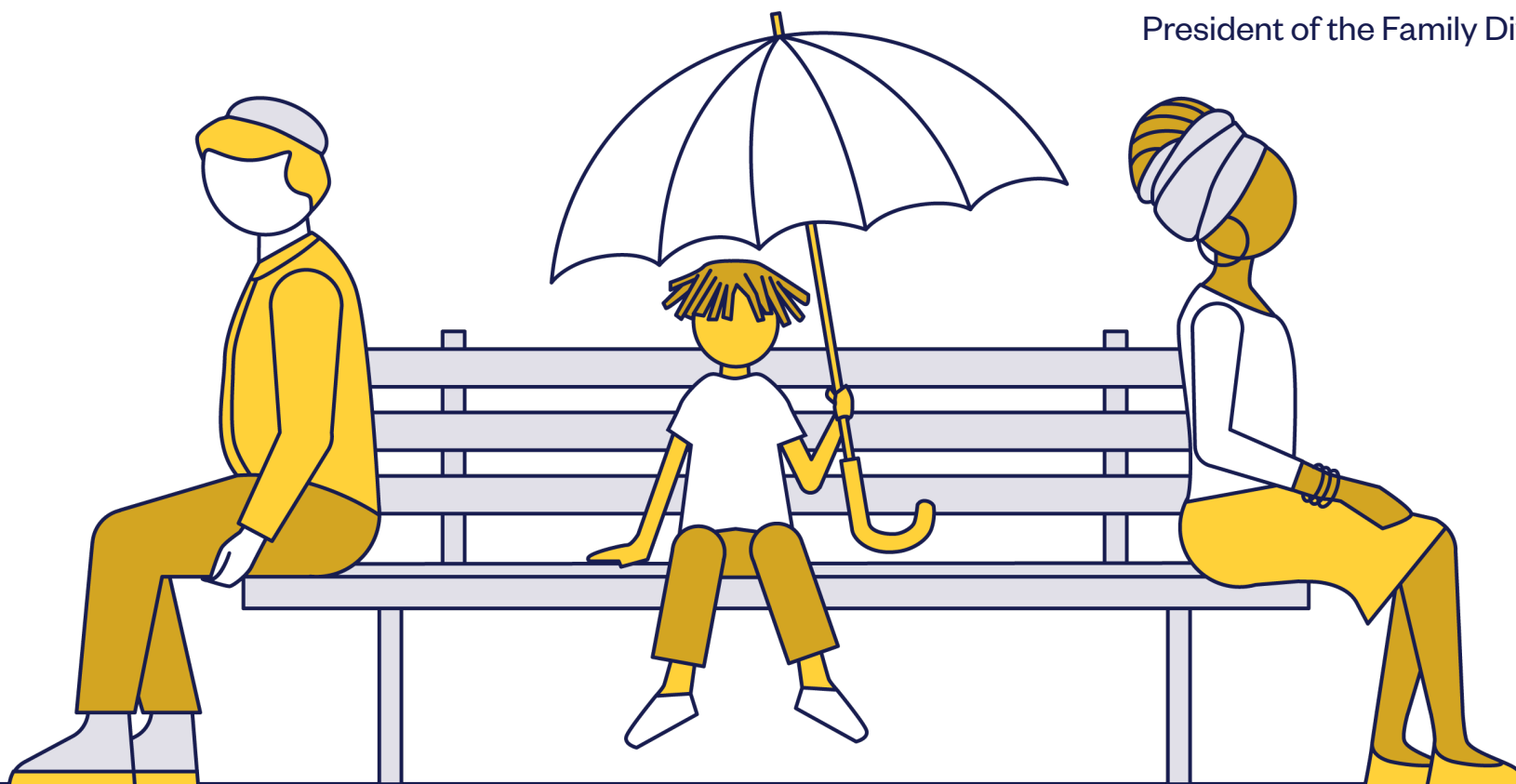
Children are far more likely to appear in family courts because of disagreements between parents or family members about their care than they are to appear in courts because a local authority has expressed concerns about their safety – yet we know far less about these children or their families than we do about those in public law cases. 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.

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“The insight we get [from the research] is really very important... We need to somehow bottle that message about keeping children informed, about keeping children involved...”

