

Nuffield
Family Justice
Observatory

Developing measures that matter in the family justice system

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Briefing

This briefing offers some suggestions about how we might measure success in the family justice system. Noting the importance of a system-wide strategy focused on improving the lives of children and their families, it hints at how we could already start to make progress on ensuring transparency and accountability with existing data – as well as where improvements to data collection and use could bring significant insights in the future.

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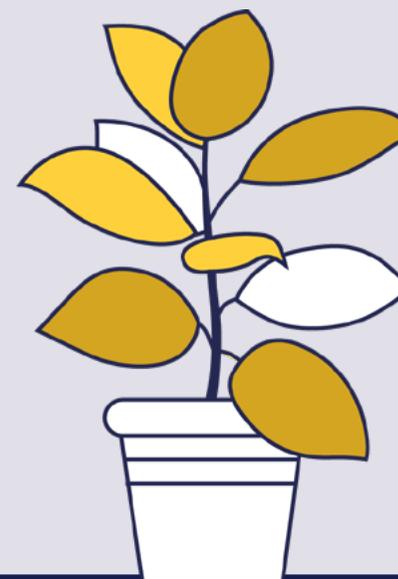
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Background

What is the issue?

What is measured matters. Currently the family justice system measures system efficiencies – such as how long proceedings last. While this tells us something about how the system is performing, it does not necessarily measure success or outcomes that matter to the children and families in the system. The lack of measures of success (or key performance indicators) and lack of data strategy to support such measures is well documented. In 2025 the National Audit Office noted in its report on the family courts:

There are several barriers that government must tackle to better manage the family justice system, including having good-quality data, a system-wide assessment of the key factors driving poor performance and a better understanding of costs. Until government takes effective action to address these areas, its work to improve family justice will not deliver best value for money. (National Audit Office 2025, p. 11).

For the system to be transparent and accountable, particularly given that it involves several different agencies, there need to be shared measures of success. These should reflect the overall vision for the system and help to monitor progress against the three to five-year objectives. Having shared measures of success is essential for good governance as it allows for continual learning and improvement, encouraging both national and local reflection.

Knowing that data needs to be collected purposefully and ethically in support of measures of success – and that measures need to underpin the vision and strategy for the family justice system – how might we start to think of measures of success?

What does this briefing aim to do?

This briefing is designed to help stimulate thinking on potential measures of success for the family justice system and the kind of data that we might need.

In order to develop this briefing we:

- scoped similar outcomes frameworks for children, thinking about key domains in the family justice system and developed a long list of measures of success
- held a workshop where the Nuffield Family Justice Observatory leadership team worked collaboratively to prioritise the measures, looking at importance and feasibility
- refined our list to develop measures that are feasible in the short term as well as some that we might aspire to in the longer term.

We have based our briefing on our own goals for the system – but of course the actual measures that need to be put in place will depend on the forthcoming family justice strategy (see HM Treasury Minutes, December 2025) and would need to be developed in a systematic and participatory way.¹

1 HM Treasury. (2025). *Treasury minutes - Government response to the Committee of Public Accounts on the forty-third to the forty-sixth, forty-eighth and forty-ninth reports from session 2024-26*. https://assets.publishing.service.gov.uk/media/693c3907c72b0f8ccf33d6dd/E03512190_-_CP_1469_Treasury_Minutes_Accessible.pdf

What work have we been doing in this area?

This briefing builds on:

- our regularly updated infographic, which highlights what we know about children's journeys through the family justice system based on national administrative and research data²
- a briefing paper that sets out the significance of data within the context of the family justice system, limitations, and opportunities and recommendations for improvement³
- a review of the youth justice system's experience of improving its key performance indicators.⁴

How to get in touch

For all questions on the research and our work in this area, please contact: contactfjo@nuffieldfoundation.org. For all media enquiries, please contact: mediafjo@nuffieldfoundation.org

- 2 Nuffield Family Justice Observatory. (n.d.). *Children in the family justice system*. Infographic. <https://www.nuffieldfjo.org.uk/infographic/children-in-the-family-justice-system>
- 3 Saied-Tessier, A. (2024). *Improving families' lives through better data*. Briefing. Nuffield Family Justice Observatory. <https://www.nuffieldfjo.org.uk/news/improving-lives-the-power-of-better-data-in-the-family-justice-system>

- 4 Saied-Tessier, A. and Gamboa, S. (2025). *Child-focused, data-driven: Learning from youth justice to improve family justice data*. Nuffield Family Justice Observatory. <https://www.nuffieldfjo.org.uk/resource/child-focused-data-driven-learning-from-youth-justice-to-improve-family-justice-data>

