



# Cafcass Research Governance Framework

## 1. Introduction

- 1.1. Cafcass are committed to evidence-informed practice based on, amongst other things, good quality research. We aim to use our unique position and insight to generate high impact and timely research to inform our own policy and practice and to improve the operation of the family justice system in the interests of children and their families. We consider applications for research involving access to our staff, case management data and, in some cases, the children and families we work with.
- 1.2. This framework sets out how we support and facilitate good quality research involving Cafcass that is likely to be useful for us and the children and families we work with, and how we make sure that it is conducted ethically and to protect the privacy of all research subjects.
- 1.3. We define 'research involving Cafcass as any work which involves collecting or processing information for research purposes (as opposed to the routine collection of information for management, monitoring or audit purposes) which relates to children, families and professionals we work with, or to employees of Cafcass. This framework applies to all such research.
- 1.4. Applications for research involving Cafcass are reviewed by the Cafcass Research Advisory Committee ('the Committee') to ensure that only appropriate research is completed. The Committee considers: whether the research and its use are ethical and appropriate; whether it likely to be feasible and within our resources to support; whether it is methodologically robust and can be ably supported by qualified researchers (who will usually be academics) experienced in research relevant to family justice; and whether it is likely to be useful for Cafcass and the children and families we work with. A fuller list of criteria considered is set out below. The Committee is made up of senior Cafcass and Cafcass Cymru officials, external academic researchers and a member of the Family Justice Young People's Board (FJYPB), advised and supported by the Cafcass Senior Research and Evaluation Manager.
- 1.5. The legal basis on which Cafcass carries out research, interviews staff, and shares information relating to family proceedings<sup>1</sup> is section 13 of the Criminal Justice and Court Services Act 2000 which says: *The Service may commission, or assist the conduct of, research by any person into matters concerned with the exercise of its functions.* This may involve case files which hold personal information about the children and families we

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<sup>1</sup> If the research requires access to case information, Practice Direction 12G of the Family Procedure Rules 2010 authorises any person who is lawfully in receipt of any information relating to the proceedings to communicate that information to anyone conducting an approved research project. An approved research project means a project approved in writing by a Secretary of State after consultation with President of the Family Division, approved in writing by the President of the Family Division or conducted under section 83 of the Children Act 1989 or *section 13 of the CJCSA* (above).

work with, each of whom is alerted to our [privacy notice](#) within introductory correspondence. The privacy notice sets out what information we collect, how we use it and who we share it with, as well as ensuring any data that is processed is in compliance with the Data Protection Act 2018.

## 2. The application process

2.1. There are two separate application streams for accessing Cafcass data, depending on the information that the prospective applicant requires.

### *Structured data access*

2.2. For applicants looking to access Cafcass' *structured data* (i.e. population-level data about cases, children and parties that we work with<sup>2</sup>), they will need to [apply directly to the SAIL databank](#), where an anonymised version of our data is now available to access.

2.3. Applications via SAIL will be considered for approval in the first instance by SAIL's Information Governance Review Panel (IGRP). Projects are initially reviewed for feasibility by SAIL and an internal review takes place. If deemed feasible and practical, the proposal is forwarded by SAIL to its IGRP for review. This process can take up to 12 weeks once the application is received by the IGRP.

2.4. If approved, applications will then be considered by the Cafcass Research Advisory Committee. The Committee will not consider proposals for structured data that have not first been approved by SAIL's IGRP. Where applications *only* relate to structured data access through SAIL, these will normally be reviewed by the Senior Research and Evaluation Manager and Assistant Director for Policy, with oversight on decisions made by the Committee. This will take up to a maximum of four weeks before a decision is made. Factors that might lead to rejection or attachment of conditions are:

- Ethical concerns
- Poor methodology or lack of effective quality assurance which may lead to misleading results
- Beyond capacity requirements on staff
- Researcher has separate access to unstructured Cafcass case file data, in which case the work must meet the Cafcass criteria for access, as set out in 2.13 and section 3 of the framework.

### *Access to additional information not held by SAIL*

2.5. In some limited cases, Cafcass will consider applications for access to other sources of information – either alongside or instead of the anonymised data held at SAIL – for research purposes. The may include:

- Interviews with practitioners/Cafcass Guardians to explore experiences in proceedings;

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<sup>2</sup> Cafcass data held on SAIL broadly includes details on the following areas: case level information, including LA and court involved, whether public or private cases, details of the application, hearings, legal outputs, work carried out by Cafcass for the court, and details of experts and solicitors if involved. Person-level information for parties and children involved in the case includes week of birth, relationship details, sensitive personal information, and lower layer super out area ID for the associated address.

- Interviews/surveys with children and families that we work with;
- Unstructured case file data.

2.6. For research that only relates to access to Cafcass staff and/or children and families we work with, applicants must apply directly to Cafcass using the [application form](#) available on our website.

2.7. Before making an application to Cafcass, prospective applicants should first get their proposal approved by the institution or organisation at which they are based, including, if relevant, by the institution's research ethics committee.<sup>3</sup> Details of the proposed funding for the research should also be outlined at this stage; we will consider applications where funding has not yet been identified, but will only share data once written confirmation of funding has been received.

