

# Call for Evidence

## Submission Template

### How to complete and submit

- **Save** this word document to an appropriate place on your computer.
- Enter your responses into the text boxes provided.
- Once complete, email this document with the subject heading “**Call for Evidence Response**” to:

[observatory.scoping.study@lancaster.ac.uk](mailto:observatory.scoping.study@lancaster.ac.uk)

### Introduction

In Section A, you are required to complete participant and organisational details and to confirm consent in order to comply with Lancaster University’s ethical clearance procedures.

Questions are then divided into two sections; use of research evidence in policy and practice (section B) and priority functions and audiences for a new national observatory (section C) as shown below. We would welcome detailed responses to all sections but understand that participants may not feel able to complete all questions. Section D provides space for additional comments.

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## Section A: Participant details and consent

### A.1 Your details

Your name	Helen Johnston
Name of your organisation	Cafcass (the Children and Family Court Advisory and Support Service)
Primary function(s) of your organisation	The role of Cafcass within the family court is to: safeguard and promote the welfare of children; provide advice to the court; make provision for children to be represented; and provide information and support to children and their families.
Your role within the organisation	Assistant Director (Policy)
Your own research experience/formal research training	Cafcass has gained experience and skills through conducting its own research programme and supporting external projects.
Describe primary roles and functions of your employees/members	Social workers (family court advisers)

### A.2 Consultation within your organisation

Please describe any internal consultation that has taken place within your organisation to inform this call for evidence (e.g. internal meeting, seminar, email discussion).

Email and/or discussions with staff from: operations; policy, the library; learning and development; and analytical services.
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If no specific consultation has been undertaken, please indicate what has informed this response to our call for evidence?

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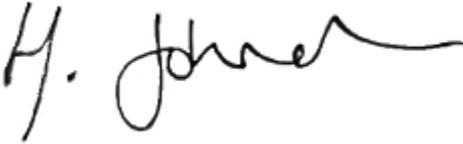
### A.3 Attendance at the dissemination event

We will run a dissemination event in Spring 2017 to share findings from this call for Evidence. If your organisation would like to attend this event, please nominate yourself or another member.

Attendee name	Helen Johnston
Job title	Assistant Director - Policy
Telephone number	07917 598 980
Email	helen.johnston@cafcass.gsi.gov.uk

### A.4 Consent Form

Please sign to indicate that you have read the background document provided with this call for evidence and that you make this submission with full agreement of your organisation. By signing you also agree that your submission will be retained electronically, in accordance with Lancaster University guidelines, which stipulate that data must be kept for a minimum of 10 years after the end of a research study.

Signature	
Date	26.10.16

### A.5 Publication of submissions

We intend to publish submissions to this call for evidence online in the spirit of transparent consultation. Unless indicated below, we assume that you agree to your full response being published via the websites of Lancaster University and the Nuffield Foundation.

Please remove the name of my organisation from the published response.	<input type="checkbox"/>
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## Section B: Use of research evidence in policy and practice

### Question B1: Research use in organisations

Research evidence can play an important role at the case-level in the family justice system, by helping practitioners evaluate a range of options and arrive at the best decisions for individuals, children and families. Research can also play an important role in informing local and national policy, by providing insights into the performance of the family justice system or the effectiveness of new legislative, policy or practice initiatives.

**B1.1** How do individuals within your organisation currently use research evidence - for what purposes?

**B1.2** Can you provide one or more examples of the direct application of research in the work of your organisation (e.g. at the case-level or in service development)?

**B1.3** Can you provide one or more examples of how research has had a broader conceptual impact (e.g. has changed thinking about the nature of problems or solutions)?

Cafcass has an internal research programme, undertaking at least four research projects a year. The purpose of the programme is to inform evidence-based practice, build up a body of evidence about the value of our interventions, and support policy development. Examples include an ongoing study into private law spend-time-with (contact) cases where domestic abuse is alleged, and a completed study into the value of the Family Court Adviser at the First Hearing and Dispute Resolution Appointment. We also support external research projects that have been approved by the Cafcass Research Governance Committee.