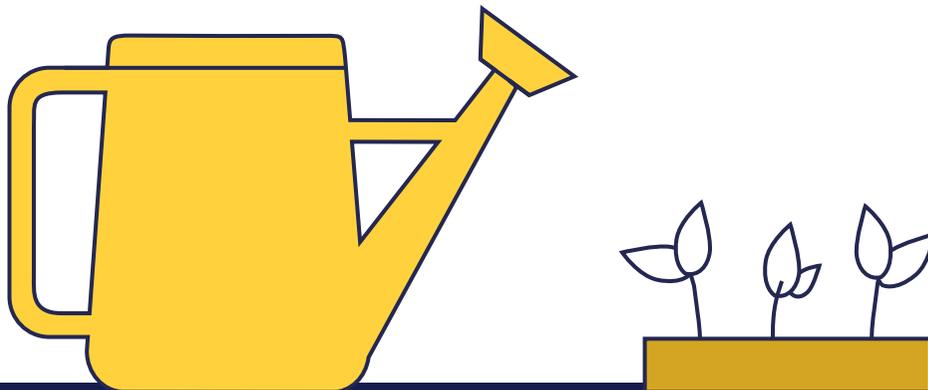
Measures of success for family justice need to examine if the system is helping to improve the lives of children and their families.

What would success look like?

There are many visions and articulations of what success might look like in the family justice system. The Department for Justice and Department for Education have committed to developing 'a cross-system family justice strategy that will set out a clear and ambitious vision for improving outcomes for children and families' (HM Treasury 2025, p. 13).

In order to show the types of measures that could be developed and prompt discussion, for the purposes of this briefing, we have used some of our own goals and vision as to what success might look like for the system, including:

- a family justice system that is focused on children's outcomes, including well-being
- a family court that is an effective gateway to positive changes in life
- a system that treats all children and families fairly and equitably
- a system where children and adults are enabled to participate meaningfully in the decisions that affect their lives.



For the family justice system to be transparent and accountable, and to build a reflective culture, there need to be shared measures of success.

What might measures of success look like in the short and longer term?

A system focused on children's outcomes

Short term: Well-being for children in care



The proportion of children aged 5–17 on a care order and in care for at least 12 months where their mental well-being as measured by the Strength and Difficulties Questionnaire is at a threshold that reaches a cause for concern.

Although we do not have any existing measures of well-being for children across the family justice system, we do for those who have gone into care. The statutory return by local authorities for children looked after (SSDA903) is reported to the Department for Education annually and includes the completion of the Strengths and Difficulties Questionnaire (SDQ) if the child has been in care for at least 12 months (Department for Education 2025). By looking at children aged 5–17 on a care order and in care for at least 12 months, we can begin to monitor a measure of how well children are doing after going through public law when they remain in care. This harnesses existing data to capture part of what children, families, judges and stakeholders are asking for – how well are children doing after the state intervenes and there is a care order.

Long term: Well-being



The proportion of children who have been through the family justice system with positive well-being (are satisfied with life as a whole).

Children have told us that they want everyone in the family justice system to know how they feel about their well-being after having been through the system, whether public or private law. There are many validated measures for this. We recommend using the proportion of children going through the family justice system with positive well-being (i.e. satisfied with life as a whole). This measure captures 'subjective well-being' and is included by the Office of National Statistics in its personal well-being measure and in Bright Spots – a survey undertaken with children in care in some local areas (CoramVoice 2025; ONS 2025). It would require a new survey of children who have been through the system at the end of proceedings, or at a follow-up point, but it would enable a meaningful measure of subjective well-being. It would allow us to understand trends over time and how the young people in the family justice system compare to the general population, as well as more complex analyses, such as what factors predict positive well-being and differences between types of orders and overall child well-being.

Court as an effective gateway to positive changes in life (including support)

Short term: Recurrence



The proportion of adults who return in public law proceedings.

If public law proceedings facilitate change and access to services, adults are less likely to return to court. This measure could be developed with existing Cafcass or HM Courts & Tribunals Service public law data, and analysis has previously been completed (e.g. Ryan and Edney 2025).

Long term: Wider services



The proportion of adults/children referred to wider support services by the end of their order where this would be beneficial.

If court is effective, then adults and children are able to access broader support and do not need to return to court. In the youth justice system, key performance indicators include a similar measure about referrals to wider support services. Collecting data to support such a measure would require additional information to be added about referrals. A measure of access to wider support services unites the family justice system in a joint vision of the system as a gateway to positive changes.

