



# Exploring the lessons from dissemination of research to the judiciary involved in public family law and child care proceedings

**Dr Harriet Churchill**  
**Professor Kate Morris**  
**Dr Helen Richardson-Foster**

Department of Sociological Studies  
University of Sheffield  
Sheffield  
S10 2TU

April 2018

# About the Nuffield Foundation

---

The Nuffield Foundation is an independent charitable trust that funds research and student programmes to advance social well-being in the UK. The Foundation aims to improve people's lives, and their ability to participate in society, by understanding the social and economic factors that affect their chances in life. The research it funds aims to improve the design and operation of social policy, particularly in Education, Welfare, and Justice. Our student programmes provide opportunities for individuals, particularly those from disadvantaged backgrounds, to develop their skills and confidence in quantitative and scientific methods. The Foundation has funded this project, but the views expressed are those of the authors and not necessarily the Foundation. [www.nuffieldfoundation.org](http://www.nuffieldfoundation.org)

## Acknowledgements

The report authors would like to thank the following for their valuable contribution to the study: Elizabeth Isaacs QC, the Family Justice Council, the Nuffield Foundation, the Office for the President of the Family Division, the Judicial College, and the 'Family Justice Research Observatory' Scoping Study Team and Advisory Group. We would also very much like to thank those who participated in the study.

# Contents

---

	<b>Page</b>
<b>Acknowledgements</b>	<b>2</b>
<b>Executive summary</b>	<b>4</b>
<b>Chapter 1: Introduction and background</b>	<b>8</b>
<b>Chapter 2: Study aims, analytical framework and methods</b>	<b>11</b>
<b>Chapter 3: Research dissemination and the judiciary: Audit findings</b>	<b>20</b>
<b>Chapter 4: Judicial use of research and care proceedings: Qualitative findings</b>	<b>41</b>
<b>Chapter 5: Conclusions and recommendations</b>	<b>49</b>
<b>Appendix 1: Services, publications and organisations included in the research dissemination audit</b>	<b>53</b>
<b>Appendix 2: Analytical framework for audit of research dissemination</b>	<b>55</b>
<b>References</b>	<b>57</b>

# Executive Summary

---

## Introduction

This report presents the findings of an exploratory study completed in 2017 funded by the Nuffield Foundation and conducted in partnership with the Family Justice Council (FJC). The study sought to inform the Nuffield Foundation's 'Family Justice Research Observatory' developments and to build on prior work commissioned by the FJC which examined aspects of the research support needs of members of the judiciary involved in public family law. The study had two main aims and themes. Firstly, the study conducted a review of the key features, strengths and shortcomings of social research dissemination mechanisms targeted at, and available to, the judiciary involved in child care proceedings. Secondly, the study conducted qualitative interviews to explore judicial perspectives and experiences in accessing, interpreting and using social research in relation to their roles in child care proceedings. Reflecting our research specialisms, the study explored these issues primarily in the context of the dissemination of lessons from child welfare and family justice research as opposed to other areas of research such as medical research. Ultimately, the study sought to identify key lessons for the Nuffield Foundation and the FJC to inform research orientated developments in family justice, public family law and child care.

The review of research dissemination targeted at, and available to, the judiciary examined: (1) in-house research dissemination provided by and for the judiciary; (2) research dissemination targeted at child welfare/family justice practitioners (potentially including the judiciary) provided on an open access basis; and (3) research dissemination targeted at child welfare/family justice practitioners (potentially including the judiciary) not provided on an open access basis. Although it was beyond the scope of the study to include all relevant outlets, 50 organisations and outlets involved in research dissemination were included in the review - 27 of which were deemed to provide 'highly useful and significant' research dissemination. An analytical framework was devised to review the research dissemination mechanisms and outlets in terms of source, aims and objective, affiliations, format, accessibility and availability, research content, quality indicators and research translation (discussion of frontline practice issues and implications arising from research studies and knowledge). In addition, the study conducted 14 telephone interviews with members of the judiciary and a group discussion with members of the Judicial College. In total, 18 members of the judiciary took part in the study including magistrates, district judges and circuit judges made up of representatives from six regional family court circuits in England and Wales.

## Key themes and findings

### The Audit:

The importance of in-house judicial arrangements for endorsing and disseminating research relevant to child care proceedings was evident in our study. These forms of in-house research dissemination are primarily orientated towards raising awareness about significant research and providing resources for judges to begin to engage with research in a more comprehensive way on a pro-active individual and regional basis. However, participants in our study

reported barriers and challenges, including lack of awareness, workload pressures and the need to make research resources more accessible via judicial intranet platforms, which limited engagement with, and development of, the pro-active, individualised approach. In addition, participants in our study reported a dearth of additional opportunities to engage with social research in more extensive ways. There were three prominent ways in which participants sought greater engagement, learning and analysis of relevant research: (1) greater knowledge and analysis of research in relation to some specific key areas and issues; (2) greater guidance and support to assess the strengths and limitations of research designs and methods; and (3) greater guidance and support to develop better knowledge and understanding of the frontline implications and applications of 'endorsed and approved' as well as highly relevant social research for members of the judiciary involved in child care proceedings.

Judicial bodies and judges themselves expressed a desire for more extensive links with academics and researchers to enhance their knowledge of current and robust research. Participants in our study sought more comprehensive and accessible information about current and significant research, including an 'overview of what research is being carried out' among leading researchers and research centres related to public family law and child care proceedings. They sought more guidance about the quality and status of research studies and research knowledge such as in terms of methodological rigour, academic standing, quality of publications and what constitutes more 'mainstream' versus 'contested' research findings and theories.

Beyond in-house research dissemination provided by and for the judiciary there are several social research and family justice sector organisations and outlets engaged in disseminating social research to the broader target group of child welfare and family justice practitioners which potentially includes members of the judiciary. These organisations and outlets include those that provide information and dissemination of child welfare and family justice research on an open access basis. It includes 'research knowledge brokers' who provide, collate and circulate information and summaries of relevant social research to child welfare and family justice practitioners. Bearing in mind the points above about the need for informative 'overviews of research' – these organisations provide highly useful services for hard pressed practitioners to enable them to keep up to date with current research and from which to build their research knowledge. In our report we examine the specialist role 'Research in Practice' provides in these regards for children's services departments, managers and practitioners. In addition, we review the innovative initiative developed by the MoJ – the 'Family Justice Research Bulletin' which seeks to provide, in collaboration with academics and sector stakeholders, a comprehensive and quality assured review of research related to private and public family law. For members of the judiciary, however, there are some drawbacks to these services as they are not primarily targeted at, and tailored towards, meeting their research support needs; and, in the case of the Bulletin, frequency of publication has reduced in recent years.