We describe in B2 below the mechanisms by which Family Court Advisers (FCAs) are able to access research. The most effective way to integrate research evidence into practice is, we believe, to mandate the use in assessments of assessment tools that are themselves based on research evidence. The tools are a combination of validated questionnaires and our own adaptations, such as the *Safe Contact Indicator* tool which is derived from research originally undertaken by Sturge and Glaser (2000). This is supported by our *Domestic Abuse Practice Pathway* which provides guidance to FCAs about how and when the tools should be used, thus encouraging them to make robust assessments of, for instance, the impact of domestic abuse on children.

The use of relevant research is assessed within the quality assurance process for each court report.

We use evaluative research to assist in building up a body of evidence about the value of Cafcass interventions and services, as well as how these can be further strengthened. Like the research projects, these evaluations are modest: Cafcass does not have a dedicated research/evaluation team but has enabled some staff to build up experience and skills in these areas. Our focus is on investing in projects which we can deliver and which will help us to understand our

performance and/or that of Family Justice. An example is the Supporting Separated Parents in Dispute Helpline, which is a pre-court service aimed at steering parents to the most appropriate resolution pathway. Evaluation found that a need had been evidenced for this type of service and identified key opportunities for any future delivery. For current service delivery, Cafcass' Section 7 Efficiency Study is analysing best practice in terms of quality and efficiency improvement for the work required to complete a Section 7 report. This includes analysis of national data, interviews with staff, a practitioner time study, and piloting of methods in comparator groups.

Research is also used to support policy development within Cafcass and/or within Family Justice. An example of research undertaken by us that had a broader conceptual impact was the small-scale study we conducted last year (making use of our excellent administrative database of cases) into cases that concluded with the making of a special guardianship order. The report was provided to, and published within, the DFE-led review of SGOs. Another example is the use of research to inform our Child Exploitation Strategy; we looked at a national sample of cases where child sexual exploitation or radicalisation was a feature, disseminating the findings across the organisation. We plan to conduct a similar exercise in respect of children known to Cafcass who have been trafficked. Other examples of work we have either part-sponsored, part-funded or supported is research into the cycle of repeat removal of children from the same parent/s in public law cases; outcomes for children involved in care proceedings following the revised PLO; and the use of research in our leadership role in social work more widely e.g. a collaboration with Research in Practice during the development of the Social Work Evidence Template for local authority social workers.

## Question B2: Access to research evidence

A wealth of research is reported in a variety of formats. For example:

- Government departments publish findings in open access reports and executive summaries.
- Universities and other research centres publish peer-reviewed articles in academic journals as well as more accessible formats.
- Organisations specialising in knowledge mobilisation summarise research and promote the uptake and implementation of findings in policy and practice (e.g. Research in Practice).
- Conferences, seminars and training events are important vehicles for research dissemination as can social media.
- Social networks and personal contacts can play an important role in enhancing knowledge exchange, bridging the worlds of knowledge producers and knowledge users.
- Knowledge can be immediately available in house, where researchers, policy makers and/or practitioners work together to co-produce knowledge at a generate knowledge 'bottom up'.

**B2.1** How do individuals within your organisation access research evidence? Can you identify any preferred sources or methods?

**B2.2** Does your organisation, or do individuals within your organisation, subscribe to any journals, associations, or evidence intermediaries (such as Family Law, Association of Lawyers for Children, Research in Practice)? Please state which ones and comment on their usefulness.

**B2.3** Does your organisation fund attendance at annual conferences or seminars? Please state which ones and comment on their usefulness.

**B2.4** What does your organisation consider to be the most pressing barriers regarding access to research?

Cafcass practitioners access research through:

- The use of assessment tools, as described above, which are informed by research.
- The extensive learning and development programme that is part-delivered through our eLearning platform 'mySkills'.
- The Cafcass library, use of which has increased year-on-year. The library also hosts subscriptions to many journals.
- *Knowledge bites* which summarise key issues from research within topics of interest to practitioners with references to source materials.
- Corporate membership of Research in Practice and CoramBAAF.
- The dissemination of Cafcass' internal research. For example, each year we produce a report into learning from Cafcass submissions to serious case reviews, which is then summarised within a learning module.