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Sir Andrew McFarlane,  
President of the Family Division





## Making an impact: Using evidence to challenge entrenched views

This year we have made some big steps forward in filling gaps in the evidence relating to private law. We have turned our lens on previously unexamined areas to build a picture of the families appearing in court and to encourage a focus on their needs.

### Digging into the data

In 2021 we found that 1 in 10 private law cases involves adults other than parents. This year we published ground-breaking analysis by researchers at Lancaster University and Swansea University that helped us understand much more about those involved in these applications, and that revealed a potentially significant overlap with public law cases dealing with similar family circumstances. In response to our report, the President of the Family Division created a working group to look at how the system can be improved to meet the needs of this overlooked group of children, families and carers.

We have continued to focus on how effectively children are able to participate in private law proceedings involving decisions about their care. We published new analysis of Cafcass data, finding that less than half of cases had evidence of any participation at all by the child at the centre of the case.

Partners have used our work to generate conversation and develop practice. And we have brought together stakeholders from the judiciary, Cafcass, social care, psychology, paediatrics, the third sector and, crucially, young people themselves, to examine the key messages we identified about children's participation, forming the basis for the creation of video resources to support children in proceedings.

### Listening to lived experience

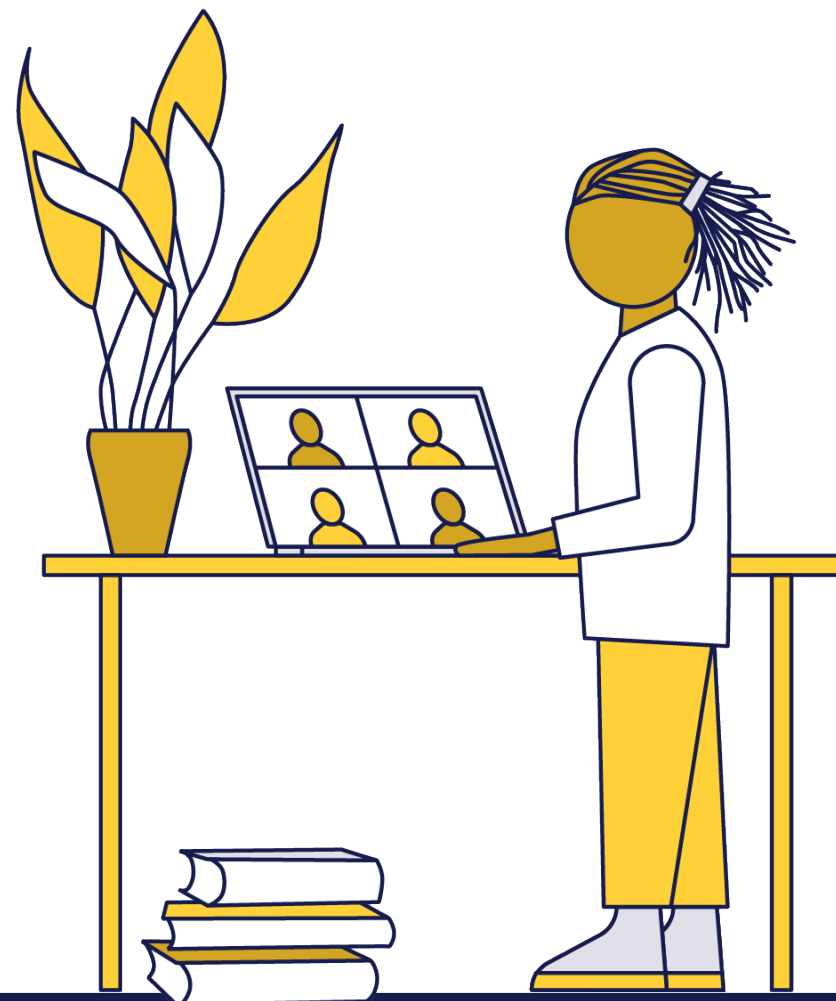
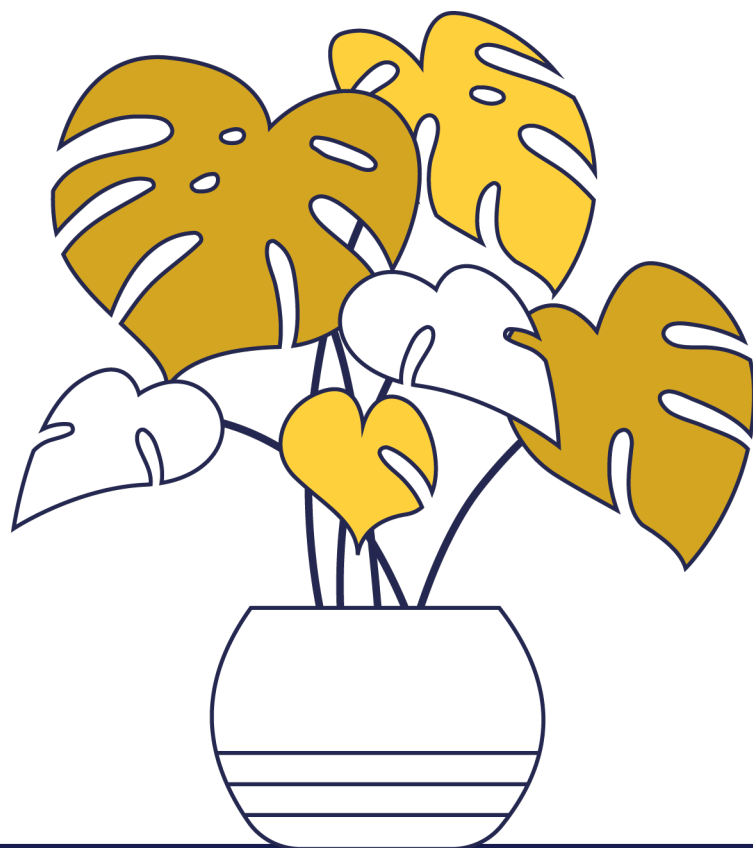
Our research by the University of Bristol featured in-depth qualitative analysis of the experiences of parents and children around separation. The report has been widely discussed and referenced. Almost 500 people attended our events to explore the findings from within and beyond the family justice sphere.