In addition, several leading family justice, children's social care and child welfare research centres based in university departments (although often funded by various sources) engage significantly in research dissemination to practitioner audiences on an open access basis. Various involved in conducting and disseminating social research about families and children in need, vulnerable children and young people, children's services, family support and interventions, children and youth involved in the social care system and family justice issues - many of these outlets provide relevant and useful research resources for members

of the judiciary involved in child care proceedings. However, as above few are targeted at, and tailored towards, meeting the specific research support needs of the judiciary.

Further, our audit identified many outlets that publish and disseminate relevant social research but which present problems of access to members of the judiciary because they are: (a) not widely or easily accessible to the judiciary due to cost; and/or (b) they are not highly promoted or targeted at the judiciary leading to limited awareness among the judiciary of their relevance and utility. Greater emphasis could be placed on enhancing judicial access to these resources.

Overall our audit of research dissemination concluded that, while significant innovations had developed in recent years, the current arrangements targeted at, and available to, the judiciary are complex involving multiple organisations and activities which vary in focus, scope and purpose. The judiciary are not sufficiently served by comprehensive, up-to-date, targeted, tailored and accessible research resources and dissemination outlets. There tends to be a reliance, therefore, on an individualised, 'pro-active' approach to engagement with research on the part of judges themselves. This individualised approach is problematic in the context of challenges and constraints for individual members of the judiciary. Further, there is an absence of processes, guidance and forums involving the judiciary that contribute to informed critical appraisal and evaluation of family justice related social research. There appears to be limited opportunities for the judiciary on the whole to engage with higher level research dialogue and reviews that go beyond the consideration of individual studies and engage more comprehensively with theoretical and methodological debates, and research knowledge and debates across disciplinary fields and sub-fields. Significant research support needs, such as in relation to research literacy skills, were also evident among the small sample of members of the judiciary involved in our study. Overall participants were keen to see developments towards a more comprehensive, coordinated and better resourced approach to research dissemination and research support.

### **The qualitative study:**

Our qualitative interviews explored judicial perspectives and experiences of engaging with social research in relation to public family law roles and proceedings. These also highlighted multiple constraints, challenges and shortcomings in relation to current research dissemination targeted at the judiciary. Participants reported challenges in accessing relevant, up-to-date and quality research in timely ways to support their public family law roles. They also reported concerns about the scope and depth of their research knowledge as well as concerns about what appeared to be pressing research gaps – whereby they felt there was a dearth of social research (or at least accessible research) that could inform their approach to, and decision-making on, a range of complex and prominent child welfare and family justice issues that arise within the context of child care proceedings. Participants also sought more targeted and tailored support and guidance to assist them in developing their understanding of the implications and applications of current research studies and knowledge to their roles and decision-making in child care proceedings.

The qualitative findings of our study indicated the need to appreciate and consider the complex research-practice dynamics in the context of judicial roles and child care proceedings. Analysis of our interview findings indicated research-practice dynamics could

be understood as encompassing several key aspects, including: (1) the role of research in national and regional family justice system reforms; (2) the role of research literacy and knowledge in judicial training and professional development; (3) the role of research informing generic aspects of judicial practice within child care proceedings such as engagement with children and parents; (4) the research support needs of the judiciary in relation to supporting and enhancing their oversight and examination of research-related evidence and reports presented to the family courts; and (5) the role of research in supporting judicial decision-making in child care proceedings. All of these aspects of research-practice dynamics and research support needs would be important to consider, in collaboration with the judiciary, as part of developments in judicial access to, and use of, social research.

### **The Recommendations:**

Overall the study highlighted:

- The confusing mosaic of current arrangements for accessing and engaging with relevant research.
- The tensions that exist in agreeing the extent to which the judiciary should be familiar with, and utilising, research in their decision making.
- The absence of robust support and mechanisms for ensuring the judiciary understood the quality and / or limitations of research studies.
- The feasibility of developing research literacy in an already hard pressed working environment.

To improve research dissemination for the judiciary in the short-term, the judiciary could be made more aware of the range of current research resources and provided with some brief guidance about their key features. As a starting point a follow-on output from this study (a briefing paper for members of the judiciary) will start to address these two issues. A more targeted and systematic approach to academic/research dissemination to, and links with, the judiciary could be developed within the current arrangements; and better awareness of existing outputs would be useful. In the longer term, the Family Justice Research Observatory and other such research hubs present the possibility of more extensive family justice research-practice networks, activities and developments involving the judiciary as a primary stakeholder. Forums for consultation with senior members of the judiciary and the Judicial College will be important as will consultation activities that include all levels of the judiciary and magistrates. There is scope to undertake a more comprehensive review of research priorities and research support needs among the judiciary; and to better support judicial engagement with the strengths, limitations and applications of current child welfare and family justice social research. However, for such developments to be effective the underlying tensions concerned with practical constraints for research involvement among the judiciary and debates about the purpose of research utilisation on the part of the judiciary must be addressed and considered.

# Chapter 1: Introduction and background

---

## 1.1 Introduction and background to the study

Child care proceedings are a complex area of public family law whereby the family courts consider the welfare and care of vulnerable children and young people, and ascertain the necessity of statutory measures to promote and safeguard their welfare while, as far as possible, seeking to maintain family relationships, uphold parental rights and support parental responsibilities. They have been subject to substantial reforms in recent years (DfE 2015; MoJ 2011; MoJ 2014). These have sought to improve experiences and outcomes for children, youth and families albeit under a 'challenging climate of austerity, timescales, targets and protocols' (Holt 2016: 14). Concurrently child care order applications are on the rise, contributing to increased demand and added systemic pressures (CAFCASS 2017).

