



Ministry  
of Justice

# Family Justice Research Bulletin

New and forthcoming research and  
analysis for the family justice system

May 2018

Protecting and advancing the principles of justice





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# Editorial

Welcome to the Family Justice Research Bulletin. This bulletin came to being following a number of recommendations in the Family Justice Review, published in November 2011, which cited the need for research to be better disseminated to professionals across the family justice system. Our first bulletin was shared in October 2012, and this is our seventh edition. Since our last bulletin was published in December 2015, much research and evidence gathering has taken place in family justice. The length of this bulletin is testament to this; it showcases the depth and breadth of research conducted and published recently. Of course, busy professionals may not have time to go through the bulletin page by page. We have therefore highlighted the key themes that jump out to us from the research in this editorial, and readers can go directly to the areas they are interested in by clicking on the sections outlined in the contents page.

We are fortunate that our bulletin profits from independent external peer review. As Chief Social Researchers and Heads of Family Justice Research and Analysis at the Ministry of Justice we are committed to ensuring independence, transparency and quality of research. Alongside our own reviews of the literature, many of the research studies included have been recommended by our 'Virtual Group' of established academics and practitioners specialising in the field of family justice. Our team considers the robustness of the methodology, whether the research was conducted ethically, and the accessibility and relevance of the findings for our audience. Due to the volume of research conducted in recent years on family justice, this bulletin cannot be exhaustive. For each report, we provide a summary of the research which draws out the aims, methodology and main findings and, where possible, includes a web link to allow readers to access the full report.

These are exciting times for the development of evidence in the family justice domain. The bulletin demonstrates the importance of research for illuminating the experiences of families going through the family justice system and in providing important considerations for policy-makers. Research from a wide range of methodological approaches – from nationally representative surveys to in-depth qualitative studies – has improved our understanding of how families experience and navigate their separation. In public law, analysis of administrative datasets has provided new and significant insights on the journeys of children and their birth mothers.

The research summaries included herewith are organised under three themes; private family law, public family law; and international evidence. We also provide an update on ongoing research studies, and point readers towards useful resources and statistics.

Our private law section includes some of the most recent publications to build on the access to justice evidence base. The Ministry of Justice has published reports on a nationally representative Legal Problem and Resolution Survey to provide robust quantitative evidence on the prevalence and resolution of family justice problems. This adds to the substantial in-depth qualitative data captured in our Varying Paths to Justice study, published in December 2016. Research undertaken by David Marjoribanks at Relate highlights the challenges faced by families going through separation, and reemphasises the need for a coordinated, effective and authoritative system of support. The Department for Work and Pensions, along with partners including Tavistock Relationships and Cafcass, have funded several evaluations of support for separating parents as part of their 'Help and Support for Separated Families' initiative (see research led by Christine

Skinner and Ida Forster; and Andrew Thomas and colleagues). These studies offer important learning for policy-makers to consider when developing services to help families, particularly parents in conflict, put the needs of their children first.

Adrienne Barnett's research presents important findings in relation to professional and judicial responses to domestic violence in the family court, and a Ministry of Justice study by Amy Summerfield and Natalie Corbett sheds light on how family judges are managing cases with vulnerable witnesses. The latest book from Mavis Maclean and John Eekelaar focuses on the work of mediators and lawyers delivering family justice. Liz Trinder's comprehensive, mixed-methods research on 'no-fault' divorce contributes to the long-standing debate in relation to divorce law in England and Wales.

In public law, Paul Bywaters and his team have published some insightful research which quantifies the impact of deprivation and children's likelihood of coming into contact with the care system. The Nuffield Foundation have continued to fund a comprehensive programme of research led by Karen Broadhurst and Judith Harwin exploring questions such as the recurrence of birth mothers in the public law system, and trends in the use and sustainability of different types of public law orders. Findings from these studies, including the regionally variable use of supervision orders, the increasing practice of attaching a supervision order to a special guardianship order, and the rate of return to court by different orders warrant further investigation, including longitudinal study. This is ever more important in light of recent rises in care demand.

Evaluative research on the Family Drug and Alcohol Court (Judith Harwin and colleagues) as well as post-court support for families in the public law system, such as Pause (Katie McCracken and colleagues), Positive Choices and M Power (Pamela Cox and colleagues), reiterate the need for consistent access to intensive and therapeutic in- and post-court support.

Much can be learnt from research that is conducted in other jurisdictions. Since our fourth bulletin in March 2014 we have therefore included a section on international research. Included in this edition are Rae Kaspiew and colleagues' evaluation of the Australian Law Reforms and Jane Mair's in-depth study exploring Scotland's legislation on financial provision on divorce.

The bulletin reiterates that there is still some way to go to understand the outcomes for children who have experience of the family justice system. A comprehensive review by Julie Wilkinson and Susannah Bowyer for the Department for Education summarises the evidence on the impact of abuse and different public law placement options, but notes that further research is required to understand long-term outcomes for children in different circumstances. Similarly, in private law, Caroline Bryson and colleagues' work scoping the evidence base on separated families concludes that improvements to the data infrastructure is required and recommends a feasibility study to test the potential for a new longitudinal study.

The Family Justice Observatory Scoping Study, led by Karen Broadhurst and funded by the Nuffield Foundation, has demonstrated a clear demand for an Observatory to improve the generation and application of research in the family justice system. The Foundation is now committed to making the Observatory happen.



We recognise the significant value of working with our research colleagues both within and outside of government. Our team are committed to engagement and partnership as far as possible with external stakeholders. We sit on a range of external research Advisory Groups and seek the expertise of stakeholders in the development of our own research programme. We have, for example, held two roundtable events with academics and research organisations to discuss and seek feedback on a matched database which links records for over 600,000 children across Ministry of Justice, Department for Education and Cafcass.

We would like to express our thanks to members of the Virtual Group who have provided recommendations to include in this, and future, bulletins. And to those who liaised with us to agree the content of the short summaries of their research. We are very grateful for the thoughtful and thorough independent peer review comments. Many thanks are due to Jane Becker and Irina Pehkonen, working under Amy Summerfield's leadership, who worked very hard to put this edition together.

We hope you enjoy reading the bulletin. More importantly, we hope that you find it a useful resource as a professional working to improve the experiences for, and outcomes of, families in the family justice system. If you have any feedback on the content or style of this bulletin, or would like to become a member of our Virtual Group, please get in touch at [knowledgehub@justice.gov.uk](mailto:knowledgehub@justice.gov.uk).

### **Alexy Buck and Rachel Dubourg**

Chief Social Researchers Ministry of Justice  
Heads of Family Justice Research and Analysis



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# 1 Private Family Law



## Access to justice

Franklyn, R., Budd, T., Verrill, R. and Willoughby, M. (2016) Findings from the Legal Problem and Resolution Survey, 2014-2015

Funder: Ministry of Justice

Peer review status: Peer reviewed

[www.gov.uk/government/publications/legal-problem-and-resolution-survey-2014-to-2015](http://www.gov.uk/government/publications/legal-problem-and-resolution-survey-2014-to-2015)

## Aims and methodology

The aim of the nationally representative Legal Problem and Resolution Survey was to provide robust quantitative evidence on the prevalence and resolution strategies of the civil, administrative and family legal problems experienced by adults in England and Wales. Telephone interviews (10,058) were conducted between November 2014 and March 2015. Respondents were asked about: their experiences of a range of everyday legal problems; their awareness and use of a range of advice services; their confidence in dealing with hypothetical disputes; their attitudes towards the justice system; and their personal and household characteristics.

## Key findings

- Family problems were defined as those linked to a relationship breakdown. Resolution strategies were grouped into four distinct groups: 35% used a 'formal resolution process' (such as court or a tribunal, or a resolution service including independent conciliation, mediation or arbitration); 40% used 'legal or professional help' (such as a lawyer or Citizens Advice); 25% used 'self-help' (such as the internet or friends and family); and 1% 'did not try to resolve' the issue.
- Those who experienced a family problem were more likely to report using a court or tribunal (16%) or independent conciliation, mediation or arbitration (28%) than those with a civil or administrative legal problem.
- Over a quarter of people (28%) who had not used independent conciliation, mediation or arbitration said they had considered using mediation.
- Of those obtaining 'legal or professional help' from an advisor: the majority (62%) contacted a solicitor or barrister; around a quarter (24%) contacted Citizens Advice and/or the local council advice service; and 16% contacted a mediator.
- People with family problems were more likely to pay for all or some of their legal help (46%)

than those with administrative or civil legal problems (20% and 10% respectively).

- Over two-thirds of adults (68%) reported getting information, advice or help from their friends and family – significantly higher than all other types of problem (32%–47%) apart from those with problems relating to employment (58%) or education provision (56%).
- Individual capability and confidence were important. Some people could fully understand the available resolution options, and were therefore either able to handle their problems using only self-help sources or know how to access suitable legal or professional help.

### Conclusions and implications

Adults with relationship breakdown problems were more likely to use a formal resolution process and more likely to obtain formal legal help than those facing civil or administrative legal problems. Overall, the findings suggest that adults who are vulnerable to disadvantage were more likely to experience problems, and could therefore benefit from targeted support. Being able to access and understand information about options will influence how people try to resolve their legal problems.

**Vaughan, K., Parker, I. and Bunt, L. (2015)**  
**Responsive Justice: How citizens experience the justice system**

Funder: Citizens Advice

Peer review status: Shared with stakeholders for feedback. No formal peer review process

[www.citizensadvice.org.uk/about-us/policy/policy-research-topics/justice-policy-research/access-to-justice-policy-research-and-consultation-responses/access-to-justice-policy-research/responsive-justice/](http://www.citizensadvice.org.uk/about-us/policy/policy-research-topics/justice-policy-research/access-to-justice-policy-research-and-consultation-responses/access-to-justice-policy-research/responsive-justice/)

### Aims and methodology

To gain a better understanding of their clients' experience of the justice system, Citizens Advice commissioned YouGov to undertake a survey of 2,025 adults in September 2015. The figures were

weighted and are nationally representative of all adults in England and Wales.

### Key findings

- While most people valued the justice system and expected they would be treated with respect, the majority of the public also think it should be easier for people to solve their problems and get support.
- Around 3% of people had been involved in a family case; 10% had been to a family court hearing in some capacity.
- Many people had real concerns about the amount of support and advice available. Almost three-quarters (72%) agreed that trying to solve their problems might not be worth the financial and emotional cost. This increased to 83% of those who had been respondents in the family court.
- Although more people are going to court without a lawyer, only 14% of the public felt confident they could manage if they had to represent themselves in court.
- Users described their court experience as 'leaving a bad feeling': 20% of people who had been involved with the courts said they came out with a worse opinion compared to 10% who reported feeling more impressed afterwards.
- Less than half (48%) of people believed that if they had to go to court, the outcome would be fair. There was a perception that wealth enabled access to justice; only 17% believed that it was easy for people on low incomes to access justice.

### Conclusions and implications

Negative user experience appears to be deterring people from accessing the justice system. Improvement is required to provide advice at the beginning of the process to ensure that people can understand the options available and find out if they are eligible for legal aid. If they proceed to court, then more information and support is required for people who represent themselves in court.

## Parental separation

**Marjoribanks, D. (2015) Breaking up is hard to do: assisting families to navigate family relationship support before, during, and after separation**

Funder: Department for Work and Pensions

Peer review status: Not peer reviewed

[www.relate.org.uk/policy-campaigns/publications/breaking-hard-do-assisting-families-navigate-family-relationship-support-during-and-after-separation](http://www.relate.org.uk/policy-campaigns/publications/breaking-hard-do-assisting-families-navigate-family-relationship-support-during-and-after-separation)

### Aims and methodology

This report explored the provision of support before, during, and after family separation, including the challenges to accessing support and in improving links between different parts of the system. The research included: a wide-ranging literature and policy review; a workshop with experts to identify relevant practice and literature; and 22 interviews with policy officials, service providers and academics. A roundtable discussion was held with experts from across the sector to review emerging findings and discuss possible recommendations.

### Key findings

- Families lack an obvious, visible and authoritative place to go to for information and support relating to family relationship problems, and the majority of the information available is generic.
- Support is difficult to navigate with few clear entry points that could provide holistic assessments of need and appropriate referrals.
- Demand for support is expressed late, often when difficulties have reached crisis point. This can skew provision towards crisis intervention.
- Support is fragmented, dealing with a single-issue, with gaps between different forms of support, and there is limited inter-agency and inter-professional awareness or communication.

- Children and young people's views are often absent, and support for parents is rarely joined up with support for children and young people affected by separation.

### Conclusions and implications

The report outlines recommendations for policy makers to create a more co-ordinated and effective system of support. Underlying these policy recommendations is a vision which: places families at the centre and designs support around their needs; empowers families wherever possible to assume responsibility to manage their own resolutions and outcomes; resolves problems as early as possible; promotes collaboration; and integrates and coordinates multi-disciplinary provision.

The report makes 13 recommendations including: having a single point of entry for initial information and support; the coordination of support and dispute resolution services at Family Relationship Centres; having a family justice minister leading family-related policy across government; redesigning MIAMs to 'Information and Assessment Meetings' exploring a range of dispute resolution options; offering free Separated Parents Information Programmes when undertaken prior to making a court application; providing legal aid for more dispute resolution options; and providing Legal Aid contracts that incentivise joint working.

