

## INVITATION TO TENDER (ITT)

A process evaluation of a feasibility pilot delivering a new Young People Participation Pathway enabling 12-18 year olds in public law care proceedings to participate through regular discussions with the judge.

This ITT outlines our requirements for an organisation to conduct a process evaluation of an initial small-scale feasibility pilot being set up in two Local Family Justice Board areas involving a number of Local Authorities across the North East and North West of England. The Greater Manchester Family Justice Board and the Cleveland and South Durham Local Family Justice Board, along with the Designated Family Judges for those areas are supporting this pilot.

### 1. Background to the Nuffield Family Justice Observatory

The Nuffield Family Justice Observatory (NFJO) was set up by the Nuffield Foundation to find and fill the gaps in understanding about 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, the Nuffield FJO is an independent and resolutely focused on improving outcomes for children and families by improving the use of data and research evidence in decision-making.

### 2. The Young People Participation Pathway pilot - background and purpose

#### Why is the pathway necessary?

The number of older children (aged 10-17) subject to care proceedings increased by 95% between 2011-12 and 2019-20. Research with care experienced young people has identified that they find the court system unclear and confusing, with limited opportunities to participate. Young people have reported that the court system feels like something 'done to' them rather than 'worked with' them.

There are currently challenges in fulfilling the Article 12 rights of many young people, where they cannot always directly communicate their views, wishes and understanding to the person who makes the decisions - the Judge.

#### What is the Young People Participation Pathway?

The pathway has two key components.

1. A deliberate and planned intervention focused on the court offering a **series of 3-6 planned engagements between young person, the judge, their social worker and their Cafcass guardian** (if available) and a support person agreed with the young person (if desired). These meetings are expected to take place throughout the course

of proceedings without the presence of lawyers, focusing on encouraging the young person's participation in the court process and other decision-making forums they are involved in.

2. **A participation framework delivered through the MY Plan agreement.** Here a young person is supported by their social worker to identify achievable goals and issues they would like addressed and changed for their own lives. These are goals connected to the everyday barriers young people say they face and are aimed at encouraging their capability to tackle and overcome these through the meetings with the judge, social worker, Cafcass Guardian (if available) and support person (if desired).

This pathway is built on a previous project that ran in Coventry and Warwickshire for three years from 2017-2020. 52 young people completed a version of that pathway over the three year period.

#### Who is eligible to participate?

The eligibility criteria for young people to enter the pathway will be:

- the young person is aged 12 or over;
- the young person is currently involved in public law proceedings;
- the young person consents to take part in the pathway and their social worker believes they have the capacity to do so.

#### Where are the pilot sites?

The participating Local Authorities in the North West include Rochdale, Stockport, Tameside and Trafford. The North East includes Durham County Council, Darlington, Hartlepool, Stockton, Middlesbrough and Redcar.

#### Implementation of the pilots

While the core components of the pathway are as described above, specific implementation is likely to vary across the local authority sites, as teams make the pathway fit within their wider practice models.

The local authorities and courts who have signed up to run the pilot are aiming to formally start the pathway in Easter 2024 for a duration of 1 year. We expect 30-50 young people in total to participate in the pilot.

Our strategic goal for the Young People Participation Pathway pilot is to **identify feasible ways to improve participation of children and young people in the family justice system** – that will be relevant and replicable beyond the pilot areas, across England and Wales.

### **3. Focus and scope of the evaluation**

We are looking for an evaluation team to work with the participating local authorities to evaluate the process of setting up and delivering the Young People Participation Pathway pilot in their areas.

The key elements of the pilot and expected outcomes for young people, judges, social workers and Cafcass Guardians who participate are outlined in the appendix - see 'Pathway on a Page.'

We would expect the research team appointed to work with the local authorities running the pilots to maximise the useability and impact of the research and minimise the burden on the young people and professionals involved. This would include sharing insights as the research develops. The evaluators will engage with one point of contact in each region, who can share information to all the participating local authorities in that region.

We are interested in a process evaluation, though any initial commentary about which outcomes could be captured and suggestions for measuring impact would also be welcome.