Central to the study presented in this report are recent efforts to enhance the roles that social research and administrative data can have in the reform of the family justice system and in supporting frontline processes and decision-making, including in relation to child care proceedings and the family courts. Following the *Family Justice Review* (MoJ 2011; MoJ 2014), which emphasised the need 'to improve the quality and use of administrative data and research evidence' across the family justice system (Rodger et al 2015: 2); the Nuffield Foundation proposed the development of a 'Family Justice Research Observatory' as a new sector-wide mechanism and forum to support, enhance and advance 'research and data generation, dissemination and utilisation' (Ibid).

More immediately, the origins of the study presented in this report emerged from prior work commissioned by the Family Justice Council (FJC) focused on the *interface between social research, administrative data and the judiciary* – more specifically, the judiciary involved in public family law and child care proceedings. This earlier work included the study, led by Professor Judith Masson, which examined 'the availability and use of feedback by judges' involved in child care proceedings cases (Masson 2015). This qualitative study examined issues such as judicial access to, knowledge of and use of, aggregate administrative data which can provide indicators of 'the performance of the family justice system' and macro-level data about children involved in care proceedings and their 'long-term outcomes' (Masson 2015: 4). The study also explored judicial access to, knowledge of and use of relevant and significant social research such as research about children's social care services, adoption, abuse and neglect, and specialist family interventions. Masson (2016: 4) concluded that 'judges received very little feedback' about 'performance and outcomes' related to child care proceedings, the family justice system and children's social care; and set out recommendations to: (1) improve the scope of research and data available to judges; and (2) better support their access to, and careful interpretation of, social research and aggregate data including via better opportunities for the judiciary to be involved in 'inter-disciplinary' forums and initiatives.

Following Masson's (2015) report and focused on improvements in research dissemination to the judiciary, the FJC developed several proposals for more rigorous and comprehensive approaches to research dissemination. As part of this work, the FJC commissioned an expert Social Work Advisory Group (SWAG), which included Professor Kate Morris (co-researcher on this study), to review the options proposed. The in-house SWAG (2016) report identified the following:

- There were several mechanisms and organisations that currently existed to support the dissemination of research to the judiciary involved in public family law. However, awareness of these among the judiciary appeared to be patchy and use of them limited or uneven;
- There was an absence of common quality assurance processes and standards among the various mechanisms which draw together and disseminate research findings to the judiciary and the family justice sector. There was often a need for a more robust approach to research knowledge synthesis;
- Existing approaches to research knowledge synthesis tended to work to the principle that much of the research that was the subject of dissemination was settled and that findings could be summarised and disseminated in a relatively straightforward manner. This tended to neglect the ‘unsettled’ nature of some areas of research related to gaps in research knowledge, the newly emerging nature of some areas, the ways in which ‘research evidence’ is constantly developing, the significance of context and the significance of moral and ethical issues;
- Levels of research literacy among the judiciary was largely unknown and a neglected issue in current developments.

Designed in partnership with the FJC, our small-scale exploratory study sought to examine several of these issues further. This was specifically in relation to two main issues and themes. Firstly, the study completed an audit of current research dissemination mechanisms and arrangements targeted at, and available to, members of the judiciary involved in public family law; reflecting on the key features, strengths and shortcomings of the current arrangements. Secondly, the study conducted qualitative interviews with members of the judiciary involved in public family law to explore their perspectives of, and challenges in, accessing and using social research. The study explored these issues mainly with a focus on child welfare, family justice and social work research (rather than legal studies or medical research to a significant degree) as these are focal areas of relevant research and they reflect our research specialisms.

The study was funded by the Nuffield Foundation as part of its developmental activities for the Family Justice Research Observatory. It was completed alongside the Family Justice Observatory Scoping Study, led by the Centre for Child and Family Justice Research based at the University of Lancaster and involving a consortium of leading family justice researchers and research-practice organisations<sup>1</sup>. The Scoping Study has since completed its major programme of national consultation and national/international research – the overall findings of which have been published in their summary final report (Broadhurst et al 2018). Compared to the larger scale Scoping Study, our study had a more specific focus (an examination of research dissemination and utilisation related to the judiciary involved in public family law) and a smaller-scale research design.

## 1.2 Overview of the report chapters

The main contents of the report are as follows. Chapter 2 provides more detail of the study

---

<sup>1</sup> For further information about the Family Justice Research Observatory Scoping Study and for copies of its reports please see: <http://wp.lancs.ac.uk/observatory-scoping-study/>

aims, analytical framework and methods. It briefly reviews some of the relevant key concepts and key issues that informed our study. It further explains and details how we completed the audit of research dissemination and the qualitative interviews. It also details the focus, ethical approvals and sample related to the qualitative interviews. Chapter 3 presents the findings of our audit of research dissemination. Chapter 4 examines aspects of judicial use of research related to three key features of child care case proceedings: consideration of research presented and examined in case proceedings; awareness of, and knowledge about, research informing judicial understanding and practice in relatively generic terms; and the more limited and complex role of research in relation to judicial decision-making in child care proceedings cases. Chapter 5 sets out the conclusions of the study. It also sets out our recommendations for improving research dissemination to the judiciary involved in public family law firstly within the scope of the current arrangements, and secondly, as part of the Nuffield Foundation's Family Justice Observatory developments.

# Chapter 2: Study aims, analytical framework and methods

---

## 2.1 Introduction

This chapter sets out the focus, aims and methods of the study. Drawing on relevant literature, it defines key concepts and introduces critical issues which informed the study. It explains and details how the audit and interviews were conducted and completed; and details the characteristics of the interview sample. The conclusion recognises limitations of the study.

## 2.2 The two main study aims

Focusing on the scope and quality of research dissemination targeted at and available to, the judiciary - our study sought to better understand current research dissemination arrangements and reflect on the overall strengths and shortcomings of these. The study also sought to engage directly with the judiciary to explore their perspectives, experiences and challenges in accessing and engaging with social research. This aspect of the study involved undertaking qualitative interviews and key informant discussions with a small purposive sample of members of the judiciary involved in public family law and judicial training. Important issues explored in these interviews were judicial views about, and experiences of, being aware of relevant research; accessing, evaluating and interpreting research; and the ways in which social research may have a bearing on judicial roles, practice and decision-making in child care proceedings.