### Next steps

Understanding of the complexity of children and families' needs is continuing to grow within the system. Next we will dig deeper into the data on children's participation and consider how it might inform efforts to bridge the gap between what children want and what our systems currently provide. We will remain focused on turning the learning from research into actionable change, seeking to catalyse new initiatives around support for families both in and out of court.

## Ethnic inequalities in the family justice system

There is a growing recognition and acceptance that there are deep inequalities related to ethnicity in children's social care. We are using data and evidence to identify how children and adults of different ethnicities experience the family justice system, to expose inequalities, and to encourage the family justice system to take action to address these.



## Making an impact: Pushing for better data

A lack of access to good quality data about the ethnicity of children and adults in the family justice system has been, and continues to be, a barrier to understanding how various children and families experience the system. However, significant progress in recording ethnicity data has been made in recent years by Cafcass. This year we published analysis that uncovered disparities in the proportion of children and adults of different ethnicities appearing in both public and private law proceedings compared to the general population. Together with researchers at Lancaster University we examined – for the first time – differences in the children’s experience of care and supervision proceedings by ethnicity. We are also starting to ensure that ethnicity analysis – or an exploration of the data availability and data gaps – is a component of our research. This work is helping to highlight evidence gaps and spotlight issues affecting minoritised children, families, carers, and guardians, which might otherwise remain hidden.

## Embedding anti-racist practice

We have been convening the Anti Racist Family Justice Network, bringing together a wide coalition of groups and individuals with a focus on the promotion of anti-racist initiatives across family justice. This year we helped the Sussex Quality Circle to develop the Anti Racist Family Court Statement, and have been involved in the anti-racist practice training being commissioned by a number of professional bodies, including the Magistrates Association and Cafcass.

## Next steps

We know that the recording of ethnicity data is beset by challenges, and that data linkage is needed to help improve access to reliable ethnicity information. Qualitative research, and listening to those with lived experience, is another vital step in improving our understanding of what is happening within the family justice system. We know that there is a long way to go and that more needs to be done to recognise and respond to the needs of children and adults through an ethnicity lens.