Budget constraints within the sector mean that practitioners cannot attend high cost training or seminars. We are statutory members of Local Safeguarding Boards so make use of some of their events, as well as training and resources from our corporate memberships, notably Research in Practice.

In respect of barriers:

- Access to research is not generally a problem for Cafcass staff. There is plenty of research available to staff and the greatest challenge to the busy practitioner is to stay abreast of developments. Difficulties can arise from the lack of definitive large scale research studies which cannot be contradicted – compared to the plethora of small-scale research studies in our sector which can often be countermanded by other research studies which have an equal partial validity.
- Rising demand and budgetary constraint mean that FCAs are under increased pressure. The time that is available to them to look into source material has reduced.
- Our library staff have noted, in responding to requests from staff, that there is rather more robust research in some areas than others. (We expand upon this below.)
- Library staff have also noted that the range of requests has broadened of late, implying that FCAs are expected to have knowledge of a growing number of areas. An example is an increase into requests around medical or psychological research, including such matters as legal highs, selective mutism, schizo-affective disorder, and schema therapy. The diversification of topic need seems likely to increase.
- There is regional variety between courts and Judges as to the extent to which research evidence is encouraged or discouraged.
- The extent to which staff are, and can reasonably be expected to be, research-literate. This is addressed in B3.



### Question B3: Research literacy and knowledge co-production

There are a number of possible reasons why research evidence may not sufficiently impact on policy and practice. It could be argued that: a) research can be reported in ways that are difficult to comprehend because academics and researchers are not necessarily focused on the practical application of their work, or b) because practitioners and policy-makers may lack the knowledge and skills to interpret research.

There are long-standing concerns that professional training for lawyers, judges and social workers does not contain sufficient research content, in contrast to professional training for careers in health. It has been suggested that more 'exposure' to researchers and opportunities to co-produce knowledge (research and practitioners working together on projects) through action research, would break down barriers between 'knowledge producers' and 'knowledge providers'.

**B3.1** To what extent does your organisation agree or disagree with the above statements (a and b)? Please give examples to support your view.

**B3.2** Do you think that professionals in your organisation want or would benefit from additional research training? Would any additional research training form part of undergraduate or initial qualifying training, or should this form part of a continuing professional development (CPD) programme?

**B3.3** Has your organisation found opportunities to engage local academics or researchers alongside practitioners to evaluate/understand the impact of your service, or to assist with the implementation of research in policy and practice? Would you value such opportunities?

Regarding statement a – within the Cafcass Research Governance Committee we see applications and research reports of extremely variable quality. A focus on the practical applications of the study is one element of a useful project. There are many others, however, including: an open-minded approach (rather than an inclination to prove a particular perspective); a sound methodology; an explicit setting out of limitations; and a congruence between the data and conclusions. We have seen, and supported, some extremely impressive and ground-breaking research through the Committee. We have also seen research which is so poor as to risk undermining the credibility of any practitioner who relies upon it.

This illustrates the importance of practitioners being research literate (statement b). Making use of poor research, or poor use of good research, is likely to weaken our assessments and be counter-productive. We agree that research literacy training should be part of CPD. It would be valuable for practitioners to know how to judge the quality and reliability of research, to understand the role of research (which will not always provide one definitive view on the field), and know how to address research from contested fields.

Cafcass has fruitful relationships with research teams which helps to inform our policy and practice. We recognise the value of our support, including the provision of access to our administrative database, of major external research projects, such as the recurrent care proceedings ('repeat removals') research undertaken by Karen Broadhurst et al. This generates knowledge that is of value to Cafcass, and Family Justice as a whole, at a practice and policy level.

There is academic input to the Research Governance Committee (and thus oversight and quality assurance of internal projects) and to the Cafcass Board.