## 2.3 Key concepts and issues

Before detailing the study further, it is useful to define and discuss key terms and issues which informed the study. A crucial starting point is to define 'research dissemination' which - as a concept and an activity - can be viewed in broad or narrow terms. In broad terms, research dissemination concerns information and communication about research studies and research knowledge. However, a distinction is often made between 'research diffusion' and 'research dissemination' whereby research dissemination is an 'active concept, where information is tailored and targeted for an intended and identified audience' while research diffusion refers to more 'passive, untailored and untargeted' communication about research studies (Wilson et al 2010: 91). Moreover, the focus of our study, is research dissemination orientated to 'research knowledge transfer' which Nutley et al (2007) define as 'disseminating research findings to non-academic audiences in an accessible and targeted way'. As noted by Lawrence (2006: 375) 'research dissemination to policy and practice audiences is central to bridging the gap between research producers and research users' (although in applied social research areas such as children's social work many academics are trained as practitioners and many practitioners work closely with academics). However, many issues influence the aims and effectiveness of research dissemination to practice audiences; and several arise within the interface between social research, judicial roles and child care proceedings.

Useful here are distinctions made between different approaches to disseminating research knowledge to practitioners. Lawrence (2006) sets out three approaches: 'the linear model', 'the translation model' and 'the linkage and exchange model'. Associated with, and arguably more suited to, clinical research, policy and practice - research dissemination in the linear model is conceived as a linear top-down process of communicating research findings to policy makers and practitioners who 'access, appraise and apply research in instrumental ways' (Nutley et al 2008: 54). It is widely recognised, however, that the linear model is deceptively simplistic and somewhat partial in both its conception of 'research' and 'dissemination'. Nutley et al (2008: 54) are critical this approach pays 'little attention to the complex and contested nature of social research' and that it too readily assumes 'research knowledge as a product is generalisable across contexts'. There is also concern this model tends to privilege research knowledge (and the expertise of researchers) in ways that can marginalise practitioner and service user knowledge - positioning frontline professionals as merely 'research users' and service users as merely 'recipients of evidence-based practice'. An alternative perspective to this viewpoint emphasises 'evidence-informed practice' over 'evidence-based practice' whereby there is greater emphasis on 'knowledge exchange and synthesis' activities in recognition that researchers, practitioners and service users all have vital and unique roles to play in endeavours to improve frontline services, practice and decision making (Nutley et al 2007). Related to this point is the way in which the linear model pays little attention to the 'frames of reference' which influence how practitioners engage with social research such as in terms of their prior research knowledge, and their professional roles and responsibilities (Davis et al 2008). It glosses over potential uncertainties and conflicts between research and professional aims and perspectives.

In addition research dissemination needs to promote and support careful and critical consideration and appraisal of research studies and knowledge. For example, 'research users' require adequate and accessible information about research aims, influences and methods. Academic and independent review processes can assist in these regards – but it may be difficult to secure these for practitioner-orientated research dissemination. A further challenge is achieving an appropriate balance between provision of accessible and concise research messages for practitioner audiences versus the discussion of theoretical and methodological influences and approaches which are needed to facilitate careful and critical appraisal, evaluation and application of research. A comprehensive approach to research dissemination would be one that also recognises careful and in-depth engagement with research requires time, support, dialogue and skills.

Viewed by many as an improvement on the 'linear model', the 'translation' model recognises:

Researchers and practitioners often occupy different worlds: they operate on different time-scales, use different languages, have different needs and respond to different incentive systems. (Nutley et al 2003: 132).

This approach to research dissemination foregrounds the needs of 'research users' and emphasises collaborative research-practice developments. It also emphasises the need to carefully consider how to effectively disseminate research knowledge to specific practitioner audiences and to carefully consider the relevance and applications of research knowledge to specific practitioner roles – activities that need to draw on practitioner expertise as much as researcher expertise. These issues have been brought to the fore due to greater recognition of the resources and expertise required to undertake these activities. Although in recent years, funding and support within research grants and universities for these

kinds of 'knowledge transfer activities' have grown - these remain under-resourced and under-developed aspects of many studies. Moreover, at the individual level practitioners have limited resources with which to keep up to date with relevant research. In response, 'research-practice intermediaries' have come to play important roles:

In the translation model, research/knowledge intermediaries provide access to research and synthesis, translate research findings and draw out the policy and practice implications of research. (Lawrence 2006: 378)

Research-practice knowledge intermediaries (or sometimes called 'knowledge brokers') often combine research and practice backgrounds, expertise and knowledge. They can provide a 'bridge' integrating research and practice networks, knowledge and activities. They can constitute specialist organisations and services dedicated to these roles (Research in Practice is an example in this study) or specialist departments, teams or individuals within an organisation with a considerable remit in these regards (the Family Justice Research Bulletin team within the Ministry of Justice is an example in this study). These intermediaries can assist researchers to reach practice audiences and develop the practice relevance of their research. They can assist practice communities to be aware of, and better able to keep abreast of, highly relevant research via wide-ranging tailored and targeted research dissemination. They can provide practitioners with accessible and succinct yet authoritative research-practice resources. They can assist practitioners to reflect and better appreciate the potential implications of research studies, knowledge and perspectives for their roles and practice. Beyond production of research summaries and reviews, useful activities and initiatives include organising research-focused events and producing guidelines or toolkits to promote an analytical and informed approach to engagement with research on the part of practitioners and managers. However, critical issues remain. Lawrence (2006: 378) states that 'research consumers are dependent on the accuracy, scope and quality of research assessments by intermediaries'. Lawrence (2006: 378) further states these issues 'raise questions about the skills needed by research users'.

This brings us to the 'linkage and exchange model' proposed by Lawrence (2006). This model promotes more extensive research-practice initiatives. It promotes the 'mutual exchange of knowledge between researchers and implementer groups, involving a 'two-way bridge' at different stages throughout the research process' and offers 'mutual benefit to research and professional communities' (Lawrence 2006: 379). It seeks to facilitate inter-disciplinary activities between research and practice communities to generate co-produced research agendas as well as more extensive research engagement and research support initiatives for practitioners. However, this approach requires 'substantial investment in time, organisational structures and resources' (Lawrence 2006: 380).

## **2.4 The audit**

The audit of research dissemination was completed in three stages. Firstly, 'research dissemination arrangements, outlets and mechanisms' for the purposes of our study were defined and an initial inclusion/exclusion criteria established. Secondly, information about research dissemination was collated and recorded which led to some refinement of the inclusion/exclusion criteria. Thirdly, informed by the review above an analytical framework was developed and applied to examine the strengths and shortcomings of current research dissemination.