## Babies who are subject to care proceedings

Against a backdrop of rising numbers of newborn babies being subject to care proceedings in England and Wales, we used research to demonstrate the need for improved practice in this highly challenging and traumatic area. We brought together frontline practitioners and parents to help them reach a consensus on how to support families so that they can safely care for their children and, where this is not possible, how to make the painful process of removing a baby at birth as sensitive and humane as it can be.



## Making an impact: Shifting practice

This year we published the first ever set of guidelines to help improve practice when the state takes action to safeguard an unborn or newborn baby. The guidelines were developed with practitioners and parents to inform best practice before birth, within maternity settings, and in the lead up to – or at – the first court hearing, as well as when parents leave hospital and return home without their baby. The guidelines are based on the findings of a collaborative, qualitative research study that explored parents' and professionals' perspectives. They were piloted by eight local authorities and seven corresponding NHS trusts in England and Wales. The research was led by the Centre for Child & Family Justice Research at Lancaster University and the Rees Centre at the University of Oxford.

### Sharing good practice

We are also galvanising the sharing of information, evidence, advice and innovation across England and Wales through our Newborn Babies and Care Proceedings bulletin – a collaboration with the Centre for Child & Family Justice

Research, the Rees Centre and Research in Practice. This joint initiative is designed to help professionals working in children's social care, health services and the family justice system to better face the difficulties and dilemmas that are inherent in this area of work and, most importantly, to improve practice and support for families.

### Monitoring progress

We revisited the data on recurrent care proceedings to encourage the system to remain focused on how to better meet the needs of mothers facing repeated appearances in court with their children.

### Next steps

We are going to continue to examine how and when babies are removed from their mothers by the family courts with the ultimate aim of avoiding or improving this difficult practice. We will publish research on the use of post-birth care proceedings for children of parents with learning disabilities or difficulties, and focus on reducing the custom of court proceedings that sometimes take place very soon after a baby is born.



# Taking root

Those working in and around the family justice system are too often operating in isolation, with few opportunities to share their knowledge and experiences. Coupled with a lack of data and evidence, this often means that the possibilities to improve the lives of children and families – before, during, or after their interaction with the family justice system – are invisible to those making decisions about their lives. We support the family justice system to recognise issues and find solutions by distilling and communicating research findings, and bring together practitioners from different parts of the system to share insights and innovation.

This year we have worked with 22 of the 44 local family justice boards (LFJBs) across England and Wales, as well as with the LFJB chairs group convened by the Ministry of Justice, to encourage the use of data and evidence at a regional and local level. We have mapped the LFJBs for the first time to encourage local engagement by those working in the family justice system. We are also working closely with several LFJBs to support them in testing different initiatives that could have wider resonance – from specialist adolescent courts to improving the design of local performance data.

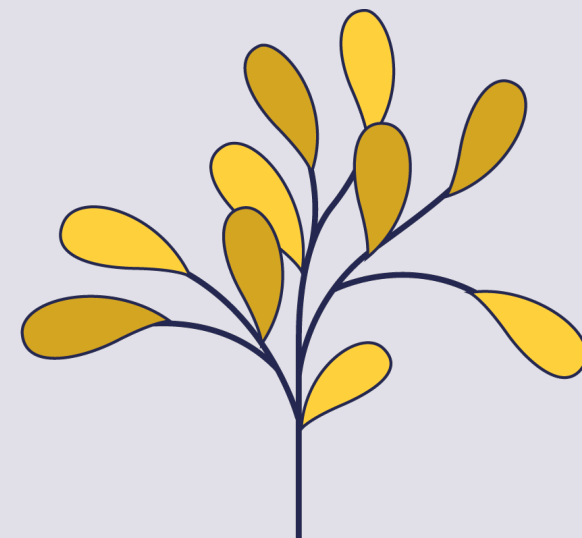
Our research on the experiences of teenagers entering the care system, co-produced with an advisory group of young people, raised questions about the voice of older children and their participation in their own proceedings. It has gone on to inspire two feasibility studies

with a view to setting up pilots of potential adolescent courts in Teesside and Manchester.