## Question B4: Judging the quality of research evidence

The family justice system has been described as ‘adversarial’. One aspect of this is the contestation of research evidence – a lack of agreement about what constitutes reliable research evidence. This creates particular challenges for practitioners and policy makers, particularly where they, or their organisations, lack the skills and knowledge to confidently judge the quality of research evidence. Common methods for assessing the quality of research evidence include:

- A consideration of the researchers – their reputation and standing.
- A consideration of the source of funding – is independence compromised?
- Seeking advice from a knowledgeable personal contact.
- Establishing whether the work has been formally peer reviewed.
- Using national standards or critical appraisal frameworks.

Even where research evidence is considered ‘strong’, the implications for policy and practice may remain contested or recommendations may be ignored because of funding constraints or political priorities.

**B4.1** Which topics, if any, does your organisation consider to be the most contested or confusing in regards to the use of research evidence?

**B4.2** Describe research literacy in your organisation, do individuals have the skills to judge the quality of research evidence? Which of the methods listed above, if any, would help individuals within your organisation judge the quality of research evidence?

As a broad generalisation, there is more research evidence around public law than there is around private law, specifically in respect of children’s outcomes. This is in spite of the fact that private law demand is high (over 36,000 applications involving Cafcass in 2015 – 16) and that it exceeds public law demand to a ratio of about 3 to 1. Some of these cases are highly contentious with allegations, and counter-allegations, of domestic abuse and ‘parental alienation’. There is a risk of the evidence-base in private law being dominated by cases that have the worst outcomes, namely those that are subject of serious case reviews and domestic homicide reviews. These produce valuable learning but they should not represent the vast majority of what we know about children who have been subject to private law applications. With this in mind Cafcass undertook last year a small-scale study of children’s interim outcomes some six to nine months after the proceedings ended. It intends to conduct a similar study this year. However, there are many inherent limitations in such studies and in-depth longitudinal research would be welcome.

As set out above, there are inevitably different levels of research literacy within such a large organisation. It is for this reason that Cafcass would welcome syntheses of research evidence. We do not underestimate the challenges of this, particularly in respect of highly contentious matters such as disputed allegations concerning domestic abuse. There are some obvious challenges: setting out the

strength and weight of evidence without being perceived as having a vested interest; providing a succinct and user-friendly account of complex fields.

Our experience suggests that our practitioners tend to be wary about matters that are relatively new to them (and sometimes subject to intense media interest). Examples include: radicalisation, child sexual exploitation, gender dysphoria, cultural competence (particularly around 'acceptable' physical chastisement), and family life that is underpinned by a range of religions e.g. divorce in the Muslim faith. Some practitioners have expressed frustration about a lack of evidence in some fields, including witchcraft/spiritual possession, how to explain to a child who their biological father is, the switching of child residence in private law cases, and outcomes in surrogacy arrangements. Conversely, notwithstanding the substantial evidence base some fields remain highly contested (we have cited 'parental alienation' above).

Contested or confusing areas of research can also be caused by variable quality within large bodies of published information, or by such little research evidence as to make it difficult to judge its quality.

Research literacy has been addressed in B3. At the practitioner level, current and robust research needs to be presented in readily digestible ways due to the time pressures of their workload. Staff in Cafcass who disseminate relevant research through knowledge bites, learning and development modules, and assessment tools have more time at their disposal and are in general more experienced in establishing the quality of the research. However, assistance from the Observatory in improving skills in the judgement of the quality of research would be welcome across the organisation.

## Section C: Priority functions and audiences for a new national observatory

The Nuffield Foundation proposes a new national family justice observatory (England and Wales) that aims to improve both research generation and research utilisation. The Foundation indicates that the new organisation could have one or more of the following functions:

- Improving the research evidence-base (e.g. through better use of administrative and survey datasets to establish national patterns and outcomes of the family justice system and regional variation).
- Synthesising and integrating existing research (e.g. authoritative research reviews on key topics).
- Promoting the use of research (e.g. events and dissemination).
- Capacity building (e.g. through secondments, research internships, research training, research design service).

The Foundation also has a vision for a system-wide approach to the generation of new research, so that priority topics are addressed and duplication of effort is avoided. **Choices need to be made to ensure investment has the greatest impact.** A system-wide approach would also need to be informed by agreed quality standards for research specific to the family justice system.