Children and families are treated fairly and equitably

Short term: Inequalities



The disproportionality of children’s court outcomes (e.g. orders) by ethnicity (as a percentage of the population).

Measures of inequalities can be developed with existing data, as shown in the Nuffield Family Justice Observatory Spotlight Series paper on ethnicity in the family justice system (Edney 2023). Some groups may systematically experience longer proceedings to ensure equity (e.g. translators needed, more time to reach and assess potential kinship carers abroad); however, stark differences and trends around inequalities in orders by ethnicity would require further investigation into biases and ability to access services. Over time, we would hope to see a decrease in disproportionality of children’s court outcomes by ethnicity. Improving the quality of data on ethnicity and court orders in private law would improve the analysis for this measure.

Long term: Equity



Differences by protected characteristics (e.g. ethnicity, disability) of the proportion of adults who feel they were treated fairly and equitably.

In order to access justice, adults in the system – predominately parents – need to feel that they are treated fairly and equitably. This could be looked at on its own or by breaking down findings by protected characteristics to understand differences in experiences. For example, people from some ethnic groups may feel that they are systematically treated less fairly. This measure would be a new short, survey feedback measure at the end of proceedings, similar to satisfaction surveys adults are used to completing at the end of NHS visits.

Children’s participation

Short term: Participation proxy



The proportion of children who have a marker of participation in private law.

Children have a right to participate in decision making processes about their lives under Article 12 of the UN Convention on the Rights of the Child (UNCRO). There are existing markers of participation in private law, including Cafcass/ Cafcass Cymru section 7 welfare report, local authority Section 7 welfare report, local authority section 37 report, and rule 16.4 (guardian appointment). This has previously been analysed in work by Hargreaves et al. (2022). Participation is assumed as default in public law as a guardian is appointed as standard, so a measure of success could include how often children’s wishes and feelings are gathered as part of these activities or could focus on whether there are markers of participation in private law. These existing markers of participation are narrow definitions of participation.

Medium term: Feedback



The proportion of children who receive feedback via a letter from the judge.

Informing children of court outcomes is considered a basic form of participation. The President of the Family Division and the Family Justice Young People’s Board have already created a toolkit for judges writing to children recommending such notes include information about how children’s views and experiences are considered, why a decision was made, and what decision was made (2025). A record of feedback letters or emails should already be within court files but it would require improved systematic recording to add this as a measure of success. This measure also echoes what children say in terms of the importance in understanding what decisions have been made about their future and why.

Long term: Participation



The proportion of children engaging in ‘meaningful’ participation.

The Department for Education’s statutory return for looked after children (SSDA903) already has a code set for methods of participation for children in care in review meetings and different methods of participation can be combined to look at meaningful participation. This could be replicated for proceedings to note different forms of participation, including if a child attends and participates, meets with a judge outside of hearings, has an appointed guardian, or conveys their wishes and feelings through Cafcass/Cafcass Cymru or a local authority social worker.

Adult participation

Short term: Same-day hearings for babies



The proportion of parents involved in same day-hearings for babies in public law.

Same-day hearings refer to court hearings that take place on the same day as the application to the court. This practice raises serious concerns in terms of fairness and parents' ability to meaningfully participate in proceedings, particularly in the case of same day hearing immediately following birth. This measure of success aligns with the forthcoming judicial protocol to end the practice of parents of newborn babies attending family court hearings on the day of (or shortly after) the birth of the child (Keehan 2026). Current data already allows this analysis (Edney and Ryan 2025).

Long term: Participation with equity



The proportion of parents/guardians who feel they were treated fairly and equitably in proceedings (and understood them).

In order to meaningfully participate, parents and guardians need to feel that they understand proceedings and are provided additional support where required. We have already proposed a short feedback questionnaire to look at equity, similar to those sent to service users after an NHS visit or using a government website. Participation could be measured both overall and for groups with different protected characteristics.