Nuffield Family Justice Observatory has become an increasingly trusted, impartial voice on a range of family justice issues, and its leadership team has been invited to advise on a number of high-profile initiatives. Our director, Lisa Harker, gave evidence to the family court transparency review, and associate director, Beverley Barnett-Jones, was appointed as one of a group of experts offering strategic advice and oversight to the Royal Foundation Centre for Early Childhood.

We have given presentations to a wide range of professionals and policymakers to raise awareness of the scale and nature of issues spotlighted in our research.

The gear shift in Nuffield Family Justice Observatory's profile has resulted in regular spokesperson opportunities in national media, further cementing our position as a trusted source of insight.



## Bearing fruit: Using evidence to inspire new approaches to contact

Over the last three years we have brought together the latest research and evidence to inform and inspire innovation in decision making related to contact between a child and their birth family after they have been taken into care or adopted.

Our ground-breaking 2020 international review on the risks and protective factors around contact between children and birth families, undertaken by the National Centre for Social Research and the University of Sussex, led to us creating a digital prototype for managing children's contact in adoption. We brought together young adoptees, adoptive parents, birth parents, adoption agencies and local authorities to test and improve the prototype, inspiring a set of pilots trialling new approaches to managing contact. From this, two live digital pilots are now being tested: Letter Swap, an online platform to facilitate post-adoption contact by social enterprise Link

Maker and the National Adoption Team; and ARC Adoption North East's Communications Management Application (Comms App), designed to help local authorities and other organisations more effectively manage different types of contact scenarios.

We have been advising the National Adoption Team's task group on maintaining significant relationships for children on adoption, and we have joined key national adoption events, including delivering the keynotes to the Adoption UK Conference 2022, and the International Kempe Conference 2022.

This work has helped to provide a catalyst for the system to reconceptualise the adoption journey and what permanency looks like for children in the 21st century. There has been a change in the narrative around adoption, with greater emphasis on the significance of maintaining connections for adopted children with their family of origin.

# Our research

## Private law



## Young people



Briefing:

**National deprivation of liberty court: Latest data trends - July-August 2022**

Briefing:

**National deprivation of liberty court: Latest data trends - September 2022**

Briefing:

**National deprivation of liberty court: Latest data trends - October 2022**

Briefing:

**National deprivation of liberty court: Latest data trends - November 2022**

Briefing:

**What have we learnt in the first six months of the national DoL court?**

Briefing:

**National deprivation of liberty court: Latest data trends - January 2023**

Briefing:

**National deprivation of liberty court: Latest data trends - February 2023**

Briefing:

**National deprivation of liberty court: Latest data trends - March 2023**

Briefing:

**National deprivation of liberty court: Latest data trends - April 2023**

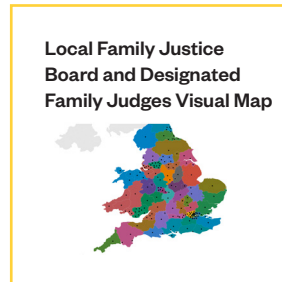
Briefing:

**National deprivation of liberty court: Latest data trends - May 2023**

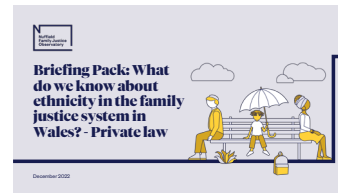
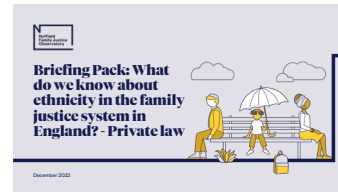
## Newborn babies



## Infographic



## Inequalities



# Reaching audiences: The year in numbers

**11,000** website users

**54,268** pageviews

**5,128** downloads



**452** new Twitter followers



**325** new LinkedIn followers

## Most viewed web pages:

**1,359**

Mothers in recurrent care proceedings

**944**

Born into care

**808**

DoLs two months analysis

## Most downloaded:



**271**

Children deprived of their liberty:  
An analysis of the first two months  
of applications to the national  
deprivation of liberty court