Staff at Nuffield FJO will be available to provide support to the evaluators e.g. if help is required liaising with local authority teams and sharing our knowledge about the previous project in Coventry and Warwickshire.

If the pilot is successful, there is appetite in the sector to expand the numbers going through the pathway and the areas in which the pathway operates. We expect this evaluation to produce findings that Nuffield FJO can share across England and Wales.

### **4. Requirements**

We would like interested teams to send a proposal setting out a proposed methodology for a process evaluation (see section 7 for more information about the proposal).

#### Areas of interest

Areas of particular interest are:

- What were young people and professionals' experiences of the pathway?
- What worked well and what could be improved in how the pathway is implemented? What changes should be made for any additional roll-out of the pathway?
- To what extent do local factors influence how well the pathway worked? What are the lessons for roll-out to other areas?
- [If possible] What are the mechanisms through which young people and professionals achieve positive outcomes and what outcomes can be feasibly measured in this pilot (see Pathfinder on a Page in the Appendix for information about what these may include)?

## Methodology

Applicants should propose a suitable methodology for the process evaluation that takes into account the small number of young people likely to be involved in the Pilot – we estimate about 30-50 children and young people across the two regions – and the differences in how the pathway will be implemented across different locations. We are interested in approaches that can produce robust evidence to i) inform a larger roll out of this intervention for young people in public law proceedings and ii) influence the family justice system going forward to consider creative ways of increasing young people’s involvement in proceedings.

The tender should include information about the estimated size of samples of young people and professionals who will be involved in the evaluation. We would like the research to include a range of experiences when recruiting young people and legal professionals for the study. It is important to us that this research captures the experience of families from a range of ethnic minority backgrounds.

## Research Infrastructure and support

All applicants should consider the safeguarding and ethical elements of their proposals closely. The issues and how they will be addressed should be set out clearly in proposals, including thoughts about how appropriate consent for the young people will be sought, as well as any support that may be required. We would also expect reference to ensuring data protection and storage protocols, given the sensitive nature of the information being collected.

## Ethics

We would expect applications to address ethical requirements in their application. This could include engagement with a recognised university-based ethics process. If such a process is not available to the applicants, we would be open to exploring how the Nuffield FJO might facilitate an ethical review. In any event, we would expect any application to be clear on how they will ensure their approach is ethically sound. Full funding of the project will be contingent on successful completion of an agreed ethics process.

### **i. Outputs**

The outputs for this project are:

- An Emerging Findings presentation that shares early insights across all participating local authorities;
- A short final report written in accessible language. We would expect the final report output would be subject to peer review (we can support with identifying reviewers).

In order for this research to inform the development of local pilots we would expect regular updates e.g. a Teams call every 8 weeks to update on project progress, including any

emerging findings. However, we like to work collaboratively so are happy to be contacted on an ad-hoc basis to discuss issues/challenges etc.

The report/s may be published on the Nuffield FJO [website](#). Nuffield FJO may produce a short summary or other materials, drawing on the data and findings, intended for decision-makers in the family justice and social care systems.

**ii. Budget, timescales, and milestones**

Up to £25K is available for this research, inclusive of both VAT and all expenses.

Payments will be released in stages alongside agreed milestones, providing these have been met. We suggest the following structure for payments:

- 50% following contract being signed;
- 50% on sign-off of final report.

The final milestones shall be clearly documented in any contract entered into as a result of this ITT. Note that if subcontractors are used, the research team are responsible for delivering the whole project.

When a research team is appointed, the Nuffield FJO will negotiate a contract with them for the delivery of the project.

## 5. Possible applicants

We would welcome:

- Bids from teams experienced in delivering small-scale evaluations.
- Bids from teams familiar with the family court, and/or a range of local authorities.
- Bids from teams that can demonstrate experience of working ethically with vulnerable people, in particular children and young people facing adversity.
- Bids from teams with experience of undertaking research in the context of supporting the development of policy and/or practice change.

The call is open to international applicants.

## 6. Indicative timetable

Set out below is the procurement and delivery timetable. We appreciate the timescales set out may be shorter than for many tenders, but we are keen the research gets under way swiftly so the evaluators can work with the local authorities' teams at the start of the pilots.