**Skinner, C. and Forster, I. (2015) Guiding parents through separation: Family Matters – an innovative support service from Resolution**

Funder: Department for Work and Pensions as part of the Help and Support for Separated Families Innovation Fund

Peer review status: Not peer reviewed

[http://www.resolution.org.uk/site\\_content\\_files/files/family\\_matters\\_research\\_\\_final.pdf](http://www.resolution.org.uk/site_content_files/files/family_matters_research__final.pdf)

## Aims and methodology

The aim of this research was to consider learning from the service delivered by Family Matters guides for future professional practice in family dispute resolution. Guides use their legal expertise and conflict resolution skills to help separated parents collaborate more effectively in their children's best interests. The free service is targeted at vulnerable low-income families. The experience of delivering this service was evaluated using in-depth interviews with six guides, one project manager and a member of Resolution's board who was involved in the Family Matters service design. Four guides were also involved in a focus group.

## Key findings

- offering flexible and intensive support, and a neutral voice to both parents at the early stage of the separation and/or resolution journey to give them time to consider their next course of action
- providing a holistic service that allowed parents to go at their own pace and access when needed thus gradually removing practical and attitudinal barriers to formal mediation services
- providing tailored legal information (not legal advice) and delivering it impartially to both parents until they were ready to communicate with each other and reach agreements.
- listening carefully to parents to help them recognise problems that frequently lay under the main presenting issue, thereby rendering it more amenable to resolution
- signposting parents to other specialist agencies to help them resolve complex health, financial and other practical problems (housing and debt for example)
- responding quickly to parental distress and to moments of crisis related to the early stages of separation
- combining the guides' knowledge as qualified lawyers alongside mediator skills was a unique and vital aspect of the guides' hybrid role

Operational and professional challenges experienced included:

- building extensive and stable local networks with other specialist providers to signpost parents effectively
- receiving the predicted number of referral in the early days of the service
- engaging the non-presenting parent
- explaining the service to parents, particularly about the guides' role
- adjusting their professional identities from acting for one parent as a client to providing information to both – guides expressed their difficulties here, especially when they felt the circumstances of the presenting parent was particularly unjust, and when responding to parents facing crises

## Conclusions and implications

This study suggested that adopting professional impartiality helped Family Matters guides to engage both parents in dispute resolution, although major challenges remained in engaging the non-presenting parent. Guides highlighted the need for emotional readiness to give parents the capacity to absorb legal information and the resilience to undergo mediation or litigation. Having the skills of both lawyers and mediators, with the freedom and flexibility to operate without their usual professional constraints enabled guides to deliver impartial legal information and not client-specific legal advice. Introducing this approach more widely would involve reconfiguring the traditional professional boundaries between lawyers and mediators.

**Thomas, A., Harding, C., Cordes, A., Brind, R., Cheesbrough, S., Bryson, C., Purdon, S., and Conlon, G. (2016). Help and Support for Separated Families Innovation Fund Evaluation**

Funder: Department for Work and Pensions (DWP) as part of the Help and Support for Separated Families (HSSF) Innovation Fund  
Peer review status: Reviewed by DWP and stakeholders (not a full academic peer review)

[www.gov.uk/government/publications/help-and-support-for-separated-families-innovation-fund-evaluation](http://www.gov.uk/government/publications/help-and-support-for-separated-families-innovation-fund-evaluation)

### Aims and methodology

The aim of this study was to evaluate 17 projects set up under the HSSF Innovation Fund. These projects provided either: talk-based services involving mediation or a therapeutic intervention; information-based services providing legal advice, information and signposting; or projects to assist with contact arrangements for non-resident parents. Fieldwork was conducted at three stages between March and November 2015. The evaluation had two parts:

- 1 A qualitative process evaluation of the service delivery, examining factors that contributed to effective referral of clients to each service, successful engagement and positive experiences
- 2 A quantitative examination of outcomes in terms of parental collaboration, contact with children, use of courts and child maintenance arrangements

### Key findings

Overall:

- Most projects relied on self-referral, as well as referrals from other services or the courts. Tailoring messages to target groups was more effective than marketing to a wide range of clients. All projects found it difficult to estimate the level of take up for their service.
- Factors that predicted more successful service

delivery among the eight projects providing mediation or therapeutic interventions included: referral from an established service; careful assessment of parents' readiness to engage; well trained, skilled and dedicated staff; integration of services; and flexibility. Effectiveness was limited if either parent had serious health or learning difficulties, or there were entrenched financial or contact issues.

- Of the information-based services, those offering legal advice gave effective advice about the legal process and could increase client confidence, although uptake of the counselling and group-work following this was low. Services offering web-based advice received positive feedback about the quality of information offered and the flexibility of the service.
- Common concerns across projects included higher-than-expected resources required for administration and difficulties recruiting and retaining skilled staff. Networking with other professionals to share good practice was very valuable. Those working with more challenging parents recognised the need for more support and time away from front-line delivery.

Parental experience:

- Parents reported clear benefits in terms of more effective communication, respect for the ex-partner's viewpoint, better parenting and other indicators of wellbeing.
- Of the 13 projects recording the Parenting Alliance Measure to assess collaboration between separated parents, there were statistically significant improvements in co-parenting for the majority (nine) of the projects with the remainder showing small positive changes. These improvements were not sustained for most projects at a seven-month follow-up, particularly for non-resident parents. Improvements tended to be higher among talk-based interventions than information only services.
- Parents with shared care arrangements were significantly less happy with their contact arrangements (21%) than parents with care

(35%) or non-resident parents (39%). This indicates that it is not simply the amount of contact that matters but also how parents co-operate.

- There was no clear pattern in which type of project supported an improvement in contact, although clients of talk-based services were more likely to attribute any improvement to the project. Although their problems were among the most entrenched, clients of the intensive intervention of National Family Mediation reported higher-than-average improvements in contact and most of these parents (six out of seven) attributed that to the intervention. Again, such improvements tended to tail off across all projects at the follow-up stage.
- Most parents had a child maintenance agreement in place although levels were lower among parents with shared care (54%) than non-resident parents (71%). Rates of improvement were notably lower than contact arrangements, reflecting the challenging aspects of financial arrangements. Parents who had been separated less than a year appeared to show more improvement, reflecting less entrenched difficulties.
- The impact on likelihood of going to court seemed generally positive, even among more challenging clients. For most projects, between 20-30% of parents said that the project had played some role in a decision not to use the family courts.

### Conclusions and implications

In principle, projects did not feel there were barriers to replicating their offers if lessons could be learned from their initial experiences. While online services could easily and cost-effectively be scaled up to a wider audience, the cost of face-to-face services would rise with take up. Projects were reliant on DWP funding and did not consider themselves able to be self-sustaining.

#### Tavistock Relationships in partnership with Cafcass (2016) Parents in Dispute – Putting Children First: Summary Report

Funder: Department for Work and Pensions as part of the Help and Support for Separating Families Innovation Fund

Peer review status: Peer reviewed

[www.tavistockrelationships.ac.uk/policy-research/reports/882-tccr-s-parents-in-dispute-results-innovative-therapy](http://www.tavistockrelationships.ac.uk/policy-research/reports/882-tccr-s-parents-in-dispute-results-innovative-therapy)

### Aims and methodology

The aim of this study was to evaluate the Parents in Dispute (PID) programme, which works with separated parents in entrenched conflict and for whom repeated court intervention had been unsuccessful in resolving conflict or improving their parenting capacity. Parents were offered between six and 12 sessions of joint therapy or up to six individual sessions if they were unwilling to work together. In total 147 parents registered, of whom 108 attended for an assessment.

The evaluation tested the feasibility of Tavistock Relationships' specialist therapeutic intervention model. The primary outcome measure – the Parenting Alliance Measure (PAM) – was used to test the strength of the alliance between parents. Other tools were used to measure clients' wellbeing, such as the Clinical Outcomes in Routine Evaluation (CORE). Qualitative information was collected via a self-report questionnaire.

### Key findings

- In the clear majority of cases, the programme was successful in engaging both parents and enabling them to attend sessions together. 92% parents attended the assessment and at least one further regular session together.
- Parents and therapists reported that having two individual assessment sessions with the same therapist enabled them to think about and prepare for the joint assessment. Parents found it helpful that the therapist could address

their anxieties about being in the same room as their ex-partner, informing parents how the joint sessions would be managed and exploring the benefits of a co-operative parenting relationship for their children's development and wellbeing.

- Despite parents presenting with highly dysfunctional parenting relationships at their initial visit, parents who attended joint sessions reported a statistically significant improvement in their capacity to parent effectively, as measured on PAM. In contrast, parents who attended PID sessions alone reported little change.
- Mothers also reported a significant reduction in terms of global psychological distress as measured by the CORE outcome measure.
- Parents' motivation to take part differed. The parents who approached Tavistock Relationships independently, or who immediately took up the referral offer from Cafcass, were more willing to engage in therapy compared with parents who return repeatedly to court and are therefore more likely to be in an adversarial rather than help-seeking state of mind.

### Conclusions and implications

The findings showed how important it was for parents to take part in joint sessions and that, if they could do so, they stood to benefit more than parents who did not. The demand for the service exceeded initial expectations, thus identifying a huge area of unmet need for parents in dispute over their child arrangements.

**Goisis, A., Ozcan, B. and Sigle, W. (2016)**  
**Child outcomes after parental separation: variations by contact and court involvement**  
 Funder: Ministry of Justice  
 Peer review status: Peer reviewed  
[www.gov.uk/government/publications/child-outcomes-after-parental-separation-variations-by-contact-and-court-involvement](http://www.gov.uk/government/publications/child-outcomes-after-parental-separation-variations-by-contact-and-court-involvement)

### Aims and methodology

The aim of this study was to improve the evidence base on the extent to which parental separation is associated with children's outcomes, focusing on whether contact between a child and a non-resident parent post-separation is associated with child wellbeing. The report also explores the extent to which courts are used to establish agreements on contact and financial arrangements during the separation.

This report analysed the Millennium Cohort Study (MCS), a longitudinal cohort study of around 19,000 children who were born in the UK between September 2000 and January 2002. The analyses focused on children who at nine months old were living with both parents (either married or cohabiting) and who had experienced parental separation up until the age of seven (at wave 4 of the survey). This wave was chosen because it contains the most detailed information regarding frequency and quality of contact with the non-resident parent and information on court involvement. The analyses focused on outcomes at age 11.

### Key findings

- The frequency and quality of contact between the child and the non-resident parent:
  - declined with time since separation
  - was higher for children whose parents were previously married
  - was higher in families with higher socio-economic status
  - was higher among families who did not report court involvement (for contact or financial arrangements) during the separation process
- Court involvement for financial arrangements appeared to be used more by more affluent families than less affluent families, while the reverse was true for court involvement for contact arrangements. The MCS study did not, however, collect information about whether court was used when the resident parent reported no contact or financial support from the non-resident parent.

- Consistent with the existing evidence base, children of continuously married parents tended to have the best outcomes at age 11, followed by children of parents who were cohabiting at the time of birth and remained together. Children of separated parents showed the worst outcomes.
- Among children of separated parents, the results suggest that more contact with the non-resident parent was associated with better outcomes for children at age 11.

### Conclusions and implications

The findings support existing evidence showing that children of separated parents have worse outcomes compared with children of parents who are still together. The findings also suggest that contact with the non-resident parent may mitigate against the negative effects of separation. The MCS is the most robust survey currently available to assess the variations considered in this report. Nonetheless, and despite it having a large overall sample of around 19,000 children at wave 1, the number of cases available to address these research questions was small, and the data available were limited, particularly on outcomes for children whose parents used court.

**Bryson, C., Purdon, S. and Skipp, A. (2017)**  
**Understanding the lives of separating and separated families in the UK: what evidence do we need?**

Funder: Nuffield Foundation

Peer review status: Peer reviewed

[www.nuffieldfoundation.org/separated-families](http://www.nuffieldfoundation.org/separated-families)

### Aims and methodology

This study aimed to establish the evidence needs in relation to family separation in the UK, and to assess whether the existing data infrastructure is fit for purpose by addressing three broad questions:

- 1 What are the evidence and data needs around family separation in the UK?
- 2 How far are these needs met by administrative, survey and other research data that currently exist or are in the process of being developed?
- 3 What additional data are required, and how would they best be collected?

A research team of social science methodologists and experts conducted desk research and consulted widely on the evidence needs of policy makers, researchers and practitioners.

### Key findings

- The data that are available or planned for future collection do not fully meet the needs of policy makers, researchers or practitioners. Recent policy changes are likely to exacerbate the unmet need, with a reduction in the number of separated families captured within administrative data.
- Existing family studies often pay insufficient attention to separated families.
- There is some good cross-sectional evidence on issues or sub-groups, but more limited holistic longitudinal data.
- The existing longitudinal studies tend to provide breadth not depth of information, and have methodological constraints.
- There are barriers to improving the evidence base, including limited research budgets and methodological difficulties in surveying separated families.