### *Definition of research dissemination mechanisms and inclusion/exclusion criteria*

In order to capture the specificities of research dissemination related to the judiciary and child care proceedings it was necessary to define 'research dissemination', 'knowledge transfer' and 'intermediaries' in broad terms. A focus solely on 'research dissemination targeted and tailored at the judiciary involved in public family law' was not appropriate for our study. This was partly because the judiciary is not well served by current arrangements and partly because current arrangements target the family justice or child welfare sectors more broadly (with the judiciary potentially constituting one sub-target group). The focus of our audit was therefore:

Research dissemination arrangements, mechanisms and outlets that are *targeted at, and/or available to*, the judiciary involved in child care proceedings.

Several considerations informed the initial inclusion/exclusion criteria developed for the audit. Firstly, there was a substantive focus on the dissemination of lessons from child welfare, family justice and social work research (rather than, for example, socio-legal studies or medical research to a significant degree) as these reflected our research specialisms. Secondly, we sought to include 'relevant, significant and useful' research dissemination. 'Relevance' was assessed in terms of the relevance of the substantive research and subject matter (content) in relation to judicial roles and child care proceedings. 'Significance' was assessed in terms of the importance of research dissemination outlets among the judiciary. 'Useful' research dissemination may also have these qualities (being relevant in content and significant in practice) but also incorporated examples of 'exemplary initiatives', such as the evidence-informed practice resources that have been developed for children's services practitioners, managers and organisations by Research in Practice. Lastly, it was important we considered the role of 'in-house' research dissemination among the judiciary. In this regard, senior members of the judiciary and bodies such as the Judicial College are important and influential research-practice 'knowledge intermediaries' – although these are not dedicated or specialist 'research knowledge intermediaries' as defined above.

### *Collating and recording information about research dissemination*

Employing the inclusion criteria set out above the audit collated information about relevant, significant and useful research dissemination. This was done via desk-based online searches, consultation with the FJC and consultation with key informants within services and organisations, such as the Judicial College. In addition, we asked our interview participants about relevant, significant and useful research dissemination outlets. Relevant documents, literature and field-notes were collected and recorded.

At this point it was necessary to distinguish between 'highly relevant, significant and useful' research dissemination mechanisms and outlets; and relatively 'less relevant, significant and useful'. This was to ensure we undertook a feasible and focused review. The latter category of 'less relevant, significant and useful' research dissemination included: (1) research resources with only a partial focus on family justice, child protection and children's social care research content; or (2) practice resources targeted at, and tailored to, family justice, child protection and children's social care sectors with only a limited focus on research dissemination.

Overall our audit included:

- 27 highly relevant, significant and useful research dissemination mechanisms and outlets; and
- An additional 13 organisations, outlets and services considered to be involved to some degree in research dissemination targeted at, and available to, the judiciary involved in public family law.

Appendix 1 provides an alphabetical list of all of the 50 organisations and outlets included in the audit. Table 2.1 provides an overview of 'highly relevant, significant and useful' research dissemination outlets and some selected examples.

### *Developing and applying the analytical framework for review*

In the final stage of the audit, an analytical framework was developed and applied to examine overall strengths and shortcomings of current research dissemination. The analytical framework focused on the following key issues which are briefly discussed below (also see Appendix 2):

- Source
- Aims, objective and background
- Target group
- Format
- Accessibility and availability
- Content
- Quality
- Translation

The first two considerations - 'source' and 'aims, objectives and background' - related to information about, and consideration of, the organisations, agencies and teams involved in research dissemination; and their broader links to research, practice and the judiciary reflected in their organisational aims, background and activities.

**Table 2.1. Highly relevant and useful research dissemination outlets**

<b>Type of research dissemination</b>	<b>Examples (listed in alphabetical order)</b>
In-house research-practice intermediaries	The Judicial College  The Office of the President of the Family Division
In-house research dissemination	Judicial intranet resources
Dedicated research dissemination and knowledge transfer services, organisations, teams, publications and initiatives	Family Law journal  Ministry of Justice (MoJ) Family Justice Research and Analysis Team, MoJ Family Justice Research Bulletin  Research in Practice  NSPCC Knowledge and Information Service, NSPCC child protection library  Social care online
Academic and university-based family justice, child protection and children's social care research centres, units and teams engaged in research dissemination targeted at and tailored to practitioners	CASCADE: Children's social care research and development centre  Centre for Child and Family Justice Research  Centre for Child and Family Research  Family Drugs and Alcohol Courts National Unit
Bodies and organisations with key roles in family justice, child protection and children's social care that include commissioning and/or undertaking relevant research and/or research dissemination	Action for Children  Barnardos  Coram BAAF  Family Justice Council  Family Rights Group  National and Local Family Justice Boards

Examination of 'target groups' referred to information about, and consideration of, intended 'target groups' in terms of 'research user' groups. Themes related to target groups were considered and reflected on, for example, in terms of perspectives and assumptions within research dissemination outlets and arrangements about professional and judicial roles and responsibilities; levels of research knowledge and literacy; and types of research support needs.

The 'format' for research dissemination was considered, for example, in terms of whether the format for research dissemination was in terms of hard copy publications; online publications; web-based resources or events and conferences. Format linked closely to issues of 'accessibility and availability'. In terms of accessibility – we considered if research resources were free of charge or purchased, or if they were provided on an open access basis or on a closed access basis facilitated by subscriptions and memberships. Availability included additional considerations such as about frequency of publication.

Examination of the main substantive 'content' within research dissemination publications and resources was considered. The relevance and scope of research content was considered (e.g. the range and breadth of research studies and research areas reviewed). The degree to which single studies were the focus of dissemination versus research reviews was also considered.

Further, indicators of 'quality assurance' were an important aspect of the audit review. We sought information about processes of, and approaches to, quality assurance as part of the production of research dissemination publications. This in part entailed consideration of independent review processes. It also entailed consideration of 'research evaluation' issues (such as in terms of the depth of methodological content and review); and consideration of 'voice and standpoint' provided and evidenced.