2.8. Alongside the [Cafcass application form](#), which should be submitted in word format once completed, applicants should also submit any supporting documents (for example, interview schedules, university ethics approval, provisional interview/survey questions). There is guidance within the application form on the type of information that should be provided. The completed application form and supporting documents should be sent in a single email to [policyteam@cafcass.gov.uk](mailto:policyteam@cafcass.gov.uk).

2.9. Once received, the Cafcass Senior Research and Evaluation Manager will review the application and may, if necessary, seek clarification or further information from the applicant. They will then submit this application, with their advice based on an assessment against the criteria set out in section 3 below, to the Committee.<sup>4</sup>

2.10. The Committee will decide, within a maximum of eight weeks of receiving the request, to (a) approve the application (b) refuse it or (c) ask for revisions. They may also make comments and suggestions to improve the research design. The Senior Research and Evaluation Manager will inform the applicant in writing of the Committee's decision and any comments.

2.11. If successful, the applicant will be required to agree certain conditions before commencing the research, which will include the following:

- That the Senior Research and Evaluation Manager will be advised of any major changes to the research design or plan, for their consideration as to whether re-approval from the Committee is required.
- That Cafcass is kept up to date on progress and findings of the research (depending on the timeframe for completion, we would expect an update every four to six months once the research has been approved);

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<sup>3</sup> For applicants not based at an institution with its own ethics committee, Cafcass' Research Governance Committee will need to perform this function, but will only do so if it judges the application to be of sufficient merit. To do so it may require additional documents, such as consent forms, for scrutiny.

<sup>4</sup> For internal applicants, such as students on placement with Cafcass, the application may be considered by only one Committee member.

- That Cafcass is given sight of the findings in advance of publication to be ready for any enquiries from the public or the media arising from the research;
- That Cafcass is given the opportunity to comment on referenced Cafcass data used in published materials (such as journal articles and presentations) prior to publication;
- That Cafcass is acknowledged in the research report and any publications arising from it;
- That, on completion, the researcher will write a short summary of the research – including any relevant policy and practice implications for Cafcass – for inclusion in a staff newsletter within Cafcass, and also agree in principle to participate in a webinar to discuss the findings and learnings of the research with staff and other researchers.
- That a full copy of the final report and any subsequent publications arising from it are provided to Cafcass for possible placement in the Cafcass library.

Cafcass reserves the right to add additional conditions on a project-by-project basis.

2.12. No fieldwork, such as interviews with staff or access to Cafcass data, may take place until approval has been received from the Committee. Where research involves direct contact (through face-to-face interviews, telephone, or digital communications with research subjects), approval will be made subject to each researcher with such access providing:

- A current,<sup>5</sup> clear enhanced DBS check certificate
- Proof of completed data protection training within the past two years.
- A signed confidentiality and information assurance declaration (provided by Cafcass).<sup>6</sup>

*Access to Cafcass unstructured and potentially attributable case-files*

2.13. A higher threshold for acceptance is in place for applications that are looking to access unstructured case-file data directly from Cafcass. Applications for unstructured case-file data through Cafcass will normally not be considered unless the research is of national significance, as outlined in the application criteria listed in section 3.

2.14. Prospective applicants should first discuss their request either informally with the Senior Research and Evaluation Manager at Cafcass, or with SAIL, to determine whether the data required can be obtained through the Databank.

2.15. If the required data is not available through SAIL, prospective applicants that meet the assessment criteria in section 3, are qualified researchers and affiliated to a research institution or organisation working in family justice can informally discuss their idea and expected feasibility of their proposal with Cafcass's Senior Research and Evaluation

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<sup>5</sup> A DBS check must remain current during the period of access to Cafcass data. It is considered current if it was issued within the previous 12 months.

<sup>6</sup> Compliance is reported to the Cafcass Information Assurance Board which monitors Cafcass' data sharing.

Manager. Internal applicants should also discuss the proposal and the required resources with their line manager, supervisor or practice assessor in the first instance.

2.16. Direct access to Cafcass’s electronic case management system via laptops will no longer be permitted. Researchers approved to access unstructured case-file data through Cafcass will instead be expected to work closely with Cafcass and our analytics team to identify and sample relevant data required for the research. Additional time and resource should be factored into research proposals seeking data access via this route.

2.17. External researchers will not be permitted simultaneous access to Cafcass structured data via SAIL and unstructured case-file information through Cafcass. Where access to both forms of data are required and approved by the Cafcass Research Advisory Committee, the researchers would normally be granted access to structured data via SAIL first. Once access to Cafcass data via SAIL is no longer required and Cafcass has received confirmation that the researcher’s account has been deactivated, the researcher will then be permitted access to unstructured case file information via Cafcass.

### 3. Criteria we consider (for non-SAIL applications)

3.1. Cafcass has limited resources and our participation in research must be proportionate to the likely usefulness and significance of the research. We therefore reserve support for research that appears feasible, ethically sound and high impact.