### Question C1: Improving the evidence base

The Nuffield Foundation considers that a key element of the work of a new national observatory would be to support new research, and access to research, that offers robust findings about patterns and outcomes of the family justice system in England and Wales. Currently, we do not make sufficient use of available national datasets, despite some excellent examples of how such datasets can be used. There are only a handful of robust longitudinal studies that follow-up children and families involved with the family justice system. More use of available datasets would also enable recommendations to be made about how national datasets could be improved.

**C1.1** What is your opinion regarding the potential use of national datasets to understand outcomes of the family justice system?

**C1.2** What, if any, is the impact of regional variability in service performance on children and families?

**C1.3** How does your organisation currently evaluate its performance and impact? Would your organisation benefit from support to make better use of in-house routinely collected data?

We believe that using national datasets and linking national datasets is essential to understand the outcomes for children and families who have been involved in the family justice system. Data linkage would save huge amounts of time and money by integrating information which is already available and routinely collected. Linking this information across time and organisations (such as court, health, local government, education) would enable research which has not been possible previously. Child level data across systems would help in understanding long term outcomes, repeat applications, wider characteristics of families, support services used, and regional variances.

Data linkage capacity could be improved by better working together of the various agencies involved, and by using common identifiers for children. For example, Cafcass can store the HMCTS 'FamilyMan' ID within our dataset to make data matching exercises easier; this then enables further linking, such as with local authority data.

One caveat to using large scale databases is that these are, by nature of their size and purpose (which is not necessarily aligned to research), subject to data entry gaps or errors. Better use of administrative databases may highlight data validation areas required; these could be improved if included in weekly feedback of 'performance' to data inputters. It is also important that databases are flexible and under constant review. The Cafcass database is updated twice a year which enables us to record new information which can contribute to better monitoring, automatic reportability, and research (such as diversity, or specific case factors).

Regional variability in service is to some extent inevitable due to varying resources available among the numerous services in different regions. Cultures within and across organisations also exert an influence. However, children and families should be able to expect a consistent service across areas. It would be valuable to link datasets to help understand regional variances in more detail, and local drivers around risk and demand.

Cafcass has a robust performance management framework for both staff performance and quality of our work, which is supported by a range of analytics. Cafcass has KPIs set by central government which are continually monitored and reported on. Individual, team, and service area performance across a range of performance measures is readily available to staff for monitoring.

The impact of Cafcass services on the court processes and families we are involved with is more difficult to assess. Some of our internal research has looked at various aspects of our service, such as our impact in private law First Hearing Dispute Resolution Appointments (involving a survey completed by practitioners on activities completed, follow up interviews with some practitioners, and interviews with judges), and a series of service user telephone survey for adults involved in private law proceedings. Our pilot services are evaluated within the usual constraints allowed by resources and the short timeframes needed to assess whether to fund further expansion of the pilots, so there is an inevitable

need for pragmatism around what we can achieve with our resources (some examples were set out in B1).

## Question C2: Priority functions

A new family justice observatory cannot be ‘all things to all people’. In the first inaugural cycle (1-3 years), the observatory needs to focus on priority functions that will enable it to make the greatest impact on the family justice system. Priorities can, of course, change over time.

**C2.1** Please give each of the following nine functions a ranking, with a rank ‘1’ meaning highest priority. Use Section D for any additional comments.

Priority functions	Rank
Improving the research evidence base through the use of national large-scale administrative and survey datasets.	1
Support for regional performance and outcomes monitoring, to identify and respond to unexpected variability.	5
Developing national quality standards for research to both improve the quality of research and confidence in its use.	6
Commissioning authoritative knowledge reviews to distill key and trusted messages.	2
A research design service to ensure better quality of new practice or policy pilots, along with robust evaluation.	7
Research internships to strengthen the links between practice and research.	8
Research training to improve the skills and knowledge of practitioners to enable better access and understanding of research.	3
Events and conferences to improve dissemination of research findings.	4
Authoritative response to media coverage of service failures/SCRs/current debates by providing balance and context.	9