### Conclusions and implications

Improvements to the data infrastructure on separating and separated families are required. The study team propose several suggestions including additional data collection via existing longitudinal surveys or by developing a new longitudinal survey. As a first step, they recommend conducting a two-wave feasibility and pilot study to test methodology and provide short-term data on experiences of separated families.

## Navigating the court process

**Vaughan, K., Parker, I. and Bunt, L. (2016). Standing alone: Going to the family court without a lawyer**

Funder: Citizens Advice (CA)

Peer review status: Shared with stakeholders for feedback. No formal peer review process

[www.citizensadvice.org.uk/standing-alone-going-to-the-family-court-without-a-lawyer/](http://www.citizensadvice.org.uk/standing-alone-going-to-the-family-court-without-a-lawyer/)

### Aims and methodology

This study reviewed the experiences of Litigants in Person (LiPs) before, during and after court, and assessed how well services met their needs. The fieldwork was conducted during 2015 and 2016 and used mixed methods, including:

- in-depth qualitative interviews with a non-representative sample of 16 LiPs who have had experience of the family court within the last five years
- an online survey to extend the sample of LiPs and provide more context for the in-depth interviews (74 responses were received)
- two surveys about the justice system targeted at CA staff and volunteers completed by 293 people in July 2015 and 244 in January 2016
- information from CA administrative data on the problems clients present at over 3,500 locations across England and Wales

### Key findings

- Going to court without a lawyer had wider negative impacts on the lives of LiPs in four key areas: mental and physical health; strain on working lives; financial burden; and increased pressure on relationships with friends and family.
- The research identified eight ways that could improve LiPs' family court experience:
  - 1 LiPs need a clear way to navigate the court process
  - 2 Information should be easy to find, consistent, reliable and user friendly
  - 3 Paperwork and processes should be designed with the lay person in mind

- 4 The physical court environment must help, not hinder, LiPs
- 5 LiPs need the tools to cope with pre-trial negotiations
- 6 Good practice guidance for legal professionals needs to be used consistently
- 7 People need more information to make the most of lawyers' services
- 8 Evidence requirements should not be a barrier to those eligible for legal aid

### Conclusions and implications

To address these issues the report makes three key recommendations for courts, professionals and other service providers:

- 1 Provide LiPs with access to reliable advice and information to enable them to make decisions about their case, to understand alternatives to court and represent themselves well if they proceed to court
- 2 Processes, physical court layout and professionals need to be responsive to the increased numbers of LiPs and ensure best practice
- 3 Support for vulnerable people should be more easily accessed, particularly to meet the needs of people who have experienced domestic abuse

**Melville, A.L. (2017). 'Giving hope to fathers': discursive constructions of families and family law by McKenzie friends associated with fathers' rights groups. International Journal of Law, Policy and the Family 31(2), 147-173**

Funder: Unfunded

Peer review status: Peer reviewed

<https://academic.oup.com/lawfam/article-abstract/31/2/147/3845120/Giving-Hope-to-Fathers-Discursive-Constructions-of?redirectedFrom=fulltext>

(link to abstract only with access to full article with an Oxford Academic account – subscription required)

## Aims and methodology

The aim of this study was to critically assess the impact of a group of McKenzie friends associated with Fathers' Rights Groups (FRGs). Traditionally McKenzie friends are friends, family members or charities that have helped litigants free of charge, but are now increasingly paid 'professionals' who offer a range of legal services.

The sample for this study was drawn from a larger sample of 45 McKenzie friends who advertise their services on the internet. Of these, a minority (13 from 45) appeared to be associated with FRGs. The researcher used discourse analysis (using NVIVO) to analyse the online presence of this sub-sample. While the primary focus was on the discourse presented on their websites, material on social media was also analysed. An extensive literature review provided context.

## Key findings

- Discourse analysis revealed that these McKenzie friends said that they had negative personal experiences of the family justice system, and this had motivated their desire to become a McKenzie friend. They believed the family justice system was too difficult for Litigants in Person (LiPs) to navigate without assistance, was biased against fathers and that only McKenzie friends were prepared to listen to fathers' views.
- These McKenzie friends were presenting their services as a cost-effective alternative to lawyers, although many of their clients had chosen to forego legal representation even if they could afford a lawyer. They viewed lawyers negatively – as adversarial, fighting for their client rather than protecting the best interests of children, and not allowing litigants to fully control cases. In contrast, these McKenzie friends believed that they supported their clients' interests.
- The language of 'rights' was used by many of this sample of McKenzie friends, especially in relation to shared parenting. They described themselves as advocates of shared parenting,

and claimed that they had 'won' shared residence arrangements for their clients. They stated that they helped fathers to gain 'equal access' to children. Mothers were frequently depicted as 'bad parents', who obstructed contact by making false allegations.

## Conclusions and implications

Although the rise of 'professional' McKenzie friends associated with FRGs were not representative of all McKenzie friends, the study concluded that this group may be disruptive to court proceedings. Without strengthening regulation to the way McKenzie friends operate, vulnerable women may face the prospect of an opposing LiP supported by a McKenzie friend sympathetic to the views that fathers are victims of a biased family justice system where contact and shared parenting should be facilitated regardless of circumstances.

### Cafcass (2016) Study into Cafcass' role at First Hearing Dispute Resolution Appointments.

Funder: Cafcass

Peer review status: Internally peer reviewed only

<https://www.cafcass.gov.uk/download/3837/>

## Aims and methodology

This study investigated the extent to which Cafcass Family Court Advisors (FCAs) were meeting the expectations set out in Practice Direction 12B, the Child Arrangements Programme (CAP) in relation to First Hearing Dispute Resolution Appointments (FHDRAs). The two key expectations of Cafcass FCAs at the FHDRAs are that they will:

- 1 speak separately to each party at court before the court hearing
- 2 seek to assist the parties in conciliation and in resolution of all or any of the issues between them and will advise the court of any recommended means of resolving any remaining issues

The study used mixed methods and consisted of: an online survey of FCAs in respect of 300 FHDRA taking place in the first week of August 2015; interviews with a small sub-sample (15) of these FCAs; and interviews with five judges and one legal adviser. The 300 cases were selected randomly and the response rate was 83% after vacated, adjourned and non-listed hearings were excluded.

### Key findings

- Data from the survey indicated that Cafcass is generally meeting the expectations set out in the CAP in respect of safeguarding letters. Letters are generally filed on time and inclusive of all requested safeguarding information.
- FCAs' ability to engage in successful dispute resolution was cited in the judicial interviews as a key part of the value of FCAs attending FHDRA. FCAs were seen as possessing social work expertise, having the ability to engage with parties and gain their trust and shifting the focus to the children instead of on parental issues.
- There was a high rate of agreement (68%) between parties where the FCA had attempted to resolve the issues at the FHDRA compared to cases where the FCA deemed this inappropriate, for example, for safeguarding reasons (42%).
- There was a high correlation between the advice of the FCA at the hearing and the outcome. In at least 81% of cases not resolved by agreement there was at least one match between the FCA's advice and the court outcome; and in 61% of cases the FCA's advice and the court outcome matched exactly.
- Attending the hearing helped FCAs to refine Cafcass' advice to the court; there was greater congruence between the advice of the FCA attending the FHDRA and the court outcome than between the advice in the safeguarding letter and the court outcome.

### Conclusions and implications

It was clear from all three elements of this study that FCAs face considerable practical and logistical challenges at court, whether through a lack of time or space, parties not turning up or other unexpected

events or new information from parties on the day of the hearing. FCAs meet these challenges through resourcefulness and flexibility. Whilst there is some variability between FCAs, courts and local areas, overall the three elements of this study show the value FCAs add to the management of the case when they attend FHDRA.

## Domestic abuse

**Corbett, N.E. and Summerfield, A. (2017) Alleged perpetrators of abuse as litigants in person in private family law: the cross-examination of vulnerable and intimidated witnesses.**

Funder: Ministry of Justice

Peer review status: Peer reviewed

[www.gov.uk/government/publications/alleged-perpetrators-of-abuse-as-litigants-in-person-in-private-family-law](http://www.gov.uk/government/publications/alleged-perpetrators-of-abuse-as-litigants-in-person-in-private-family-law)

### Aims and methodology

This research study explored how the family judiciary manage cases with the cross-examination of vulnerable or intimidated witnesses by alleged perpetrators of abuse and establishes what, if any, further provisions could be considered to support them in doing so. The researchers used mixed methods. To estimate an indicative prevalence of these cases, management information was collected from all courts that hear private family law cases in England and Wales between May and March 2015. This information informed the qualitative part of the study, which involved 21 interviews with family judges and a workshop with representatives from external organisations who have experience of supporting vulnerable witnesses or Litigants in Person (LiPs).

### Key findings

- Judicial interviewees were aware of a variety of techniques to manage these cases, such as facilitating the cross-examination or relaying questions themselves, but raised concerns

that employing such practices may lead to questions about their impartiality.

- Screens to separate the parties and video links to enable evidence to be given from outside the courtroom were also used, although access to these measures was perceived as inadequate and inconsistent. HMCTS legal advisors or professional McKenzie friends were used for cross-examination, as were Cafcass guardians or children's solicitors. Judicial confidence in facilitating cross-examination varied based on their seniority and experience. Judges called for clearer guidance on appropriate case management practices in these cases.
- Judicial interviewees felt that court staff or Cafcass were more appropriately placed than them to signpost LiPs to relevant external support organisations, such as Personal Support Units and Citizens Advice. They suggested that some areas of support currently defined as legal advice should be sensibly redefined as 'legal help' to enable a wider range of support services to help and allow LiPs to make better use of the free legal advice available to them.
- Concerns were raised that some perpetrators would wish to cross-examine their victim as a further form of abuse. To avoid this judges were willing to encourage LiPs to seek legal representation via the Bar Pro Bono Unit.
- The criteria for gaining Exceptional Case Funding for legal representation were viewed as too narrow. Other forms of external support included duty solicitor schemes or Law Centres whose remit is to provide one session of face-to-face advice, although workshop representatives said that these were being visited repeatedly by individuals with complex needs.

### Conclusions and implications

Both the judiciary and representatives from external organisations proposed that public funding should be available to provide an advocate for the purposes of cross-examination to prevent an alleged perpetrator of abuse cross-examining a vulnerable witness. While some assessed that an

advocate should be available in all relevant cases, some judges felt that it was more important to apply discretion with their own case management practices. Several factors were considered by judges when deciding whether a paid advocate was required, including the severity of the alleged abuse and witness themselves.

Other solutions included training judges to adopt a more inquisitorial approach. There is scope to strengthen the links between the judiciary, the courts, and external organisations, including with the Bar Pro Bono Unit, to enable them to prioritise cases with highest need. Representatives from external organisations proposed the option of introducing an assessment of vulnerability for all witnesses to outline the provisions required.

**Barnett, A. (2014) Contact at all costs? Domestic violence, child contact and the practices of the family court and professionals. *Child and Family Law Quarterly* 26(4), 439-462**  
 Funder: Unfunded  
 Peer review status: Peer reviewed  
<http://bura.brunel.ac.uk/handle/2438/10241>

### Aims and methodology

Practice Direction 12J was issued in May 2008 to set out best practice in cases concerning child arrangements orders (previously residence and contact orders) where allegations of domestic violence are made. This study focused on whether the revised Practice Direction had led to any shift in professional and judicial perceptions and practice in private law Children Act proceedings.

In-depth semi-structured interviews were conducted with 29 barristers, solicitors and Cafcass family court advisers from five HMCTS regions. Additionally, all reported cases relevant to the operation of the Practice Direction from May 2008 to September 2013 were reviewed. The data were analysed thematically using discourse analytic and qualitative approaches.

## Key findings

- Most professionals and judicial officers supported the de facto presumption of contact and rarely questioned the parenting capacity of domestic violence perpetrators. Together with dominant images of 'safe family men' and 'implacably hostile mothers', this has a powerful effect on the way in which domestic violence is seen as relevant to contact decisions.
- Despite more judges and professionals gaining a broader understanding of the coercively controlling nature of domestic violence, only recent physical violence was considered relevant to contact, to justify holding fact-finding hearings, and to provide sufficiently 'cogent' reasons for family lawyers to support mothers in opposing contact and for courts to refuse it.
- Victims of domestic violence were likely to be encouraged or pressurised into agreeing to some form of direct contact with the non-resident parent by the court and by their own representatives other than in very extreme circumstances. This may be greater when victims were unrepresented and faced with difficulties of proving the abuse, particularly controlling or coercive behaviour.
- The presumption of parental involvement may reinforce the perception that seeking to restrict contact is unacceptable and undercut the aims and operation of the Practice Direction 12J.
- These issues extended to those involved in mediation because the screening for domestic abuse by mediators during Mediation and Information Assessment Meetings may be inadequate.

## Conclusions and implications

The researcher concluded that to achieve a cultural shift, professionals and practitioners need to recognise that the family is not always safe but a place where abuse can occur and that there are other ways of thinking about children's welfare. This requires an acknowledgement that domestic violence is a significant failure in parenting, and that women's desires for safety, wellbeing and autonomy are legitimate,

otherwise children may be put at risk through contact with violent fathers.