DATE	TIMETABLE
23 <sup>rd</sup> February 2024	Publication of ITT
15 <sup>th</sup> March 2024	Clarifications in answer to questions issued
22 <sup>nd</sup> March 2024	Deadline for proposals
29 <sup>th</sup> March 2024	FJO notify applicants of outcome
w/c 1 <sup>st</sup> April 2024 (subject to Easter holiday plans)	Inception meeting to sign off overall approach
Autumn 2024	Emerging Findings presentation
Easter 2025	Proposed deadline for delivery of final report and other outputs

## 7. Submitting a proposal

Your proposal should be in English and consist of no more than five pages (excluding CVs) setting out:

- a proposed approach and methodology, as well as your suggestions about updating the Nuffield FJO and sharing early insights across the pilot local authorities.
- two examples of research you have completed and the names and contact details of referees who will be able to comment on your work.
- a project plan with clear timescales showing key activities, milestones and deliverables.

- CVs of the research team to demonstrate that they possess the necessary qualifications and experience. We welcome applications from multi-disciplinary teams.
- a budget breakdown.

All proposals should be submitted in PDF format and emailed to [contactfjo@nuffieldfoundation.org](mailto:contactfjo@nuffieldfoundation.org) no later than **17:00 on 22<sup>nd</sup> March 2024** clearly marked TENDER FOR RESEARCH: APPLICANT NAME

If you have any questions, please email [contactfjo@nuffieldfoundation.org](mailto:contactfjo@nuffieldfoundation.org) with the subject: YPPP feasibility evaluation.

## 8. Evaluation of proposals

Proposals will be evaluated according to the selection criteria listed below:

1. Expertise in relation to the subject matter
2. Quality and robustness of the proposed approach and methodology
3. Proven experience of working with YP and professionals in the FJS/LAs in engaging and ethical ways.
4. Potential and ability to deliver high quality work on time and to budget
5. Value for money

The following scoring methodology will be applied to responses:

Score	Commentary
1-3	Response provides Nuffield FJO with a poor-weak level of confidence in the supplier's ability to meet its requirements
4-6	Response provides Nuffield FJO with a moderate-good level of confidence in the supplier's ability to meet its requirements
7-8	Response provides Nuffield FJO with a very good level of confidence in the supplier's ability to meet its requirements
9-10	Response provides Nuffield FJO with a high level of confidence in the supplier's ability to meet its requirements

If you have any queries relating to the submission process, please contact Martin Burns, [mburns@nuffieldfoundation.org](mailto:mburns@nuffieldfoundation.org) / 0207 323 6242

Appendix: Pathfinder on a Page

	THE PROBLEM	KEY ELEMENTS OF THE PATHWAY MODEL	INTENDED OUTCOMES
<b>AGENCY AND CONTROL</b>	<p>Young People (YP) going through care proceedings are reliant on either a Cafcass Guardian (CG) or lawyer to represent their views in court.</p> <p>Young people often <b>feel</b>:</p> <ul style="list-style-type: none"> <li>- <b>they are not in control</b> of decisions being made for them.</li> <li>- they are <b>not actively involved</b> in the process.</li> <li>- their <b>voice is not heard</b>.</li> </ul> <p>Many YP <b>want more control in their life</b>. For YP in care proceedings this may be especially important, due to the significant disruption they are likely to have experienced. There is a major deficit.</p>	<p>A series of planned engagements take place between the young person, Judge, Social Worker and Cafcass Guardian (if available) and a support person (agreed with the young person). These happen throughout the care proceedings without the presence of lawyers. <b>They are focussed on encouraging the YP’s participation in the court process and other decision-making forums they are involved in.</b></p> <p>The YP makes a <b>My Plan agreement</b> with the Social Worker and Judge shared with the Cafcass Guardian that:</p> <ul style="list-style-type: none"> <li>- <b>identifies goals they want addressed and changed.</b></li> <li>- goals are connected to the everyday barriers YP say they face.</li> <li>- goals are aimed at encouraging their capability to tackle and overcome these.</li> <li>- The <b>My plan</b> will form part of the final care of the Local Authority</li> </ul> <p>This practice represents a change in how YP’s UNCRC article 12 rights, commonly referred to as Participation rights, are facilitated in the family court in public and private law family proceedings and related proceedings (DoLs, s25).</p>	<p>My Plan is completed, and actions are taken that lead to positive outcomes for the YP:</p> <ul style="list-style-type: none"> <li>- An improved <b>sense of agency</b>.</li> <li>- An <b>increase in confidence</b>.</li> <li>- <b>Equity</b> A feeling of being listened to and supported/helped.</li> </ul> <p>The <b>quality of the relationship</b> between the YP and their SW may subsequently <b>improve</b> as the YP feels better listened to and helped.</p> <p>The YP’s <b>engagement</b> with the SW’s suggested <b>interventions</b> may also increase.</p> <p>The YP’s <b>sense of wellbeing</b> may also increase as a result of their increased sense of control and their participation.</p> <p>There may be benefits of <b>improved relationships with family/friends</b>.</p>