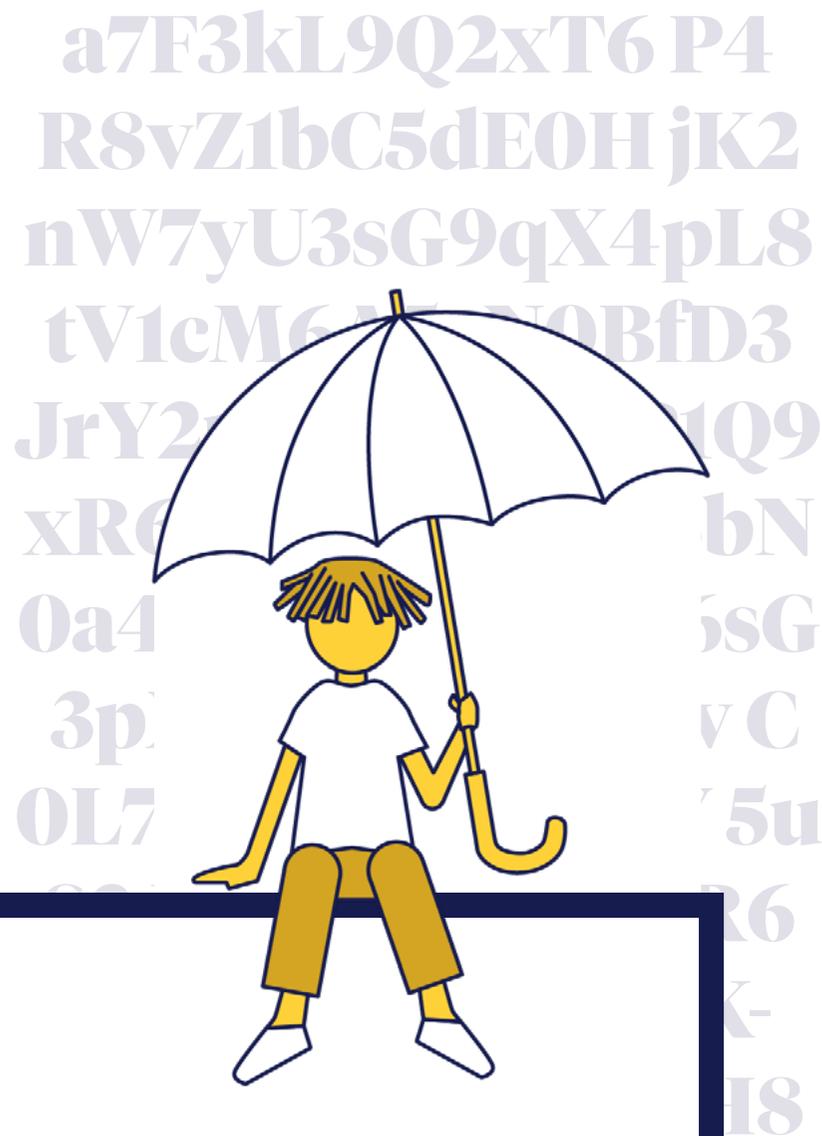
We also need a strategy to improve underlying data quality, data use, transparency, accountability and governance.

What data would we need?

In addition to measures of success, a data strategy needs to set out how to improve data and fill gaps, allowing for better understanding of the family justice system and more effective and transparent governance.

Nuffield Family Justice Observatory has published *Improving Families' Lives through Better Data* (Saied-Tessier 2024) and *Child-Focused, Data-Driven: Learning from Youth Justice to Improve Family Justice Data* (Saied-Tessier and Gamboa 2025). Both papers highlight the importance of a data improvement plan or strategy. They recommend:

- the data collected and published is values-led, echoing the vision for the family justice system
- engaging professionals and families on the data that gets collected to ensure it is meaningful
- closing critical data gaps on prevention, ethnicity, disability and other characteristics, and measuring real-life outcomes such as child well-being.



This work on data will help to create a learning culture that drives improvements in the family justice system and better outcomes for children and their families.

Reflections

The family justice system's measures of success should put children and families at the centre

These measures should be refined through consultation and piloting with children and families who have been through the family justice system. What is measured matters for system improvement.

Measures of success (or key performance indicators) are a way of driving the implementation of a vision

The youth justice system has shown us how creating, refining and regularly using key performance indicators can help drive the implementation of a vision.

Measures of success are possible – both in the short and longer terms

We do not have to wait for better data to start measuring success. Some indicators could be designed to leverage existing data (perhaps with minor modifications). Other measures might require the collection and integration of new types of data.

Measures of success need to be accompanied by an implementation plan for their use and improvement

Local family justice boards (LFJBs) should use measures of success to regularly examine progress and trends and compare their data to statistical neighbours. The use of data in this way needs to be intentionally planned with appropriate support infrastructure, such as data dashboards and administrative meeting support. Measures of success could then be used alongside other information such as research, lived experience and professional judgement to drive discussion and improvement.