## No-fault divorce

**Trinder, L., Braybrook, D., Bryson, C., Coleman, L., Houlston, C. and Sefton, M. (2017) Finding Fault? Divorce Law and Practice in England and Wales**

Funder: Nuffield Foundation

Peer review status: Peer reviewed

[www.nuffieldfoundation.org/finding-fault](http://www.nuffieldfoundation.org/finding-fault)

### Aims and methodology

Most divorces in England and Wales rely on attributing 'fault' to one party. Attributing fault means the divorce can take as little as three months rather than a minimum of two years when based on separation. The aim of this research was to explore how the current law regarding divorce and civil partnership dissolution works in practice and to inform debate about whether, and if so how, the law might be reformed. Mixed methods used included: a national opinion survey of 2,845 adults with a boost sample of 1,336 divorcees; qualitative interviews (110) with people going through divorce; interviews and focus groups with family lawyers; scrutiny process observations; judicial interviews; and analysis of 300 undefended divorce court files.

### Key findings

The gap between theory and practice in drafting and scrutinising petitions:

- Divorce petitions are not necessarily accurate records of who or what caused the breakdown of marriage. In their national opinion survey among people who divorced citing fault, 43% of respondents to the divorce reported that the 'Fact' used was not closely related to their view of the real reason for the separation while 29% felt that it was.
- Producing a behaviour petition was described as a balancing act between providing strong

enough allegations to ensure the divorce is granted while not telling the 'whole truth' to avoid damaging relationships further.

- The strongest predictor of the use of fault grounds based on unreasonable behaviour was having legal representation. Three reasons for this were: speed, certainty, and lawyers' knowledge that the threshold for unreasonable behaviour is very low with no requirement to provide any corroborative evidence.
- Although the court has a duty to inquire into the Facts, its ability to test whether allegations are true or not is limited given the paper-based system and volume of cases. Hence, undefended cases petitions are taken at face value and rebuttals are ignored. Very few petitions appear to be rejected on substantive legal grounds, whether 'true' or not.

The current divorce law:

- Four issues emerged: the language and processes used are archaic; the substantive law is so complicated that some unrepresented people fail to get a divorce in a reasonable time frame; the public are not aware that the 'behaviour' Fact does not actually require serious allegations in practice, and that lawyers are aware that the behaviour threshold is low, but not exactly how low.
- Continued reliance on fault can create or exacerbate conflict. This can affect negotiations and make it harder to sort out arrangements about children or finances.
- Procedural unfairness persists as there are significant barriers to respondents being able to defend themselves against allegations presented by petitioners.
- The study found no evidence that the current law requiring fault protects marriage. Qualitative interviews found a strong commitment to marriage and seeking advice about ending the marriage was a decision not taken lightly.

Divorce law reform:

- Drawing on international research on the relationship between divorce law and divorce rates, there is no evidence that the removal of fault or a reduction in the separation periods in have a significant or long-lasting effect on divorce rates.
- Four options for change were presented: no change; a stricter interpretation of fault; incremental reform based on the Scottish system; and the introduction of a notification system based solely on irretrievable breakdown after notification by one or both spouses. The researchers favoured notification with its advantages including being clear and low cost.

### Conclusions and implications

The evidence presented shows that there is already divorce by consent, although this is obscured by the legal requirement to prove fault with no benefit for the parties or the family courts. As the divorce process is currently being digitised the researchers suggest that this is a timely opportunity for reform.



## 2 Public Family Law



### Early intervention and inequalities in child welfare intervention rates

Day, L., Bryson, C., White, C., Purdon, S., Bewley, H., Kirchner Sala, L. and Portes, J. (2016) National evaluation of the Troubled Families Programme: final synthesis report. Department for Communities and Local Government

Funder: Department for Communities and Local Government

Peer review status: Peer reviewed

[www.gov.uk/government/publications/national-evaluation-of-the-first-troubled-families-programme](http://www.gov.uk/government/publications/national-evaluation-of-the-first-troubled-families-programme)

#### Aims and methodology

This study is a large-scale, multi-phased and mixed-method evaluation of the Troubled Families' Programme (TFP). The TFP is a targeted-intervention for families with multiple problems of disadvantage, whereby local authority 'key workers' act as a single point of contact. The aims of the evaluation were to:

- understand how the TFP has made a difference to the lives of families, both in

terms of outcomes and experience of services

- learn how the TFP has changed local delivery approaches
- estimate the impact of the programme on a range of intended outcomes
- measure success in terms of monetary savings

The evaluation had three work streams:

- a process evaluation of qualitative research with 20 case study local authorities, tracked over three years, including interviews with Troubled Families Coordinators, practitioners and families at the start of the intervention and 12-18 months later
- an impact evaluation to compare families going through the programme with a matched comparison group using two quantitative methods – a quasi-experimental design, and a large-scale face-to-face survey of families
- An economic evaluation to estimate the costs of delivery, obtained from Management Information and the process evaluation, and evidence of (net) outcomes achieved for participants, estimated as part of the impact evaluation

#### Key findings

- The national spotlight and dedicated programme funding from central government helped to raise the profile of family

intervention, and provided continuity in support at a time when local authority budgets for children's services were stretched.

- The programme provided a test bed for new models of integrated service commissioning and data sharing in many local areas.
- An analysis of the administrative and survey data found no evidence that the programme had any significant or systematic impact across a wide range of outcomes covering the key programme objectives, including employment, welfare receipt, school attendance, safeguarding, and child welfare. Any impact could not be attributable to the programme 12-18 months after families joined.
- Statistically significant impacts were found from the survey analysis on more subjective and attitudinal measures. When compared with a matched comparison group, TFP families were more likely to: report managing well financially; know how to keep on the right track; be confident that their worst problems were behind them; and feel positive about the future.

### Conclusions and implications

- Poor data quality, considerable discretion afforded to local authorities in their TFP model and implementation, and short timescales limited the ability of the impact evaluation to measure and attribute impact.
- Lessons learned for the second phase of the TFP running from 2015 to 2020 included:
  - structuring Payment by Results (PbR) programmes in such a way that they incentivise those responsible for delivery to improve outcomes relative to a counterfactual, rather than simply claiming payments for outcomes which may have been occurred anyway
  - aligning the outcomes data captured for the impact analysis with the data captured by local authorities as part of their grant requirements for the programme – local authorities often reported that the PbR metrics were not capturing the families they were most concerned about, and that

there was a greater need to examine the impact of the programme on outcomes such as domestic abuse, mental health, and substance misuse

- A legacy from the programme was multi-agency service commissioning and data sharing in some areas.

**Bywaters, P. (2017) Identifying and Understanding Inequalities in Child Welfare Intervention Rates: comparative studies in four UK countries. Briefing paper 1: England and Briefing Paper 3: Case Study Findings.**  
Funder: Nuffield Foundation  
Peer review status: Peer reviewed

[www.coventry.ac.uk/research/research-directories/current-projects/2014/child-welfare-inequality-uk/cwip-project-outputs/](http://www.coventry.ac.uk/research/research-directories/current-projects/2014/child-welfare-inequality-uk/cwip-project-outputs/)

### Aims and methodology

This study investigated inequalities in the proportion of children who are subject to Child Protection Plans (CPP) and who are being 'looked after' in out-of-home care. The methodology included quantitative studies of these children in each UK country, a literature review for context, and case studies of four local authorities in deprived areas of England and Scotland to examine in depth how decisions about children and families are made.

### Key findings

- In England, children in the most deprived 10% of small neighbourhoods were over ten times more likely to be Looked After Children (LAC) or on a CPP than children in the least deprived 10% of neighbourhoods. This was similar across the UK. In England, on average each 10% increase in deprivation brought a 30% increase in LAC rates.
- Deprivation was the largest contributory factor of children's chances of being looked after and the most powerful factor in variations between local authorities. This was evident regardless

of age and gender. Very large inequalities were identified between ethnic groups which reflected different levels of deprivation as well as other factors.

- An 'inverse intervention law' was identified between the overall level of deprivation in a local authority and the proportion of children subject to intervention at any given level of neighbourhood deprivation. This means that low deprivation local authorities were intervening more than high deprivation local authorities when equally deprived neighbourhoods were compared. It was hypothesised that this was due to more deprived local authorities having fewer resources to allocate relative to need and therefore having to ration scarce resources more than less deprived local authorities. As expenditure on LAC within local authorities takes precedence, this reduces the resources available for preventive family support.
- Processes and priorities for managing cases focused on risk but had limited attention to and understanding of family or neighbourhood socio-economic and environmental conditions.
- The case studies revealed chronic and complex levels of unmet needs – services working with strictly limited resources, available only to families with the most pressing needs and children in highly vulnerable circumstances.
- Diminishing service and resource availability has led to a culture preoccupied with eligibility and rationing, causing stress and distress to staff and escalation of family needs.

### Conclusions and implications

The study suggested four broad policy directions for England. Firstly, reducing structural inequalities in children's life chances should be a national priority. Policies should seek to create consistently good services for all children and families that lead to more equal outcomes. Secondly, more attention should be paid across all levels of the children's services system to the impact of destitution, poverty and financial insecurity on family life, which should be embedded in policies, processes and practice. Thirdly, better data systems are

needed to inform local authorities of inequalities in the demand for and supply of services and the consequences for children. And finally, reviewing the relationship between demand for services and the distribution of expenditure between and within local authorities is needed. The recommendations from case studies included that constant structural reorganisation damages local professional knowledge and staff capacities, and that socio-economic conditions and the impact of inequality and poverty should be considered and understood better in front line social work.

## Recurrent care proceedings and change in care demand over time

**Broadhurst, K., Mason, C., Bedston, S., Alrouh, B., Morriss, L., McQuarrie, T., Palmer, M., Shaw, M., Harwin, J., and Kershaw S. (2017): Vulnerable birth mothers and recurrent care proceedings: Final summary report.**

**Funder: Nuffield Foundation**

**Peer review status: Peer reviewed**

<http://wp.lancs.ac.uk/recurrent-care/publications/>

### Aims and methodology

This study explored why birth mothers return to court, and what can be done to break this negative cycle. Three methods were used:

- analysis of Cafcass records from 2007/08 of approximately 65,000 birth mothers
- semi-structured interviews with 72 birth mothers who had experienced repeat care proceedings across seven local authorities
- detailed case reviews of court files relating to a representative sample of 354 recurrent mothers with a total history of 851 proceedings issued by 52 local authorities in England

### Key findings

- Approximately one in four birth mothers appearing as respondents in an index set of Section 31 care proceedings were expected to

re-appear in a subsequent set of proceedings within seven years.

- Approximately 70% of women who return to court do so in proceedings that concern an infant who is born after or during previous proceedings; 60% of repeat proceedings concerned at least one child aged less than four weeks.
- Recurrent mothers have been exposed to higher levels of harm and adversity than would be expected in the general population. Two-thirds (66%) had experienced neglect in their childhood; 67% had experienced emotional abuse, 52% physical abuse, and 53% sexual abuse.
- Approximately 40% of the women in the case file study had spent a period being formally looked after, with the largest proportion entering care aged ten years or older. Half were found to have experienced multiple placement moves.
- 64% of recurrent mothers had become mothers younger than 20 years old. Many described pregnancies as unplanned; the reasons behind unplanned pregnancy were varied, including substance misuse, mental health or other issues that made prioritisation of contraception difficult for them.
- Women consistently described an acute phase of grief following child removal, which increased their mental health difficulties. Complicated and persistent grief responses need to be better understood amongst professionals and require skilled and well-resourced professional help.
- Some common factors were associated with positive change, irrespective of past or present difficulties in the women's lives. These were:
  - positive changes in intimate partner relationships and kin networks or effective professionals who could form relationships with women to support a process of change
  - insight and a willingness to learn from experience
  - women's desire to 'do better' for children either lost from their care or new-born
- Recurrent care proceedings impacted on children's outcomes. A large percentage of children born to recurrent mothers appear to be

born healthy and full-term, although pre-term birth was above national average, and 18% had been affected by the mother's substance abuse.

## Conclusions and implications

Recurrence is a major national issue which must be tackled if care demand is to be reduced. There is an ethical imperative of helping women, children and their wider networks to avoid distress caused by care proceedings. Women's access to intensive therapeutic help across England is uneven. Services are offered on a discretionary rather than statutory basis. While mainstream services report non-engagement from recurrent mothers, services such as Pause and Positive Choices show alternative ways of supporting these women. With professional help, positive changes in the women's lives can be made. Robust evaluation of preventative programmes, and investment in local authority and court data collection should be made to ensure best practice is spread and women in the family justice system are better understood.

**Broadhurst, K. and Bedston, S. (2017) Women in recurrent care proceedings in England (2007-2016): continuity and change in care demand over time. Family Law 47, 412-415**  
 Funder: Nuffield Foundation  
 Peer review status: Peer reviewed

[www.nuffieldfoundation.org/sites/default/files/files/FLJ\\_FLJ\\_2017\\_04\\_Articles\\_03\\_j-ebook.pdf](http://www.nuffieldfoundation.org/sites/default/files/files/FLJ_FLJ_2017_04_Articles_03_j-ebook.pdf)

Reports on the full study are available from <http://wp.lancs.ac.uk/recurrent-care/>

## Aims and methodology

This report aimed to investigate if the number of 'repeat mothers' – women who lose multiple children through court order to public care and adoption – are behind the increasing volumes of public family law cases. This is a continuation of the national study of mothers in recurrent care proceedings (England) funded by the Nuffield Foundation. Cafcass data from the period 2007/08 to 2015/16 was analysed.