<p style="text-align: center;"><b>RELATIONSHIP WITH JUDGE</b></p>	<p><b>Judges do not often hear directly from the YP</b> whose lives they are making key decisions about through care proceedings.</p> <p>When YP do meet judges, <b>it can be a very process driven conversation</b>, often only for the judges to explain the process of proceedings.</p> <p>Some judges already ask YP to write to them or meet them directly, however this is not across the board.</p> <p>Some judges are concerned about meeting with YP because they think this will lead to ‘evidence gathering’ which is not allowed. Current guidelines frame a vision of participation as talking to the judge as one-off event (while average care proceedings are over 44 weeks).</p> <p><b>YP are not actively engaged in the decisions made about their care planning during the court process.</b></p>	<p><b>Judges who are trauma-informed and motivationally interviewed train form</b> a relationship with the YP through regular non-lawyer reviews (where the focus of the meeting is NOT evidence gathering).</p> <p>YP who have the capacity to <b>communicate their views, wishes and understanding</b> are <b>supported to do so directly to the person who makes the decisions about their lives.</b></p> <p><b>The YP identifies concrete goals for change</b> through their <b>My Plan</b> agreed between Judge and YP and supported by SW and CG (if available).</p> <p>The Judge communicates with the YP in a way that does not engineer an ‘evidence gathering’ process.</p> <p>The judge can listen to the YP and monitor progress of the MY Plan.</p> <p><b>The YP will be encouraged either directly by the judge or indirectly through the interaction to engage with broader services e.g. education, health and therapy.</b></p>	<p><b>The YP’s understanding about the court process and how the decisions are made about their life will improve.</b></p> <p><b>The Judge may feel they can make better, more informed decisions</b> about the YP’s life through their engagement.</p>
<p style="text-align: center;"><b>ADVOCACY</b></p>	<p><b>YP may have a good relationship with their CG, however this is not always the case. It is possible for them to split from their CG</b> and then have their voice in court represented through lawyers. However, effective advocacy depends on a <b>positive relationship between the YP and lawyer which is also not always the case.</b></p>	<p><b>YP aged 12 years and over will be invited to engage through meetings with their SW, Judge and a support person</b> (if chosen by the YP), whether they are maintaining their relationship with their CG or not. Lawyers are not included in these meetings.</p>	<p>The CG’s participation in the pilot throughout the process may strengthen their relationship with the YP.</p> <p><b>The YP identifies that they can self-advocate and stand up for themselves</b> through regular engagement with the Judge and SW, even if they have split from their CG and/or do not have a strong relationship with their lawyer.</p> <p>The YP identifies that they can influence and shape the decision-making environment</p>
<p style="text-align: center;"><b>FEEDBACK</b></p>	<p><b>An opportunity for YP to give feedback about taking part in an active participation often feels uninformed during the court process.</b></p>	<p><b>The YP gives feedback on decisions and the court process</b> to independent evaluators. IRO, Family and other support. SWs, CGs.</p>	<p><b>The YP feels heard and like their opinion/thoughts/feelings matter.</b></p> <p><b>The Judge and SWs, family and others observe the impact of the plan and</b> can reflect on the YP’s progress meeting the outcomes of the pilot to support young people's journey to autonomy and responsibility</p>