Furthermore, as discussed earlier, an important aspect of research dissemination for practitioners is consideration of practice issues, contexts and implications. The audit, therefore, considered the degree to which, and the ways in which, practice implications and considerations were explored and developed.

## **2.5 Qualitative interviews with members of the judiciary**

Before commencing the qualitative interviews with members of the judiciary we secured research ethics approvals from the University of Sheffield and approvals for judicial involvement in research from the Office of the President of the Family Division. We sought to interview up to 18 members of the judiciary including representatives from magistrates, district judges and circuit judges; as well as representatives from at least three different family court circuits. With the assistance of Designated Family Liaison Judges and the FJC, we circulated information about our study and secured responses from 14 members of the judiciary to take part in an interview for the study. To ensure our interviews were focused and convenient for the judiciary we undertook telephone interviews of up to 45 mins in length.

The telephone interviews explored the following six main areas and questions:

- 1. Could you summarise, for the lay reader, your judicial roles and responsibilities especially in regards to public family law?*

- 2. What would you say are the main reasons and circumstances when you would consider research perspectives, studies and/or reviews as part of these roles?*
- 3. What would you say are the most important and relevant sources of research (e.g. published studies/journals/reviews or summaries/dissemination outlets) for you?*
- 4. Are there particular problems and issues for the Judiciary in accessing and using research related to child care cases and decisions?*
- 5. Do you have sufficient opportunities to engage with child welfare and family justice research and researchers, for example via attendance at conferences/event and involvement in research? How can this be developed?*
- 6. On a scale of 1-5, with 5 being highly proficient: how would you rate your research knowledge and skills? Would you like to develop these? How can this be achieved and supported?*

In addition, we organised a group discussion with senior members of the Judicial College involved in family law judicial training which explored the involvement of the Judicial College in research dissemination and the viewpoints of those involved in Judicial College training to the interview questions above.

Table 2.2 below provides an overview of our interview and Judicial College sample. In total six Circuit Judges, six District Judges, one Magistrate and one Legal Adviser took part in the telephone interviews with a further four Circuit Judges taking part in our Judicial College discussions. In addition to having jurisdiction in public family law cases, these participants were also engaged in a variety of additional judicial roles as Judicial College Course Tutors, members of regional family courts committees and panels; and members of Local Family Justice Boards.

With the consent of participants, the telephone interviews were audio-recorded and transcribed anonymising any personal or case-based details that might identify judges or family court cases. The qualitative data generated by the interviews and Judicial College discussion was analysed to identify key issues, themes and perspectives emerging across the data relevant to our study aims and focal questions.

**Table 2.2. Qualitative interview sample**

<b>Judicial participants</b>	<b>Numbers taking part in telephone interviews/Judicial College discussion</b>
<b>By Judicial Role:</b>	
Circuit Judge	10
District Judge	6
Magistrate	1
Legal Adviser	1
<b>By Court Circuit:</b>	
Northern	3
North Eastern	3
Western	2
South Eastern	6
Midlands	2
Wales	2
<b>Total judicial interview sample</b>	<b>18</b>

## 2.6 Conclusion

This chapter has set out the analytical framework, methods and sample involved in our study. It is important to recognise the study was small-scale in scope, completed over 12 months. It sought to provide a review of current dissemination serving the judiciary involved in public family law within this timescale and to provide informed reflections on overall strengths and shortcomings of these. However, the audit of research dissemination was far from exhaustive and has several limitations. It focused on research dissemination related to child welfare and family justice social research – given our research specialisms in these areas. Even within this focus, however, the review needed to be selective and it was not able to include all organisations and bodies involved in dissemination of social research relevant to judicial roles in public family law. In addition, we were unable to access some research dissemination resources, for example, due to their cost or closed membership circulation. Further, although our interview sample was purposely diverse, it was also small and opportunistic recruited on the basis of participant interest. The interview data, therefore, provides significant insights to judicial views and experiences but in essence is a starting point for further consultation with the judiciary.

# Chapter 3: Research dissemination and the judiciary: Audit findings

---

## 3.1 Introduction

This chapter presents the findings of the review of research dissemination targeted at, and available to, the judiciary involved in child care proceedings. It draws on the desk-based audit findings, key informant discussions and qualitative interview data. The findings are discussed and organised around three main types of research dissemination arrangements and outlets: (1) in-house research dissemination related to judicial bodies, training and intranet resources; (2) research dissemination targeted at, and accessible to, the judiciary as part of wider inter-disciplinary family justice and child welfare sectors provided on an open access basis; and (3) research dissemination targeted at, and available to, the judiciary as part of wider inter-disciplinary family justice and child welfare sectors NOT provided on an open access basis. The conclusion summarises the main overall strengths and limitations of the current research dissemination arrangements.

## 3.2 In-house research dissemination targeted at and accessible to the judiciary

The significance of embedded and approved research dissemination by and for the judiciary was evident in our study. Moreover, these forms of in-house research dissemination reflected and facilitated wider judicial-research networks and activities. This section particularly examines the role of the Judicial College and judicial intranet resources; the Office of the President of the Family Division and judicial bodies such as Local Family Justice Boards.

**Table 3.1. In-house research dissemination**

Type of research dissemination	Examples
<ul style="list-style-type: none"><li>• In-house judicial research-practice intermediaries</li><li>• In-house judicial research dissemination</li><li>• In-house judicial research resources</li><li>• Judicial roles and committees.</li></ul>	<ul style="list-style-type: none"><li>• Practice Directives and research endorsed by the Office of the President of the Family Division</li><li>• Research presented within Judicial College Public Family Law courses</li><li>• Judicial Intranet research and practice resources.</li></ul>

## *The Judicial College and judicial intranet resources*

The Judicial College has statutory responsibilities for judicial training in England and Wales. Beyond induction training it delivers a programme of continuing education on 'substantive law, evidence and procedure; the acquisition and improvement of judicial skills; and the social context within which judging occurs' (Judicial College 2015: 3). Depending on jurisdiction and seniority, judges are expected to undertake a certain amount of compulsory training on an annual or bi-annual basis. Judicial College training is 'designed and delivered by judicial office holders or by those with appropriate professional skills and expertise under judicial direction' (Judicial College 2015: 2-3). National-level training tends to be delivered in the form of one or two day courses with those related to family justice including the Public Family Law, Private Family Law and Family Judge courses. In recent years, the Judicial College has also developed e-learning courses and resources available via the judicial intranet and its online platform – the Learning Management System (LMS). Although not an extensive focus of its activity, the Judicial College is involved in research dissemination in several ways. It has significant links with academics and researchers; it provides information about relevant research in its circulars and updates sent to all judges; it organises academics and researchers to deliver research-focused sessions on its courses; and it provides access to research publications and resources on the LMS.