### Key findings

- A quarter (25%) of women are at risk of re-appearing with a child in court within seven years. The largest proportion are women whose recurrence is prompted by the birth of a new baby. Women entering motherhood aged 19 or younger are at most risk.
- Between our initial analysis in 2007 and the updated analysis in 2017, the risk of recurrence has remained relatively stable. However, as more women are coming before the family courts overall, given recent increases in care demand, this will result in a corresponding rise in the number of repeat mothers over time.
- There are new initiatives (such as Positive Choices, Pause, Breaking the Cycle, Reflect) offering support to repeat mothers. As these initiatives expand, it will be important to establish their impact.

### Conclusions and implications

Recurrent care cases are routine work for the family courts. Without a major re-think of how the family justice system responds to women, their partners and extended networks, the number of recurrent cases is likely to remain high. Concerted efforts to reduce women’s risk of return to courts should be made.

**Harwin, J. and Alrouh, B. (2017) New entrants and repeat children: continuity and change in care demand over time. Family Law 47, 407-411**

Funder: Nuffield Foundation

Peer review status: Not peer reviewed

<http://eprints.lancs.ac.uk/85878/>

### Aims and methodology

This paper investigates how the profile of children in care proceedings and the number of repeat children (those who return to court following placement breakdown) has changed over time. The work forms part of an ongoing national study of supervision orders and special guardianship

(see <http://wp.lancs.ac.uk/cfj-supervision/> and the special guardianship section in this bulletin).

The analysis explores the trends in the use of different types of legal orders made at the end of Section 31 (s31) proceedings to understand the relationship between return to court and order type. The methodology uses analysis of Cafcass data, from the period 2008/09 to 2016/17.

### Key findings

- There have been some changes in the profile of care cases and children subject to s31 proceedings between 2008/09 and 2015/16 as follows. The number of s31 cases almost doubled in this period, but the average of 1.7 children per case has remained stable. The age profile of children at the start of proceedings have been getting older while the ratio of girls (49%) to boys (51%) has remained constant. Most applications (over 90%) were for care, but there has been an increase in the rate of supervision order (SO) applications since 2013, from 6% to 9%.
- The proportion of repeat children – those who have been previously involved in s31 proceedings during the previous five years – account for a very small proportion of total care demand. In the last three years, this proportion (6%) has shown very little change.
- There has been a steady increase in special guardianship orders (SGOs) which accounted for 19% of all legal orders made in 2015/16 and 2016/17. At the same time, there has been a decrease in the use of placement orders. The use of SOs attached to either a SGO or child arrangements order (CAO) – formerly a residence order – has grown. SOs attached to SGOs accounted for approximately one third of SGOs and approximately two thirds of all CAOs in the last three years.
- SOs have the highest rate of return to court. Approximately one in five of all SOs supporting return home are estimated to end up back in court within five years with new s31 proceedings.

- Children aged under ten with a SO are significantly more likely to return to court than those over ten. Furthermore, SOs attached to a SGO or CAO are more likely to return to court than standalone SGO or CAO.
- There is local variation in the rate of repeat children, use of different orders and return to court after a SO between local authorities and Designated Family Judge areas.

### Conclusions and implications

New entrants are the main driver to the rise in care demand and this has been so since 2008/09. Repeat children play only a small part in care demand. Strategy thus needs to be targeted to first time children to prevent ever-larger numbers of children being made subject to care proceedings. The pathways to care proceedings and wider socio-economic influences, including poverty and its impact on child vulnerability and care demand should be examined. The proportionate increase in older children is likely to lead to greater complexity in case management as older children are more likely to have entrenched difficulties, making placements more difficult. The high rate of SOs returning to court warrants further focus. The increased practice of attaching a SO to a SGO and to a CAO should be examined. Preliminary focus groups suggest there is considerable variation in attitudes to making SOs amongst local authorities.

### Special guardianship

**Bowyer, S., Wilkinson, J., Tapsfield, R., Waters, J. and Ranger, H. (2015) Special guardianship: Qualitative case file analysis**

Funder: Department for Education

Peer review status: Peer reviewed

[www.gov.uk/government/publications/special-guardianship-qualitative-case-file-analysis](http://www.gov.uk/government/publications/special-guardianship-qualitative-case-file-analysis)

### Aims and methodology

This study explored the effects of the 26-week time limit on the use of special guardianship

order (SGOs). It focused on decision-making, the pattern of applications to orders made, whether a supervision order (SO) was attached, placement disruptions and the assessment of support for special guardians. The study comprised a qualitative analysis of 52 case files across five local authorities in different regions with a low to high proportion of children leaving care through either a SGO or adoption. Quota samples were taken in each local authority based on the age of the child at the time of the SGO to ensure the sample was reflective of looked after children leaving care under a SGO nationally, although a higher proportion of under one year olds was included on request from the DfE.

### Key findings

- The circumstances of all children in the sample were complex, often with several inter-related problems leading to the decision to permanently place the child with an alternative carer.
- Most special guardians were blood relatives of the child, with grandparents comprising over half of cases. The majority came forward as potential carers relatively early in the legal process.
- Family Group Conferencing was used in around 20% of cases. This varied considerably across the five LAs and may be seen to be determined by locality, rather than by case requirement.
- Parallel or twin track planning was used when considering permanence options for these children. Placement with the extended family was always the first consideration, and in these cases adoption only became the preferred option when all extended family members had been ruled out based on negative assessments.
- Just over half the children were living with their special guardian prior to the SGO being made.
- The assessments for special guardians were generally thorough. The main concerns were around contact arrangements and the ability of the special guardian to keep the child safe from risks posed by the birth parents.
- Support plans were available for almost all the cases; these varied in their content and depth.
- Just under half of the SGOs had a SO attached. There was wide variation between the five

local authorities (and by implication the local courts) in the proportion of SGOs made with SOs attached. These case files generally indicated that the reason for the SO was for monitoring and support.

### Conclusions and implications

There appears to be some positive aspects of the 26-week timescale for care proceedings, with permanence being secured with extended family members through SGOs in a relative short timeframe. However, there are also challenges for local authorities, courts and special guardians in ensuring the appropriate level of assessment and support are in place when making permanence decisions involving SGOs, particularly when a child has not been living with the carer for an extended period. There appears to be a shift towards attaching SOs with SGOs. Case file analysis alone cannot explain why, and in what circumstances a SO was attached. As the legal weight of the SOs is contested amongst experts, alternative measures may need to be considered.

**Harwin, J., Alrouh, B., Palmer, M., Broadhurst, K. and Swift, S. (2016) A national study of the usage of supervision orders and special guardianship over time (2007-2016). Briefing paper no 1: special guardianship orders**

Funder: Nuffield Foundation

Peer review status: Not peer reviewed

[www.nuffieldfoundation.org/sites/default/files/files/BRIEFING%20PAPER%20NO%201%20SPECIAL%20GUARDIANSHIP%20ORDERS%20FINAL%2016\\_12\\_2015.pdf](http://www.nuffieldfoundation.org/sites/default/files/files/BRIEFING%20PAPER%20NO%201%20SPECIAL%20GUARDIANSHIP%20ORDERS%20FINAL%2016_12_2015.pdf)

### Aims and methodology

This briefing focuses on national and regional trends in the use of special guardianship orders (SGOs) over the period April 2007 to March 2015 and compares patterns with other legal permanency options for children subject to public law proceedings. The aim was to show how

SGOs are being used, and their trends over time. The methodology specified that only cases with at least one Section 31 (s31) care/supervision or placement application were included. The data is derived from Cafcass database. The legal orders selected for analysis were all concerned with facilitating legal permanency, including; placement, care, supervision, order of no order, SGO and child arrangements orders.

### Key findings

- There has been a steady rise in the number and proportion of SGOs in public law since 2007/08. The proportion of placement orders has declined correspondingly. In 2014/15 for the first time ever, the proportion of SGOs and placement orders (20% v 21%) were converging.
- A new and growing trend is the use of a supervision order (SO) made to the local authority to accompany an SGO. In 2014/15 29% of SGOs were accompanied by a SO, an increase from 11% in 2010/11. Use of SOs as a standalone option compared to other legal orders has remained almost level (e.g. 13% in 2010/11 and 14% in 2014/15).
- SGOs continue to be used for the full age spectrum, although, the proportion of infants under-one given a SGO has increased, particularly in the last three years.
- There were marked regional variations in the ratio of use of all order types including SGOs, although the analysis did not consider any differences that might impact on decision-making such as local resources, ethnicity, make-up of households, size of child or care population and local authority performance.

### Conclusions and implications

SGOs are growing in national importance. They now play an increasing role when compared directly to placement orders as a route out of public care and they are being used for an increasing proportion of infants under one. The steady increase in SGOs accompanied by a SO is another important new trend, with associated practical and resource implications. It raises the question why a SO is

necessary and what it can achieve, and the trend should be monitored. A national longitudinal study charting children's individual pathways over time to establish the sustainability of SGOs, capture disruption rates and map welfare outcomes would help in understanding how far SGOs provide enduring, loving and stable homes for children.

**Harwin, J. and Alrouh, B. (2017) Supervision orders and special guardianships: how risky are they? Findings from a national study of supervision orders and special guardianship. *Family Law*, 47,513-518**

Funder: Nuffield Foundation

Peer review status: Not peer reviewed

[www.familylaw.co.uk/news\\_and\\_comment/supervision-orders-and-special-guardianship-how-risky-are-they](http://www.familylaw.co.uk/news_and_comment/supervision-orders-and-special-guardianship-how-risky-are-they)

### Aims and methodology

This paper explores emerging concerns about the increasing trend of attaching a supervision order (SO) to a special guardianship order (SGO). It presents robust empirical data on child outcomes of SOs, SGOs, and SGOs with attached SOs, including national rates of return to court and local variation for these order types. The data comes from the national study of SOs and SGOs, which analyses Cafcass data. The database holds over 170,000 records from 2007 to 2016. The return to court analysis was based on just under 19,000 for children with SOs and over 19,000 children with SGOs (standalone or with attached SOs). The study measures disruption and return to court through new Section 31 (s31) proceedings.

### Key findings

- The age profiles of children differed by order type. Children on SOs were older than those on SGOs (average 6.3 years). Children on SGOs with an attached SO were slightly older than those on standalone SGOs (average 5 years); and children on placement orders were the

youngest (average 2.4 years).

- SOs have a high risk of return to court compared with SGOs. Within five years, the probability of return to court was 20% for SOs, compared to 4% for SGOs and 7% for SGOs with an attached SO. When only the first year was considered, the risk of return to court was 10% for SOs, 1.1% for SGOs and 3% when an SO was attached.
- Children whose cases completed in the two years since The Children and Families Act 2014 (between 2014/15 and 2015/16) were more likely to return to court than cases completed in the two years prior (from 2012/13 to 2013/14). The probability of children on SOs returning to court within two years increased from 13% for the 12/13 to 14/15 cohort to 16.5% for the 14/15 to 15/16 cohort. For SGOs the rate of return to court within two years rose from 1.5% to 2.5%, and for SGOs with attached SOs this rose from 3% to 6.5%.
- The variation between local authorities on the use of SOs could not be explained by chance only. For SGOs and SGOs with attached SOs the variation was less marked; most local authorities did not differ significantly from the national average. Factors that can explain local variation are likely to be linked to socio-demographic and deprivation indices of local authorities, although factors related to local decision-making emerged in qualitative research.

### Conclusions and implications

SGOs have a low risk of return to court. SGOs may have been perceived as risky due to high-profile reporting of cases of deaths and serious abuse of children with SGOs. There have also been wider concerns of flawed and rushed assessments, and lack of support for carers. Professional concerns of riskiness of SGOs has led to increase in attached SOs, but it is difficult to say if this is reflective of riskier SGOs or a more vigilant stance taken by local authorities. Reunification supported by SOs has the highest risk of return to court of any permanency order, and there is a

need for debate on whether it is acceptable that a fifth of children return to court within five years. A greater understanding of factors associated with family reunification rates is needed.

## Adoption

**Anthony, R., Meakings, S., Doughty, J., Ottaway, H., Holland, S., and Shelton, K. H. (2016) Factors affecting adoption in Wales: Predictors of variation in time between entry to care and adoptive placement. Children and Youth Services review, Vol. 67, p184-190**  
 Funder: Welsh Government  
 Peer review status: Peer reviewed  
<http://sites.cardiff.ac.uk/adoptioncohort/>

### Aims and methodology

Data drawn from the Wales Adoption Study was analysed to provide evidence on factors that predict a lengthier care episode for children

recently placed for adoption. The study used mixed methods and analysed information from the Child Assessment Reports for Adoption (CARA) of all children placed for adoption over a 13-month period during 2014 and 2015. The study sample was 361 children. CARA are reports by social workers on: children’s health, education, emotional and behavioural development, and other characteristics; characteristics and experiences of the child’s birth parents; and reasons for adoption placement. Adoptive parents receive the CARA when matched with a child.