Additionally, new long-term measures, such as those suggested here, require changes to data collection and a planned implementation process to improve and quality check data. For example, data on pre-proceedings and family group decision making is now in the children in need census in 2026 and 2027 data guide (Department for Education, 2026). This follows scoping and consultation processes and is accompanied by data support processes to allow for this data collection of understanding diversion from family court. New measures will need similar implementation plan processes. This allows for the collection and use of measures on what really matter to family justice.

References

CoramVoice. (2025). *About the Bright Spots programme.* <https://coramvoice.org.uk/bright-spots-programme/about-bright-spots-programme/>

Department for Education. (2025). *Children looked after return 2025 to 2026: guide.* www.gov.uk/government/publications/children-looked-after-return-2025-to-2026-guide

Department for Education. (2026). *Children in need census 2026 to 2027 guide, version 1.3.* www.gov.uk/government/publications/children-in-need-census-2026-to-2027-guide

Edney, C. (2023). *How might our ethnicity affect our experience of the family justice system?* Spotlight Series. Nuffield Family Justice Observatory. <http://www.nuffieldfjo.org.uk/resource/how-might-our-ethnicity-affect-our-experience-of-the-family-justice-system>

Edney, C. and **Ryan, M.** (2025). *Newborn babies in urgent care proceedings in England and Wales: An update.* Nuffield Family Justice Observatory. www.nuffieldfjo.org.uk/resource/newborn-babies-in-urgent-care-proceedings-in-england-and-wales-an-update

Hargreaves, C. Cusworth, L., Alrouh, B., Broadhurst, K., Cowley, L., Abouelenin, M., Doebler, S., Akbari, A., Farr, I., and North, L. (2022). *Uncovering private family law: What can the data tell us about children's participation?* Report. Nuffield Family Justice Observatory. www.nuffieldfjo.org.uk/resource/uncovering-private-family-law-what-can-the-data-tell-us-about-childrens-participation

HM Treasury. (2025). *Treasury minutes - Government response to the Committee of Public Accounts on the forty-third to the forty-sixth, forty-eighth and forty-ninth reports from session 2024-26.* https://assets.publishing.service.gov.uk/media/693c3907c72b0f8ccf33d6dd/E03512190_-_CP_1469_Treasury_Minutes_Accessible.pdf

Keehan, J. (2026, 16 February). *Have your say on guidance relating to short notice applications in the family courts.* Courts and Tribunals Judiciary. www.judiciary.uk/guidance-and-resources/have-your-say-on-guidance-relating-to-short-notice-applications-in-the-family-courts/

National Audit Office (NAO). (2025). *Improving family court services for children.* <https://www.nao.org.uk/reports/improving-family-court-services-for-children/>

Nuffield Family Justice Observatory. (n.d.). *Children in the family justice system infographic.* www.nuffieldfjo.org.uk/infographic/children-in-the-family-justice-system

Office of National Statistics. (2025). *Personal well-being survey user guide.* www.ons.gov.uk/peoplepopulationandcommunity/wellbeing/methodologies/personalwellbeingsurveyuserguide

President of the Family Division and Family Justice Young People's Board. (2025). *Writing to children – a toolkit for judges.* www.judiciary.uk/wp-content/uploads/2025/02/Writing-to-Children--A-Judges-Toolkit-V1.7-1.pdf

Ryan, M. and **Edney, C.** (2025). *Recurrent care proceedings: five key areas for reflection from the research (update).* Spotlight series. Nuffield Family Justice Observatory. www.nuffieldfjo.org.uk/resource/recurrent-care-proceedings-five-key-areas-for-reflection-from-the-research-update

Saied-Tessier, A. (2024). *Improving families' lives through better data.* Briefing. Nuffield Family Justice Observatory. www.nuffieldfjo.org.uk/news/improving-lives-the-power-of-better-data-in-the-family-justice-system

Saied-Tessier, A. and **Gamboa, S.** (2025). *Child-focused, data-driven: Learning from youth justice to improve family justice data.* Report. Nuffield Family Justice Observatory. www.nuffieldfjo.org.uk/resource/child-focused-data-driven-learning-from-youth-justice-to-improve-family-justice-data

Nuffield Family Justice Observatory

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.

Nuffield FJO was established by the Nuffield Foundation, an independent charitable trust with a mission to advance social well-being. The Foundation funds research that informs social policy, primarily in education, welfare and justice. It also funds student programmes for young people to develop skills and confidence in quantitative and scientific methods. The Nuffield Foundation is the founder and co-funder of the Ada Lovelace Institute and the Nuffield Council on Bioethics.

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