Particularly relevant to our study are the research-focused sessions delivered as part of the public family law courses which, in 2016-17, were delivered by a range of consultants and academics including consultant psychiatrists, consultant paediatricians, family law academics and social work academics. To identify relevant themes and speakers the Judicial College consults with the Office of the President of the Family Division, considers current priorities in family justice and public family law, and consults with judicial colleagues. The courses delivered in 2016-2017 included research-focused sessions on:

- Understanding the challenges facing adults with learning disabilities who are involved in public law proceedings and the implications for judicial roles;
- Understanding child development, the effects of child abuse and child neglect on child development and the appropriate expert to instruct in cases involving child neglect and abuse, and non-accidental injuries;
- Understanding current research and practice issues around long-term child care placements for children and the implications for judges;
- Understanding how to better engage with children and vulnerable persons in family court cases;
- An overview of the factors which influence outcomes for children and youth in child care placements under special guardianship orders;
- Examining the 'voice of the child' and reasons why, from a child's perspective, it is important to hear the voice of the child in the family courts;
- How to enable vulnerable persons to provide accurate and coherent evidence in children's proceedings.

- The assessment of parenting capacity when children are on the 'edge of care'.

These sessions, therefore, provide important research dissemination and engagement opportunities. Designed for, delivered to, judges involved in public family law – they potentially provide targeted and tailored research-focused sessions. Respondents in our study valued the accessibility and format of these sessions, and their attention to consideration of key lessons, issues and implications for judicial practice. Delivered as part of compulsory judicial training (for which judges have allocated workload days) these sessions are also relatively accessible for judges. Respondents valued 'having researchers as direct speakers' on the courses. This meant judges could 'raise key issues directly with them' and 'question the researchers' to learn more about research and lessons for practice. The group-based sessions facilitated peer learning and dialogue among those in attendance which also enhanced learning and support. For some participants, their engagement with, and better knowledge about, messages from research from these sessions led them to subsequently rethink aspects of regional family court approaches or judicial practice, as the quote below illustrates:

*The Judicial College are fantastic. You often get an academic who has done research there. There was an interesting speaker recently talking about children put into special guardianship. The talk was about the breakdown of special guardianship. The researcher was saying local authorities need to really reflect on what impact this arrangement might have on the child and their lives. I went back to my colleagues where I sit and said we have got to think about this, we need to give people time to reflect and consider things more deeply. (Circuit Judge)*

According to several involved in our study, particularly useful sessions were those that focused significantly on the implications of research findings for judicial knowledge, practice and decision-making. In the extract below, one participant felt attention to integrating research and practice knowledge was enhanced when those delivering research-focused sessions had in depth knowledge of the family justice system and the family courts:

*We had a University researcher speak on one course who also does independent social work reports for the courts. They were able to blend academic knowledge with practice knowledge. They gave us examples about people who seem impenetrable to communicate with, with the difficulties they have to communicate, and how if you deploy different tactics you can actually get a lot of information from people so a person's capacity to gain capacity to make decision for themselves could be improved. That's utterly life changing for those people, so that was really interesting. So we as judges get a lot out of those sorts of talks, they're thought provoking. (Circuit Judge)*

In addition, the Judicial College provides research resources on its LMS platform including copies of handouts, reference lists and reports related to the research-focused sessions on its courses. These resources can be supplemented with research publications and family justice literature available via the judicial intranet and judicial e-library where the judiciary have access to literature such as the leading family law journals, several of which include many academic peer reviewed articles. Several respondents emphasised the importance of these resources:

*We have a very good library of materials that have been contributed*

*by a range of people, whether they be other judges or academics. There are lots of materials on the library and the judicial LMS. It's there as a resource to be able to dip into, if there's a particular issue that you need. And you can use keywords to search for certain topics, you can organise it in terms of most recent materials in each subject matter. (District Judge)*

Magistrates, who undertake less judicial training, particularly valued these online platforms and resources. Further, the College circulates regular email updates to judges which may also include information about approved and recent family justice research. Moreover, these research-focused activities on the part of the Judicial College reflect and foster more extensive judicial-researcher networks and activities – particularly among senior judges:

*Several researchers are very well linked into the judiciary, largely with the Judicial College as they have spoken on Judicial College courses or approached the Judicial College to assist with their research. Sometimes, as someone involved in the Judicial College, you get a call saying can you help me with this research, sometimes it's about discussing a new research idea. (Circuit Judge)*

There were some barriers and challenges, however, which limited the extent to which some judges could benefit from the opportunities to, and resources for, engaging with research and researchers provided and facilitated by the Judicial College. For some respondents in our study, gaining sufficient access to judicial training and LMS/intranet resources, for example, was an issue due to recent reductions in levels of compulsory training and current workload pressures. These challenges were particularly felt by District Judges who were less likely to specialise predominantly in public family law and who therefore attended a wider range of courses within their annual training allocation. Conversely, Circuit Judges in our study often reported greater workload allocation for, and involvement in, Judicial College courses and activities. Some respondents recommended a return to the longer format for courses and the higher level of required annual training (e.g. from two day to three day long courses) with the extra day provided dedicated to research-focused sessions.

There were difficulties and shortcomings reported within our interviews about using the online LMS, e-learning resources and judicial intranet resources. Some participants felt they would benefit from more guidance and training on how to effectively and efficiently use these systems:

*We're not given sufficient training on how to use the e-library resources which is unfortunate as it could be an excellent resource. (Circuit Judge)*

Several respondents found research resources and publications available via the judicial intranet – including the Judicial College LMS platform and judicial library – difficult to retrieve due to the ways in which material was organised into generic family law themes (rather than also categorised as research literature). Others were critical of 'some gaps in what was currently available':

*The LMS is very ad hoc. It has about 200 papers on it, a lot of them written by judges, or many by academics or experts. The LMS library is not mainly research but there are some research papers. So if a speaker [on a College course] effectively reproduced their paper, this is uploaded to the LMS. You can reasonably search it but it's ad-hoc, it's not systematic. (Circuit Judge)*

Indeed in recognition of these issues, the Judicial College is soon to launch significant improvements in its LMS platform and resources.