### Key findings

- Children were aged from birth to 6.5 years on entry into care. On average the time between entering care and the start of their adoptive placement was 528 days; the median was 434 days.
- Of the children in the sample, 41% entered care at or shortly after birth, and only 6% did so after the age of four. Most children (92%) had been removed from their birth home just once. A third were placed for adoption as part of a sibling group.
- Developmental delay, externalising behaviour, serious and enduring health problems or disability and exposure to domestic violence were associated with the child taking longer to being placed.
- While age and taking longer to being placed had a positive association, this was not significant when other child characteristics were considered.
- Length of time to placement was not associated with gender, ethnicity, known paternity, birth parent mental illness, kinship assessments or the recorded use of section 20 (use of voluntary accommodation) as the route into care. The findings on ethnicity must be treated with caution however, as the study sample was ethnically homogenous (95% White British).
- Adoption as part of a sibling group was not associated with length of time to placement. This may be due to recent proactive



recruitment of prospective adopters willing to consider sibling groups. Literature also suggests that large sibling groups of three or more are harder to place than siblings in general. The study sample had too few large sibling groups to conduct robust analysis on this.

### Conclusions and implications

Adoption agencies should develop proactive strategies to find families for children with the four characteristics associated with longer time spent in care – developmental concerns, serious and enduring health problems or disability, externalising behaviour and history of domestic violence. Future work could consider characteristics of children for whom a plan for adoption has never materialised. Additionally, nearly a third of adopters had been matched with a child before being matched with another child eventually placed with them. It may be possible that information in CARA has made the prospective adopters decide the first child would be cared for better in another family. Further research on this area would be warranted as well.

### Placement options

**Wilkinson, J. and Bowyer, S. (2017) The impacts of abuse and neglect on children and comparison of different placement options: Evidence review**

Funder: Department for Education

Peer review status: Peer reviewed

[www.gov.uk/government/publications/childhood-neglect-and-abuse-comparing-placement-options](http://www.gov.uk/government/publications/childhood-neglect-and-abuse-comparing-placement-options)

### Aims and methodology

This review is a summary of relevant research findings on the impacts of abuse and neglect on children and the strengths and weaknesses of different types of long-term placements in relation to children's outcomes. The aim was to provide an independent summary of key evidence for judicial

and local authority decision-makers and others working with children. The primary focus was on key UK research from 2000 to 2016. Reference is also made to key international evidence.

### Key findings

- Abuse and neglect have adverse impacts for most children, affecting emotional, behavioural and mental wellbeing. These impacts appear to be cumulative and vary depending on several factors, including severity and duration of the maltreatment, the child's age, and their individual susceptibilities and resiliencies.
- Positive changes to the caregiving environment – specifically, the provision of nurturing, stable and consistent care – can help children recover from the negative consequences of maltreatment.
- Children and young people enter care for various reasons and no single placement type will suit them all. The 'right' placement for individual children depends on a variety of factors and decision makers need to weigh up the pros and cons of these for a child.
- Children in all placement types are equally likely to suffer from a high degree of social, emotional and behavioural difficulties. These are generally more pronounced for children who are older (generally aged four or over) when they enter care. For many children, these difficulties persist even after they have been moved from an adverse environment to a nurturing home, indicating the pervasive impact of exposure to maltreatment.
- Children who have been maltreated generally have better outcomes regarding stability and wellbeing if they are placed in alternative care that can meet their needs.
- Placement stability is a key element of permanence. There are several interrelated factors that have an impact on stability, including: the age of the child when they enter care; the severity of social, emotional and behavioural difficulties; having a carer who is sensitive, tolerant and resilient; and having a carer who can promote the child's sense of identity.

- In terms of stability, adoption has a lower rate of disruption compared to special guardianship orders (SGOs) and child arrangements orders (CAOs), formerly residence orders. Adoption disruptions are most likely to occur in the adolescent years, after children have been living with adoptive parents for several years. In contrast, SGOs and CAOs tend to disrupt within two years of the order being made. Since SGOs were only introduced in 2005, it is too early to say whether a similar peak of disruption as for adoption will occur during adolescence.
- As placements are more likely to disrupt when children enter care at an older age it is important that timely decisions are made where children are not able to remain safely with their parents. The need for timely decision-making needs to be balanced with robust assessments of parents' capacity to change with support to ensure that decisions are centred on children's welfare.

### Conclusions and implications

The area of study is complex and research in some areas is contested. The needs, vulnerabilities, protective factors and contextual circumstances of the individual child is paramount in any recommendations from the local authority and decisions from the court. Professional judgement based on analytical holistic assessment, the voice of the child and those close to them, and legal frameworks are all essential components of decision-making. Further research would be useful to understand the long-term outcomes for children in several instances, such as due to decisions made by the court, use of SGOs, placement in long-term foster care, sibling placement decisions, and entering care during adolescence.

## Experts

**Brown, S.J., Craig, L.A., Crookes, R., Summerfield, A., Corbett, N.E., Lackenby, J. and E. Bowen (2015) The use of experts in family law: Understanding the processes for commissioning experts and the contribution they make to the family court**

**Funder: Ministry of Justice**

**Peer review status: Peer reviewed**

[www.gov.uk/government/publications/use-of-experts-in-family-law](http://www.gov.uk/government/publications/use-of-experts-in-family-law)

### Aims and methodology

The project aims were to explore the processes by which experts are appointed in the family court, and to understand the contribution they make to just and timely decisions. Family Procedure Rules (FPR) introduced in the Children and Families Act 2014 recommended a more proportionate use of experts in family proceedings; to be appointed only where 'necessary' to resolve a case justly. The government also developed standards and minimum criteria that these experts must meet. Mixed methods were used that comprised an online survey, focus groups, interviews, and quantitative analysis of cases examining timeliness of expert reports before and after the FPR change. Participants included a range of professionals, such as judges, lawyers, local authority social workers, Cafcass guardians and experts such as psychologists, medical professionals and independent social workers.

### Key findings

- Participants believed that the introduction of the new Rules had led to a decline in the commissioning of experts. Changes to the fee structure for publicly-funded expert work were also believed to have led to a decline in the available pool of experts, particularly specialists, who were no longer willing to undertake this work.

- Specialist and medical experts were considered necessary because their expertise was outside that of the court. Conversely, the appointment of psychiatrists, psychologists and Independent Social Workers was less likely to be considered necessary by judges, who suggested this evidence could be produced by a robust local authority social work assessment. Some concerns were expressed that some social workers may not have the required skills or expertise to undertake this assessment and present evidence to the court, or may find it difficult to be independent of their local authority.
- Analysis of timeliness data indicated that expert reports were being filed more quickly since the introduction of the new Rules, and there was a consensus that there was a strong commitment to meet the 26-week timeframes.

### Conclusions and implications

Participants identified that good Letters of Instructions (Lols) were important if timeliness of submitting reports would be maintained. A good Lol was said to be clear and focused to questions required for case progression. Similarly, a good report was described as clear, concise, specific to the case, and within the expert's area of expertise. The quality of reports was overall not seen to have been negatively impacted by the FPR, although there were concerns that the quality of expert evidence may be at risk if the pool of experts declines.

## Problem solving courts – Family Drug and Alcohol Court

**Roberts, E., Crowther, T., Brown, A. and Kerr, J. (2017) Family Drug and Alcohol Court National Unit: independent evaluation**

**Funder: Department for Education**

**Peer review status: Peer reviewed**

[www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/597476/Tavistock\\_family\\_drug\\_and\\_alcohol\\_court\\_national\\_unit\\_evaluation.pdf](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/597476/Tavistock_family_drug_and_alcohol_court_national_unit_evaluation.pdf)

### Aims and methodology

In 2015 NatCen Social Research was commissioned by DfE to evaluate the work of the Family Drug and Alcohol Court (FDAC) National Unit. The FDAC National Unit was set up in 2015 to improve outcomes for more children and families by increasing the number of FDACs. The evaluation gathered a range of stakeholder perspectives of the unit's contribution to three key outcomes: increasing the set-up of FDACs; increasing the number of sustainable FDACs; and improving data collection and evidence on the FDAC model. The research involved: 32 in-depth qualitative interviews with individuals from new FDAC sites; 13 interviews with other stakeholders including members of the National Unit; individuals from sites who launched their FDAC before the National Unit was established; and key government stakeholders.

### Key findings

- The National Unit had a critical role in setting up new FDACs and helped to ensure that new FDACs were more successful, less resource intensive and quicker to set up and deliver than they otherwise would have been.
- Key achievements included increasing awareness and understanding of the benefits of the model and knowledge of the steps involved in setting up a new court, gaining and maintaining stakeholder commitment, supporting the skills required to roll out FDACs and ensuring that the FDAC model was replicated across the new sites.
- The National Unit contributed to sustainability of the FDAC model by strengthening the available evidence on costs and benefits, helping sites produce business cases and by keeping problem solving courts on the political agenda through maintaining commitment to FDAC among stakeholders and potential funders.
- Factors that helped the National Unit's success included its flexible and collaborative working style, the personal qualities of its staff, and the nature of support and guidance offered.

- External factors influenced the way in which the National Unit had been able to work with FDAC sites. For example, implementation timescales meant that sites began the process of setting up a new FDAC very shortly after the National Unit had been established, resulting in some delays in disseminating materials and organising judicial training. Despite these challenges, the National Unit was felt to have been responsive to requests for support.

### Conclusions and implications

Key benefits of the National Unit included preventing each individual FDAC from having to develop separate processes and tools and supporting those involved in set-up and delivery to develop the knowledge and skills required for their role. Furthermore, the evaluation highlighted that developing a compelling, evidence-based business case is important to securing local investment. However, the commitment, time and resources required to roll out a new initiative should not be underestimated. Commissioners should ensure that those supporting the roll-out of new initiatives have adequate time to develop resources, materials, and training before they are required to start working closely with potential new sites.

**Harwin, J., Alrouh, B., Ryan, M., McQuarrie, T., Golding, L., Broadhurst, K., Tunnard, J. and Swift, S. (2016) After FDAC: outcomes 5 years later**  
Funder: Department for Education  
Peer review status: Peer reviewed

[http://wp.lancs.ac.uk/cfj-fdac/files/2016/12/FDAC\\_FINAL\\_REPORT\\_2016.pdf](http://wp.lancs.ac.uk/cfj-fdac/files/2016/12/FDAC_FINAL_REPORT_2016.pdf)

### Aims and methodology

This study was undertaken as part of the DfE Children's Social Care Innovation Programme to investigate the sustainability of Family Drug and Alcohol Court (FDAC) outcomes after the intervention and care proceedings had ended. It builds on earlier findings reported in 2014 on the FDAC in England, and provides information on child

and maternal outcomes using a larger number of cases and a longer follow-up period. Outcomes of up to five years after the end of proceedings are reported on. The study compared FDAC cases (140 mothers and 201 children) between 2008 and 2012 with cases (100 mothers, 149 children) subject to comparable ordinary care proceedings.

### Key findings

The earlier evaluation found that FDAC mothers were more likely to abstain from substance misuse and were more likely to be reunified with their children than comparison mothers. This evaluation found that these positive outcomes were sustained over the longer-term. Statistically significant changes in the study included:

- a higher proportion of FDAC than comparison mothers had stopped misuse by the end of proceedings (46% v 30%)
- a higher proportion of FDAC than comparison families were reunited or continued to live together at the end of proceedings (37% v 25%)
- a higher proportion of FDAC than comparison children returned to mothers who were no longer misusing (35% v 21%)
- a higher proportion of FDAC than comparison reunification mothers (58% v 24%) were estimated to sustain cessation over the five-year follow up – this analysis was based on the number of mothers who had stopped misusing at the end of the proceedings
- a higher proportion of FDAC than comparison mothers who had been reunited with their children at the end of proceedings were estimated to experience no disruption to family stability at the three-year follow up (51% v 22%)

Statistically non-significant findings, but sizeable and thus still meriting further investigation included:

- a higher proportion of FDAC than comparison reunified children were estimated to experience no disruption in the 3-year period after proceedings ended (57% v 39%) – no disruption was defined as a combination of no permanent placement change, no subsequent neglect, and no return to court for new proceeding

- in relation to the single variable of return to court, a lower proportion of FDAC than comparison reunified children were estimated to do so in the follow-up period (34% v 55%)

### Conclusions and implications

FDAC mothers were more successful than comparison mothers in stopping their misuse of drugs and/or alcohol by the end of the care proceedings. In turn, this led to a higher rate of FDAC family reunification than in the comparison cases. The risk of substance misuse was significantly lower at the five-year follow-up stage for the FDAC mothers who had been reunited with their children. Overall the study found that FDAC is better able to build on the potential of mothers to change, in both the short and long-term. As the number of FDACs grow, further research will be needed to provide continued scrutiny of outcomes.