3.2. We are unable to accept applications to access Cafcass data from outside the UK.

3.3. A higher threshold for approval is considered for research involving access to Cafcass data not held by SAIL. These criteria are set out in the table below.

3.4. For reference only, Annex 1 displays the form used by external members of the Research Advisory Committee for reviewing applications submitted.

Category	Criteria	Overall score <sup>7</sup>
Principal researcher and research team/supervisors	<ul style="list-style-type: none"> <li>• The applicant is affiliated with an academic institution or another organisation, and is judged competent (i.e. has sufficient research qualifications, skills and experience) to deliver good quality research within the field</li> <li>• The applicant has at least a PhD qualification. Applications from external undergraduate, Masters or PQ students will not be considered as the research is unlikely to be published externally, and thus of subsequent benefit to Cafcass and the children we work with</li> </ul>	

<sup>7</sup> Each category is measured by whether the criteria is not met, partially met or fully met. The final score is used as a guide to inform the Committee whether the proposed research would meet Cafcass minimum requirements for approval.

	<p><u>Internal Cafcass staff</u></p> <ul style="list-style-type: none"> <li>• Applications from internal Cafcass staff and student placements currently affiliated with a university (Masters and PhD students only) will be considered where they involve contact with a limited number of Cafcass staff.</li> <li>• Applications will not normally be considered where the research involves contact with Cafcass children and families or access to unstructured case-file data through Cafcass, unless the research is considered of national significance and/or is of strategic importance.</li> <li>• The applicant will be expected to provide university ethics approval. Clear details of how the work will be quality assured, both in terms of methods and final outputs (external presentations, journal articles etc) should be detailed in the application.</li> <li>• Applications from staff not currently affiliated with a university will not normally be considered, unless the research supports priority analytical work derived from Cafcass's strategic plan. Appropriate mechanisms for quality assuring methods and any outputs should be specified within the application form.</li> </ul>	
<p>Scientific and ethical conduct</p>	<ul style="list-style-type: none"> <li>• The proposed research is judged to be robust and scientifically sound, with an appropriate methodology for the subject matter and a clear hypothesis.</li> <li>• The proposed research is judged to be ethically sound in both its conduct and use, and has approval from the relevant university/institution's ethics panel, where applicable.</li> <li>• The proposed research will be conducted in compliance with data protection legislation.</li> <li>• Appropriate data security measures are in place to safely record, handle and store data during the project and following completion of the research.</li> <li>• Confidentiality and anonymity is guaranteed so that no Cafcass staff, children and families or case will be identifiable in any research report.</li> <li>• The anticipated risks are considered clearly and relevant mitigations are set out. These are weighed against anticipated benefits.</li> </ul>	
<p>Resources required to support the research</p>	<ul style="list-style-type: none"> <li>• The nature of the proposal makes Cafcass' involvement necessary (i.e. the research would not be possible or would be significantly weakened without Cafcass support)</li> <li>• Likely costs to Cafcass, including staff time and data provision, of supporting the work are clearly identified and have been built into the initial funding bid. These are proportionate to the expected benefit of the research.</li> <li>• The research is not likely to disrupt Cafcass' ability to provide its service, particularly in terms of staff resources.</li> <li>• The applicant has either identified or acquired the necessary independent/public funding required for the research, which must be in place before any resources or data are shared by Cafcass.</li> </ul>	

<p>Benefits for Cafcass and the family justice sector</p>	<ul style="list-style-type: none"> <li>• The potential significance of the research is clearly set out, linking aims, hypotheses and outputs. This is relevant to Cafcass' <a href="#">statutory remit</a> and <a href="#">strategic aims</a>, and the findings are likely to be of use to Cafcass and the children and families we work with.</li> <li>• Where research involves contact with Cafcass children and families that we work with or access to unstructured case-file data, the research has national significance contributing to the evidence base of best practice and providing public benefit.</li> <li>• The research does not appear to duplicate existing similar research, except in instances where revisiting previous research is justified by expected additional benefit of the work.</li> <li>• The findings will be presented in an accessible and timely manner, with clear plans for dissemination to influence the family justice sector.</li> </ul>	
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<b>Policy Owner</b>	Saif Ullah
<b>Approved by</b>	Information Assurance Board and CMT
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<b>Amended</b>	March 2020
<b>Version</b>	5
<b>Next Review</b>	January 2022

**Annex 1: Cafcass Research Advisory Committee: Research application review form**

**NOTE: This is for reference only – not for completion by applicants.**

<b>Title of proposed study</b>	
<b>Applicant</b>	

<b>Assessment criteria</b>	<b>Reviewer comments</b>
1. Research question(s)	
2. Research team	
3. Research ethics and data security	
4. Methodology	
5. Dissemination and Cafcass/sector benefits	
7. Other comments	

- Reviewer recommendation:**  **Approve**
- Approve with modifications**
- Approve pending significant modifications**
- Reject**

**Reason for recommendation (please specify any significant modifications, if required):**