**260**

Mothers in recurrent care proceedings

**206**

Separating families: Experiences of  
separation and support



**689** media articles including high profile BBC broadcast and national news

**The  
Guardian**

Our first few years  
as a child can  
determine the rest  
of our lives



**THE TIMES**

Abused children  
sent 350 miles  
from home



**Family Law**  
LexisNexis®

A mediator's take on  
*Separating Families:  
Experiences of  
separation and  
support* report

**B B C**

An experiment in  
'open justice' in the  
family courts

**Tortois<sup>es</sup>**

Children dying  
unseen

**2,444**

subscribers to our bulletin  
– a 22% increase

**916**

subscribers to our  
newborn babies bulletin

**2,260**

people attended our events to  
find out about new evidence and  
share ideas and experiences

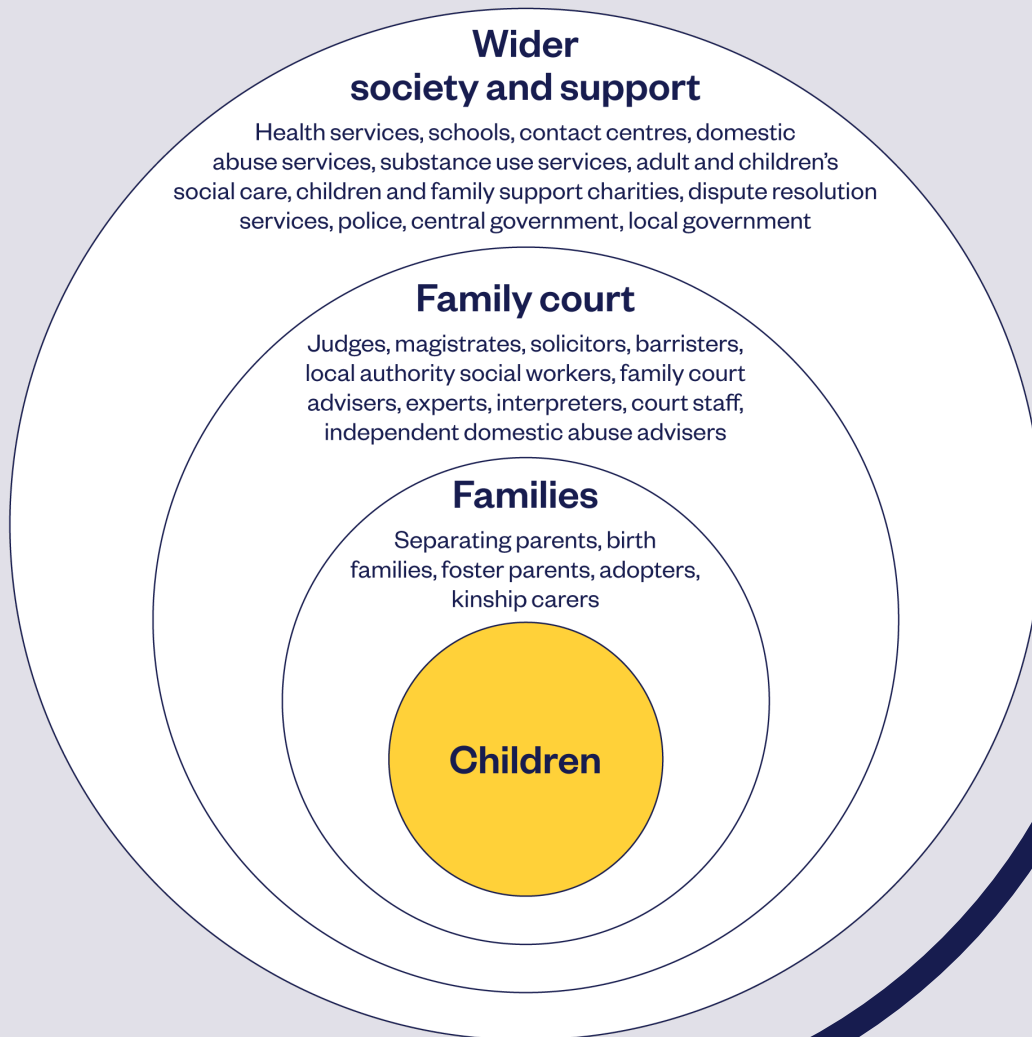
**1,303**

came to our new *In conversation  
with...* lunchtime talk series

“Very informative, sensitive  
delivery of an incredibly difficult  
subject area.”