## Post court support for recurrent mothers

**McCracken, K., Priest, S., FitzSimons, A., Bracewell, K., Kasturi Torchia, K., Parry W. and Stanley, N. (2017), Evaluation of Pause. Children's Social Care Innovation Programme Evaluation Report 49**

Funder: Department for Education

Peer review status: Peer reviewed

[www.gov.uk/government/publications/social-care-pause-programme](http://www.gov.uk/government/publications/social-care-pause-programme)

### Aims and methodology

This evaluation assessed the impact of Pause, a voluntary programme for women who have experienced, or are at risk of, repeat removals of children from their care which aims to reduce further care proceedings. Pause runs in seven pilot areas and offers women who are not currently pregnant an 18-month, individually-tailored, intensive package of support. As part of the package, women are strongly encouraged to take up effective means of contraception.

The evaluation explored the programme's processes, impact, costs and benefits. It ran from March 2015 to September 2016 and was based on a sample of 125 women who had children previously removed. A range of quantitative and qualitative data was collected, including statistical models estimating the impact on pregnancy rates, analysis of client monitoring forms, and interviews with both women and professionals involved in the programme. In-depth case studies of 14 women and four focus groups were also undertaken.

### Key findings

- Engaging with Pause generally had a positive impact on the women and was effective in reducing the number of pregnancies. Two women became pregnant during the intervention. It was estimated that between 21 and 36 pregnancies would have occurred if the women had not been engaged in the programme. Given the women's histories, these pregnancies would have been likely to have resulted in removals.
- It was estimated that the full costs of delivering Pause were likely to be offset by savings to local authorities within two to three years, with estimated net cost savings of between £1.2 million and £2.1 million per year after the 18-month intervention period.
- Women indicated that their access to, and engagement with, services, including their GP, housing, and substance misuse services, generally increased over time, and was associated with improved outcomes for some women.
- Improvements to levels of confidence and self-worth were also reported, as well as learning new skills, behavioural responses, and coping mechanisms.

### Conclusions and implications

The report suggested that due to the positive impact of Pause and the likelihood of cost savings from the programme, continuing and expanding provision of the service is warranted. Key to the programme's success were the provision of support and advocacy to women by dedicated practitioners, and the flexibility of the programme, which enables

practitioners to use their professional judgement and skill in tailoring their approach to meet the unique needs of individual women. These aspects of the programme should be maintained. Continuous training for practitioners and inter-agency collaboration at a strategic level is necessary. Pause should maintain its independence from social care services, and its status as a non-statutory, voluntary programme as the evidence suggested that women would be less likely to engage if they are perceived as being part of social care services. Further longitudinal evaluation should be conducted to identify the medium and long-term impact of Pause on women.

**Pamela Cox, Caroline Barratt, Frances Blumenfeld, Zara Rahemtulla, Danny Taggart & Jackie Turton (2017): Reducing recurrent care proceedings: initial evidence from new interventions. *Journal of Social Welfare and Family Law*, 39(3), 332-349**

**Funder: University of Essex Strategic Research Fund and Economic and Social Research Council Impact Acceleration Fund**

**Peer review status: Peer reviewed**

<http://dx.doi.org/10.1080/09649069.2017.1345083>

### Aims and methodology

This report summarises the evaluations of two services that aim to reduce recurrent care proceedings by targeting mothers that have had children removed into care: Positive Choices and M Power. The two services focus on a pragmatic, client-led approach, based on one-to-one support, self-care and trust-building. Baseline data were collected on 82 clients (74 women and eight men) and covered the duration, nature and broad outcomes of their engagement with the two services based on practitioners' assessment of the clients' progress. Clinical data (self-report measures on emotional capacity and functioning) were collected on 12 clients at pre-intervention and five at follow-up.

### Key findings

- Overall, the two services made a considerable contribution to the reduction of recurrent care proceedings in Suffolk. None of the women engaging with the services went on to experience what could be described as a 'rapid repeat pregnancy' within the evaluation period.
- Some clients reported some improvement in their psychological functioning, and the practitioners involved reported positively on their experience of delivering and managing innovative services.
- The centrality of the relationship between clients and practitioners was particularly valuable. The gradual building of this relationship was enabled by the practitioners being perceived as reliable, consistent and without any specific agenda.
- Practitioners identified five key themes within their relationships: trust, respect, choice, empathy and critical friendship. They also emphasised that acknowledging the love their clients had for their children and the shame many feel for having them removed was important.
- The analysis of clinical data indicated overall post-intervention improvements for the five clients who agreed to undertake follow-up self-report measures. Four of the five participants demonstrated reliable change on at least one measure and three reached clinically significant change post-intervention. No participant showed improvement on all scales.

### Conclusions and implications

The services evaluated in the report provide treatments that are highly personalised and draw on a growing body of strength-based approaches within social care, child protection, health psychology and criminal justice. Drawing on realist and mixed-methods evaluation models, this study has suggested the two Suffolk services have been able to foster relationships that 'worked' in reducing recurrent care proceedings, and that they have been able to positively impact on the personal empowerment of both clients and practitioners. Using similar research methods that can capture evidence of empowerment can help in understanding how other sustainable strengths-based interventions work.

## 3 International

### Australia

Kaspiew, R., Carson, R., Dunstan, J., Qu, L., Horsfall, B., De Maio, J., Moore, S., Moloney, L., Coulson, M. and Tayton, S. (2015) **Evaluation of the 2012 family violence amendments: Synthesis report**

Funder: Australian Government Attorney-General's Department

Peer review status: Peer reviewed

<https://aifs.gov.au/publications/evaluation-2012-family-violence-amendments>

#### Aims and methodology

This evaluation examined the effects of amendments to Australia's Family Law Act 1975 which prioritised child protection and widened the definition of family violence to include 'coercion and control' and exposure to violence as well as experience of it. The evaluation aims considered the impact on: 1) parenting arrangements; 2) the identification and disclosure of family violence; 3) services used by separating parents; and 4) professional practice.

The large-scale evaluation used mixed methods including pre-and post-reform comparisons. The three components were: Experiences of Separated Parents Studies (ESPS; based on 12,198 parents), the Responding to Family Violence Study 2014 (based on 653 professionals) and the Court Outcomes Project (based on 1892 court files). Additional insights were derived from administrative data supplied by the family law courts and an analysis of published judgments, together with data from comparable earlier longitudinal studies.

#### Key findings

- Only subtle shifts in parenting arrangements were found. For separated parents with safety concerns, the main shift indicated in the ESPS data was a statistically significant increase in parenting arrangements where the child spends time with their father during the

daytime only. For arrangements reached by consent without litigation, patterns in shared parental responsibility orders did not change substantially.

- There was greater emphasis on screening for family violence and child abuse concerns across the system, particularly among lawyers and courts. This, however, had not translated into more parents considering that their concerns about these issues had been dealt with appropriately after the reforms.
- Patterns in parents' reports of disclosure suggested that safety concerns were of greater salience to parents than family violence, but from the parent's perspective, professionals' responses to safety concerns were less satisfactory. A substantial minority of parents still reported not disclosing either kind of concern.
- Separating parents reduced their use of legal resolution and increased their use of non-legal resolution. A higher proportion of cases reaching court involved disclosures of family violence and child abuse than previously (71% to 59%) and resolution times were longer for parents affected by a history of family violence. Professionals believed this was due to the greater level of scrutiny of family violence and child abuse.
- Overall, professional practice changed as intended. In cases where family violence was substantiated, the analysis shows that courts remained concerned to ensure that, wherever possible, children's relationships with both parents were maintained after separation, except in cases where the evidence was unambiguous.
- The impact on disclosure was hard to measure due to concurrent changes to assessment tools and professional training. Overall changes to the definition and focus on child protection had been educative rather than impacting greatly on parenting arrangements.
- The scrutiny in court of issues relating to one parent's support of the other's continued relationship with the child increased. An

explanation was that as the protection from harm principle became a primary consideration it conflicted directly with the child's right to a meaningful relationship with both parents.

### Conclusions and implications

Australia's family law reforms have supported the negotiation of agreements for parents in non-legal contexts. This was most likely a result of the implementation of statutory changes which require advisers to inform parents that children's best interests are the most important consideration in making parenting arrangements, and that protection from harm should be prioritised over the benefit to the child of a meaningful relationship with each parent after separation. Overall, however, the evidence indicated that the 2012 family violence amendments to these reforms have had greater influence on identification and screening practices than they have had on patterns in parenting arrangements.

## Canada

**Bertrand, L. and Paetsch, J. (2016) An evaluation of the Clicklaw Wikibook *JP Boyd on Family Law*: final report**  
 Funder: Law Foundation of British Columbia and Courthouse Libraries, British Columbia  
 Peer review status: reviewed by funder and members of the institutes staff

Link to wikibook: [https://wiki.clicklaw.bc.ca/index.php?title=JP\\_Boyd\\_on\\_Family\\_Law](https://wiki.clicklaw.bc.ca/index.php?title=JP_Boyd_on_Family_Law)

### Aims and methodology

This study examined the use of the wikibook *JP Boyd on Family Law* to assess the efficacy of the wikibook as a public legal education model. Clicklaw is a public legal education website, aimed at increasing access to justice by providing high quality legal information. The *JP Boyd on Family Law* wikibook was added in 2013 and contains more than 120 webpages of legal information with downloadable court forms and links to relevant resources.

The first part of the evaluation analysed data from Google Analytics (collected for a year), a pop-up survey of wikibook users and a follow-up survey one week later. The second part examined the longitudinal impacts through a follow-up survey after six months.

### Key findings

Data from Google Analytics:

- Almost half (47%) of users of all wikibooks maintained by Courthouse Libraries, British Columbia were for the wikibook *JP Boyd on Family Law*.
- Over 60% of users were women with the largest proportion aged between 35-44 years. Over a quarter of page views were made by returning users.
- The most frequently accessed pages were those that provided practical advice such as the 'How Do I...' pages and those with access to court forms.
- Topic areas with the highest views included the pages dealing with types of family law agreements, children in family law matters, and financial issues.

Pop-up and follow-up surveys:

- The wikibook was used by both legal professionals and the public. One-third of respondents to the one-week follow-up and almost half of respondents to the six-month follow-up said that they had a job involving the law or that they were law students.
- Most users followed a link to the wikibook from an online search (52%) or followed a link from another website (28%). For users who were referred (20%) to the site, almost half were recommended by legal professionals.
- Users believed the wikibook was a reliable source of legal information, easy to navigate and understand, and very informative.
- Over half the users were currently dealing with a legal problem in the initial survey. Of those, half were still dealing with the same problem six months later and three quarters said that the information they had gathered had helped them.

- At the six-month follow-up, users said the wikibook had improved their understanding of family law issues and how they were resolved.
- Users suggested some improvements, including adding more topics with examples of how to apply the information to their personal situation.

### Conclusions and implications

The evaluation was extremely positive. The website was well designed for search engines. Users overwhelmingly reported that they found the information very helpful in dealing with their legal problems and they would use the site again in the future. The six-month follow-up survey provided one of the first opportunities to examine the longitudinal effects of web-based public legal education, and the findings provide strong evidence supporting the long-term benefits of the wiki model of information delivery. It was therefore recommended that other jurisdictions follow this example, especially where there are increasing numbers of Litigants in Person who need accessible advice.

## Scotland

**Mair, J., Mordaunt, E. and Wasoff, F. (2017) Built to Last: the family Law (Scotland) Act 1985 – 30 years of financial provision on divorce**

Funder: Nuffield Foundation

Peer review status: Peer reviewed

<http://eprints.gla.ac.uk/117617/>

### Aims and methodology

This research investigated how the Family Law (Scotland) Act 1985 is currently being used and worked in practice. The legislation sets out a complex framework for financial provision on divorce founded on five statutory principles: (a) matrimonial property shared fairly; (b) economic advantage/disadvantage; (c) fair sharing of economic burden of childcare for children under 16 years old; (d) transitional allowance limited to

three years; and (e) allowance for serious financial hardship. The research included a literature review tracing how and why the legislation developed, a survey of 200 reported cases of divorce involving financial provision and 29 semi-structured interviews with family law solicitors, advocates, sheriffs and judges of the Court of Session.

### Key findings

- Statistical analysis of reported cases found that equal sharing was sought in 78% of cases (122) and was successfully granted in 67% (83).
- As intended, there had been a clear move towards 'clean break' settlements (where no maintenance is paid from one partner to the other post-divorce) in favour of either capital sum or property transfer. Periodical allowance (maintenance payment to the other partner) became rarer over time and was sought in only 30% of the cases (60) sampled and only granted in 15% (31).
- Pension orders were very rarely sought (7.5%), of which 5% (10) were granted. However, legal practitioners valued the availability of pension sharing as an important element of financial provision.
- Legal professionals said that the provisions of the 1985 Act were clear, familiar and well established. They offered a highly workable framework, combining certainty with flexibility, and can provide acceptable outcomes for both parties.
- Legal professionals had a strong preference for negotiation rather than litigation; evidenced by the relatively low number of reported litigated cases.
- There was no desire for large-scale reform of this statutory framework, although there could be more effective use of some of the existing provisions. A strongly held view was that it would be unwise to alter individual elements of the 1985 Act without a detailed understanding of how the provisions work as a whole. The most widely suggested reform was raising the age limit of 16 in Section 9(1)(c) to reflect the longer dependency of older children.