### Question C3: Priority audiences

In order to effect change in the use of research evidence within the family justice system, the observatory will could engage with a wide range of stakeholder groups:

- Independent practitioners
- Parties to cases
- The media
- National policy and practice leads (e.g. DfE, MoJ, National Family Justice Board, ADCS)
- Government researchers and analysts
- National organisations
- (e.g. Association of Lawyers for Children, Association of Directors of Children’s Services(ADCS), National Youth Advocacy Service(NYAS))
- National evidence intermediaries and educational bodies
- (e.g. Research in Practice; the Judicial College)
- Local family justice boards
- Frontline practice organisations (social work, family law) and the family courts
- Academics

**C3.1** Which groups do you consider to be the **priority audiences** because they are best placed to **catalyse and steer change**? Please explain your reasoning.

This is a difficult question to address. Different audiences may be key at different points in the development of the Observatory and in respect of different matters. To succeed the Observatory will need sustained broad support. To take just one example, the media would not steer change but informed and supportive coverage would certainly help (and, conversely, antipathetic coverage would be a barrier).

The National and Local Family Justice Board(s) are clearly important, as national policy and practice leads, national organisations and frontline practice organisations. Many of those named above will be able to advise on current gaps and needs, and also implement the Observatory’s outputs.

Government researchers and analysts should also be involved in order to advise on what is currently or potentially possible with their databases.

## Question C4: towards a system-wide approach to research generation

The Nuffield Foundation envisages a system-wide approach to the generation of new knowledge. Better co-ordination of funding and strategic priorities for new research, would avoid duplication and ensure that pressing topics are addressed.

**C4.1** How would you like to see your organisation involved in setting research priorities? For example; annual consultations; key informant annual workshops; individual communications with the observatory.

**C4.2** What do you think are the risks and benefits to tighter co-ordination of research priorities and strategic investment in funding?

**C4.3** What topics, if any, do you think should be prioritised for new research?

Cafcass is already involved in the steering group for the Observatory. We would be happy to engage in formal and informal discussions and events.

A key benefit of tighter co-ordination of research priorities and strategic investment in funding would be the ability to target funding towards gaps in research, rather than continuing to study areas which are over-researched. This could help address the problem within the current academic system where research can be driven by who holds the funding, rather than by seeking new knowledge.

We have set out below some areas which we believe are under-researched and should be prioritised. We would add the caveat that any research in this field does need to be produced in a timely manner as things tend to change rapidly in Family Justice.

Private law family proceedings in general are under-researched, but are critical as they represent a far higher proportion of case which are involved in the family justice system compared to public law. Research which synthesises best available knowledge on impacts, outcomes, and 'what works' in private law proceedings would help judges and social workers make better, faster, and more transparent decisions. This is particularly crucial given the rise in litigants-in-person and the need for laymen to understand reference points.

- Outcomes, particularly in private law, is an under-researched area, which will be helped by longitudinal studies and data linkage.
- Research on drivers for increased demand in both public and private law would be topical. We note that the ADCS is due to publish phase 5 of its longitudinal research on increased safeguarding activity within children's services. For private law, more information is needed on previous pre-court avenues or public services involvement, and profiling those who don't reach court to find possible successful measures for avoiding court where it is safe to do so.

- For private law, research on the impact of parental conflict on children and emotional harm, as well as what works for interventions (therapeutic, social worker methodologies, programmes to help parents stuck in high conflict) would be critical.

Other key gaps include:

- Effective safe outcomes for families where domestic abuse is an issue;
- UK-based research on 'parental alienation'/implacable hostility (there is a wealth of US-based research on the topic, but of varying reliability);
- Explaining paternity to a child, and how to introduce a child to a hitherto unknown biological father;
- Longitudinal/outcome research on foetal alcohol spectrum disorder/substance misuse in pregnancy;
- Effects of switching residence in private law;
- Outcomes in surrogacy arrangements.

## Section D: Additional comments

Please add any further comments you wish to make regarding sections B and C.

A large, empty rectangular box with a thin black border, intended for the user to provide additional comments regarding sections B and C.