“Such helpful insight into  
parents' experience.”

# 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.**

39 Essex Chambers • 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 Lawyers for Children • ATD 4th World • Baby and Me • Barnardo's • Become Charity • Birmingham and Solihull Family Drug and Alcohol Court • Birth Companions • Black Barristers' Network • Blackpool Better Start • Boardman, Hawkins & Osborne LLP • British Association of Social Workers (BASW) • Cafcass • Cafcass Cymru • CASCADE (Cardiff University) • Centre for Justice Innovation • Centre of Expertise on Child Sexual Abuse • 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 • Clan Childlaw • Commission on Young Lives • Coram Voice • CoramBAAF • CVAA • Dads Unlimited • Dawson Cornwell LLP • Department for Education • Domestic Abuse Commissioner • Equality and Human Rights Commission • Family Advisory Board (Camden) • Family Justice Council • Family Justice Young People's Board • Family Justice Young People's Board • Family Law Bar Association • Family Law in Partnership • Family Rights Group • Family Solutions Group • For Baby's Sake • Foundations • Frontline • HM Courts & Tribunals Service • Impact Law for Social Justice • Institute of Public Care (Oxford Brookes University) • Jig-So • Judicial College • JUSTICE • Kinship • Lancaster University • Law for Life • Magistrates Association • Mind • Ministry of Justice • Nagalro • National Adoption Service (Wales) • National Adoption Team • National Association of Independent Reviewing Officers (NAIRO) • National Youth Advocacy Service (NYAS) • Newport City Council • NHS England • NIROMP • No5 Barristers' Chambers • NSPCC • Ofsted • Parent Zone • Pause • President's Working Group on Non-Parent Applications • Public Law Working Group • Quality Circle (Sussex Family Justice Board) • Reducing the Risk • Rees Centre (University of Oxford) • Regional adoption agencies • Research in Practice • Resolution • Rights of Women • SafeLives • Secure Welfare Coordination Unit • Social Care Wales • South London and Maudsley NHS Foundation Trust • Strengthening Families • Supporting Separated Families Alliance Kent • Swansea University • The Angelou Centre • The Kempe Center (University of Colorado) • The Parenting Apart Programme • The Point of Care Foundation • The Transparency Project • UK Research and Innovation • University College London • University of Bristol • University of Cambridge • University of East Anglia • University of Glasgow • University of Lincoln • University of Sussex • Welsh Government • West Midlands Police and Crime Commissioner • Working Together with Parents Network

# Looking forward

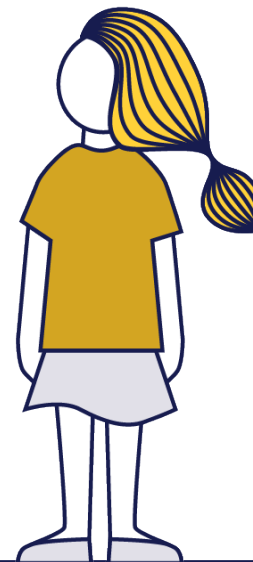
Over the next year we will draw attention to the proportion of parents with newborn babies in care proceedings who have learning difficulties or disabilities and seek to spark discussion about how to better meet these families' needs.

We will support and challenge national policymakers in children's social care and children's mental health to take action to improve support for young people with complex needs.

We will deepen the understanding of children's participation in private law proceedings and support initiatives that seek to give children more opportunities to express their wishes and feelings and to understand the way that decisions are made about them.

We will seek to catalyse an increase in the number of research studies uncovering children's and adults' experiences of the family justice system in order to expose any inequalities in practice, particularly in relation to ethnicity.

We will continue to hold up a mirror to the family justice system in order to help professionals understand steps that could be taken to improve the lives of children and families.



# Get in touch

Nuffield Family Justice Observatory is now in the fifth 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.

E [contactfjo@nuffieldfoundation.org](mailto:contactfjo@nuffieldfoundation.org)  
T +44 (0)20 7323 6242

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