## Conclusions and implications

The legal process of divorce and dissolution in Scotland had moved in the desired policy direction encouraging negotiation and reducing conflict and court involvement. This was evidenced by the growing and very high proportion of divorces that demonstrate irretrievable breakdown of marriage by 'no fault' separation using the simplified procedure, and by the very small number of disputed cases. While divorce and dissolution still required substantial support from legal professionals, most of this was provided outside court. Overall the Scottish Law Commission objective – to provide a clear but flexible framework for financial provisions on divorce – was considered to have remained appropriate and worked well.

**Kurlus, I., Henderson, G. and Brechin, G. (2016) The Next Steps Towards Better Hearings**

Funder: the Scottish Children's Reporter Administration (SCRA)

Peer review status: Peer reviewed

[http://www.scra.gov.uk/resources\\_articles\\_category/research/](http://www.scra.gov.uk/resources_articles_category/research/)

## Aims and methodology

In Scotland, a Children's Hearing is a legal meeting arranged to make decisions about children and young people who are having problems in their lives and who may need legal steps to be taken to help them. For example, if the child or young person is getting into trouble with the police or there are concerns about their welfare. This research aimed to identify what made a Hearing work well from the perspective of those involved and to develop new service standards. The methodology involved:

- a literature review of evidence from research, surveys and consultations with children and young people since 2004
- qualitative research with 59 practitioners, including focus groups (with 52 participants) and six telephone interviews

- a consultation on the findings and proposed draft standards with 17 young people (aged from five to 21 with most being 13 to 16 years old) with experience of Hearings

## Key findings

- The literature review found that there were clear and consistent messages on what children and young people wanted and needed to improve their experience of Hearings:
  - they should feel listened to and respected, and can trust the adults there to help them, including that their information remained confidential
  - more should be done to make sure that Hearings are not intimidating or upsetting for young people and their families
  - young people should be able to express themselves without feeling that they were being judged, dismissed or under pressure to agree with adults' views
  - the overall process should be more child-friendly and child-centred; and the Hearings themselves should be less formal and more flexible to meet individual needs
- During the focus groups and interviews the practitioners were positive about how the Hearing works, how it could improve outcomes for children and young people, and made positive differences in the lives of families. Practitioners had clear views on good practice to improve Hearings such as:
  - preparation before the Hearing to make sure that they were straightforward
  - the role of the Chair being pivotal to a well-managed and effective Hearing
  - managing time well to allow pre-hearing visits and limiting delays
  - considering whether children needed to attend in person (panel members all felt that this was important)
- Feedback from the 17 children and young people was used to finalise the proposed standards. They also provided more general comments on their experiences of Hearings.

## Conclusions and implications

The research was used to produce proposed standards for all Hearings. Key points were:

- before the Hearing children and young people should expect their views to be included in planning, reports and information in preparation
- during their Hearing they should expect safety and privacy, be told about how the Hearing would run, give their views and have decisions carefully explained to them
- after the Hearing they should expect that they will be told what would happen next and informed about their rights, including how to appeal the decision

The service standards are now being taken forward by all agencies involved in the Hearings system through the Children's Hearings Improvement Partnership, led by the Scottish Government. [www.chip-partnership.co.uk/](http://www.chip-partnership.co.uk/)

## 4 Research in Progress

### Supervision orders and special guardianship\* (lead researcher Judith Harwin)

- This project aims to produce the first comprehensive national picture of the contribution of supervision orders to family justice, children's services, and child and parental outcomes. The study also includes analysis of special guardianship orders (SGOs) used alone and in combination with a supervision order (SO).
- An SO gives a local authority the legal power to monitor a child's needs and progress while the child lives at home or somewhere else. They have potential advantages, such as helping to rebuild family and preserve relationships. Some research has questioned their effectiveness and there is currently a lack of robust, systematic evidence in this area at a time when their use is increasing. There is a need to establish the latest national and geographical trends of SGOs and SOs and the outcomes for children over time.
- This study seeks to address the research gaps by:
  - using the Cafcass national dataset on public law children proceedings (based on a nine-year observational window from 2007 to 2016) to generate a national picture of how SOs and SGOs are used over time and to examine the movement of children within the system
  - in-depth tracking of SOs that result in a child returning to parental care, based on a representative sample of cases from Cafcass records, in combination with children's files held by four or five LAs
  - interviewing up to 60 parents and 50 children aged seven or older
  - conducting focus groups with social workers, senior managers, Cafcass, lawyers, and members of the judiciary
- For more details and related publications see the project website:  
<http://www.nuffieldfoundation.org/supervision-orders-and-special-guardianship>

\*Three of the publications available from this overarching research study have been summarised within this bulletin.

### The representation of children in public law proceedings (Ministry of Justice)

- Children subject to public law cases are usually represented by both a publicly-funded legal representative and a Cafcass guardian, known as the 'tandem model' of representation. The Family Justice Review (FJR) 2011 concluded that there was wide support for the tandem model as an important safeguard for children but the risk of duplication of work within public law cases meant a more proportionate approach should be considered. There has been no systematic review of the operation of the tandem model since.
- This Ministry of Justice led study explores how the tandem model is working in practice and whether the proportionate approach advocated in the FJR has been adopted. Considering rising care volumes and stretched public resources, the study also aimed to understand whether any amendments to the model are required to ensure the rights of the child are safeguarded, efficient judicial case management is supported and public resources are effectively allocated.
- This was a mixed-methods, two-phased research study. Phase 1 involved collecting data on case characteristics and the representation of children for every public law hearing within a four-week snapshot in 12 courts across England and Wales. The second phase included four qualitative focus groups with family law professionals (including Cafcass guardians and managers, solicitors and local authorities) and eight in-depth interviews with the family judiciary.

## Towards a Family Justice Observatory (Nuffield Foundation)

- The Foundation initiated the idea of developing a Family Justice Observatory in a briefing paper published in 2015. This set out the Foundation's preliminary analysis of the deficit in the appropriate use of robust empirical evidence in the family justice field and the potential for this to be improved through the development of an observatory to put in place the mechanisms for the generation, dissemination and application of relevant research evidence (Rodgers et al., 2015): [www.nuffieldfoundation.org/sites/default/files/files/NUFJ3677\\_Family%20Justice\\_briefing\\_paper\\_08\\_10\\_15\\_WEB.pdf](http://www.nuffieldfoundation.org/sites/default/files/files/NUFJ3677_Family%20Justice_briefing_paper_08_10_15_WEB.pdf)
- The Family Justice Observatory Scoping Study, led by Professor Karen Broadhurst, was commissioned by the Foundation to establish in more detail the purpose, functions and delivery options for such an observatory. The scoping study comprised a national and international consultation exercise, a series of focus groups with senior stakeholders in the family justice system, and a review of relevant organisational models. A major component of the work was to scope data sources and examine the technical and governance issues that currently stand in the way of better use of administrative, survey and cohort datasets for research. A number of reports have already been published from the Scoping Study and are available: <http://www.nuffieldfoundation.org/towards-family-justice-observatory>.

Informed by the findings from the scoping study, the Nuffield Foundation has published its plans for establishing a Family Justice Observatory that will 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. A 12-month development phase will begin in March this year, delivered by a team appointed by the Foundation. The development phase will build the infrastructure and operating model for the Observatory, followed by a 4-5 year pilot delivery phase, to

begin in spring 2019. The Nuffield Family Justice Observatory will focus on meeting the needs of practitioners who make pivotal decisions in the lives of children and families by:

- Working with them to identify priority issues where empirical evidence may help guide practice.
- Providing reliable summaries of what is, and is not, known from research or administrative data.
- Combining knowledge from empirical research with insights from policy, practice and user experience.
- Working with professionals in the family justice system to develop, update and test guidance and other tools based on that knowledge.

The Observatory's remit will include public and private law issues, and the broad family justice ecosystem, as well as the courts. These plans are set out in details in a Nuffield Foundation briefing paper available at: [http://www.nuffieldfoundation.org/sites/default/files/files/Nuffield\\_Family\\_Justice\\_Observatory\\_making\\_it\\_happen\\_v\\_FINAL\\_13\\_02\\_18.pdf](http://www.nuffieldfoundation.org/sites/default/files/files/Nuffield_Family_Justice_Observatory_making_it_happen_v_FINAL_13_02_18.pdf)

## 5 Useful Resources

### **Maclean, M. and Eekelaar, J. (2016) Lawyers and mediators: the brave new world of services for separating families. Hart publishing: Oxford, UK**

- The latest book in a series from Mavis Maclean and John Eekelaar about practitioners delivering family justice. It focuses on the work of mediators and lawyers based on interviews and observations.

### **Barlow, A., Hunter R, Smithson J, Ewing J, (2017) Mapping Paths to Family Justice: Resolving Family Disputes in Neoliberal Times: Palgrave**

- Full findings from the 'Mapping Paths to Family Justice' research are presented within the context of continuing family justice reforms in England and Wales. Three types of out-of-court dispute resolution: solicitor negotiation, mediation and collaborative law are compared, based on a nationally representative survey, observations of dispute resolution processes and interviews with parties and practitioners, drawing out implications for policy and practice. This book incorporates new research and builds on a Briefing Paper (see Research Bulletin 5 published in January 2015).

### **Cafcass (June 2016) Study of Cafcass data held about cases featuring radicalisation concerns**

- A small-scale study of 54 Cafcass cases that featured evidence, risk or allegation of radicalisation between June and December 2015. Cases were analysed to explore application types and case development. <https://www.cafcass.gov.uk/download/3827/>

### **Wilkins M. and Farmer E. (2015) Reunification: An Evidence-Informed Framework for Return Home Practice**

- The University of Bristol and NSPCC have developed a practice framework for reunification informed by an extensive review of the reunification literature. The framework builds on previous NSPCC practice guidance which has been implemented in nine local authorities and positively evaluated (Hyde-Dryden et al 2015). It is freely available online at [www.bristol.ac.uk/sps/research/projects/completed/2016/returninghome/](http://www.bristol.ac.uk/sps/research/projects/completed/2016/returninghome/) and [www.nspcc.org.uk/returning](http://www.nspcc.org.uk/returning)

### **Department for Work and Pensions Improving lives: Helping workless families**

- This analysis and research pack sets out the comprehensive evidence base to coincide with the development of DWP's Improving Lives: Helping Workless Families policy. Part 1 describes the evidence behind some of the issues associated with lack of paid employment, how these disadvantages are often interrelated, and how they impact on children's outcomes. Part 2 sets out the nine national indicators (seven non-statutory and two statutory) which are being used to track progress in tackling the disadvantages that affect families and children's outcomes. [www.gov.uk/government/publications/improving-lives-helping-workless-families-evidence-base](http://www.gov.uk/government/publications/improving-lives-helping-workless-families-evidence-base)

### **The Transparency Project**

- A registered charity. Their remit is to explain and discuss family law and family courts in England and Wales, and signpost to useful resources to help people understand the system and the law better. They aim to work towards improving the quality, range and accessibility of information available to the public both in the press and elsewhere. [www.transparencyproject.org.uk/about-us/](http://www.transparencyproject.org.uk/about-us/)

## 6 Statistics Publications

Links to the most recent government statistics relevant to family justice are below:

### Ministry of Justice Family Court Statistics Quarterly, December 2017

- The latest published Family Court Statistics Quarterly provides data from June to September 2017 and compares this to the equivalent quarter in 2016. The report outlines statistics on both public and private law cases covering case types such as care and supervision, divorce, adoption and domestic violence. It provides a summary overview of the volume of cases dealt with by the family court, with statistics broken down for the main types of case involved.  
[www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/647323/fcsq-apr-jun-2017.pdf](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/647323/fcsq-apr-jun-2017.pdf)

### Cafcass, Children and Family Court Advisory and Support Service, Annual Report and Accounts 2016-17

- The annual report was published in July 2017 and outlines statistics on both public and private family law. Contact activities, and uptake of Separated Parents Information Programmes (SPIPs) and Domestic Violence Perpetrator Programmes (DVPPs) are also reported on.  
[https://www.cafcass.gov.uk/wp-content/uploads/2017/12/annual\\_report\\_2016-17.pdf](https://www.cafcass.gov.uk/wp-content/uploads/2017/12/annual_report_2016-17.pdf)

### Department for Work and Pensions Social Justice Outcomes Framework: Family Stability Indicator Update, March 2016

- This update provides analysis on the proportion of children living with both their birth parents by income, and relationship happiness reported by parents.  
[www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/509320/social-justice-family-stability-indicator-2013-2014.pdf](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/509320/social-justice-family-stability-indicator-2013-2014.pdf)

### Department for Education Children Looked After in England (including adoption) year ending 31 March 2017 SFR41/2017

- These national statistics are published annually. The latest edition provides information on looked-after children at both national and local authority level for the financial year 2016 to 2017.  
[www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/647852/SFR50\\_2017-Children\\_looked\\_after\\_in\\_England.pdf](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/647852/SFR50_2017-Children_looked_after_in_England.pdf)

### Department for Education Characteristics of Children in Need: 2016 to 2017 SFR52/2017

- Provides the latest statistics about children referred to and assessed by children's social services for the year ending 31 March 2017, including children in need and children with child protection plans.  
[www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/656395/SFR61-2017\\_Main\\_text.pdf](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/656395/SFR61-2017_Main_text.pdf)