However, although not necessarily an exclusive in-house initiative, participants envisaged research resources for family court judges could be better organised, more comprehensive and better maintained via a more focused, user friendly and online research repository dedicated to family law and family justice research:

*It really is knowing where to find research because there are so many places that you can go! It is knowing where to find it. What would be really useful to us would be one place where anything that you need is properly set out in terms of, for example, 'private law', 'public law', 'adoptions' and 'domestic violence'. It could include research and case law and so on. All of these could be put into one place as a resource for the family court. It would need to be kept up to date, though, because things change. (Circuit Judge)*

For several respondents a sense of limited research/literature search skills compounded the challenges of accessing research and utilising on-line resources:

*My difficulty has been if there is a particular piece of research that I've wanted to access that the obstacles to that seem to be many and varied. And sometimes I can just get a snapshot of it, sometimes it takes me ages to access it through the internet and find ways of being able to do that. It might just be about awareness because whilst I'm fairly adept at finding relevant cases and case information, I'm not so effective when it comes to finding a piece of research. So I think we need to assist judges to understand how they can go about that. (Circuit Judge).*

Conversely others pointed to significant access to research literature and sufficient related skills but foregrounded the challenge of having sufficient time to engage with, and reflect on, relevant research:

*While you have lots of resources through the judicial electronic libraries - you just don't have the time to go through all of it. (Circuit Judge)*

Overall the Judicial College provides a starting point for engaging with research among the judiciary. Their endeavours in these regards could be better supported by the academic community and the proposed Family Justice Research Observatory. The short length of the research sessions on the College courses limited the depth in which studies and areas could be explored and examined. Further, at times overviews of research areas provided by some on these courses tended to provide generalised research messages that could potentially oversimplify methodological, empirical and theoretical issues and debates. While supplementary materials were often provided, utilising these relies on an individualised pro-active approach to research learning on the part of members of the judiciary which presents a number of challenges in practice. Respondents also felt they needed more assistance and guidance with reflecting on the utility of research studies for their professional roles – an issue returned to at several points in this report:

*The Judicial College is really good on getting people in to speak about their research but it doesn't necessarily follow through to getting it approved and making it*

*something we can use. (Circuit Judge)*

Further, those designing College courses reported it was a challenge to 'have an overview of what research is being carried out' and to be aware of 'suitable and active researchers' in these areas. There were concerns Judicial College contacts with the academic community were limited. Furthermore, Judicial College informants reported uncertainty about 'knowing which are the most rigorous studies' and 'most reputable researchers'. In these regards, the College sought better organised and coordinated links with leading family justice researchers and research centres to enable them to keep informed and up-to-date with published research and research in progress. They also sought more advice and guidance from researchers and academics to assist them to provide important information to colleagues about the quality and status of research such as in terms of whether research was 'peer reviewed, mainstream or adequately caveated as cutting new ground and newly emerging'.

Overall Judicial College research dissemination activities are orientated towards raising awareness about relevant research to judges and providing a starting point for building research knowledge. The College has limited scope to facilitate extensive research evaluation and research-practice translation. More comprehensive and in-depth engagement with research studies and research knowledge would include being aware of better researched vs under-researched areas; the strengths and limitations of different research designs and approaches; theoretical influences and debates, and areas of more established versus newly emerging empirical studies and findings. With the capacity to look afresh at developments in, and the scope of, inter-disciplinary research knowledge relevant for family justice – the Family Justice Research Observatory could have a key role in facilitating more extensive research-practice dialogue, engagement and developments.

An additional critical issue highlighted in our study was a reported low level of knowledge and skills related to understanding and appraising social research. For example, a Circuit Judge stated:

*I would like to improve my research skills and knowledge. There is a gap for us in terms of information about what research is available, how to use it and how to read it.  
(Circuit Judge)*

Our interviews asked respondents to rate their research literacy skills from a scale of one to five with one being poor and five being proficient in their view. Interestingly, the majority of our respondents, seven out of 14 for the individual interviews, rated their research literacy skills as 'two', while three rated them as three and two rated them as 'four'. Further, the latter two respondents had been involved in Judicial College training and were Circuit Judges with significant senior roles. Further in-house and sector-based exploration of these issues could usefully inform the role of the Family Justice Research Observatory in general terms and in relation to its activities and support targeted at the judiciary.

### *Judicial directives, roles and networks*

In addition to Judicial College activities and judicial intranet resources, other significant forms of in-house research dissemination were directives and guidance about research provided by senior family court judges; and research dissemination related to the activities of several judicial roles, bodies and committees.

The research endorsed and approved by the President of the Family Division provided direction for regional family court reforms and judicial practice and decision-making as illustrated in the quote below with reference to the evaluation research programme for the Family Drug and Alcohol Court approach:

*One way we get research information is from the President of the Family Division who is proactive in these things such as research about the Family Drug and Alcohol Court for example - that that is the preferred way forward. The President regularly provides information to our Designated Family Judges and they disseminate it. I think we're kept fairly well up with important research that way. (District Judge)*

However, resonating with points made above, participants in our study often sought additional guidance, dialogue and support to better understand and reflect on the implications of approved and endorsed research for their practice and decision-making. This in part related to the need for greater consideration of the complexities of research-practice dynamics in the context of judicial roles and decision-making in public family law which, drawing on our interview data, are issues discussed further in the next chapter.

Involvement in several judicial roles, committees and forums often facilitated judicial engagement with family justice and child welfare research and researchers:

*Through the work I do on regional committees, I get to attend conferences and events that happen locally. (District Judge)*

*To support our regional work, we may invite somebody into court to talk to us. We did this recently, we invited some researchers to talk to us. (Circuit Judge)*

Designated family judges and circuit judges were particularly likely to have opportunities to attend research orientated conferences and events. Further, on attending conferences and seminars these senior judges reported circulating information about relevant and significant research presented at these events more widely among the judiciary. In addition, respondents in our study referred to valuable emphasis on research/academic contributions and sessions within major annual or bi-annual conferences organised by key stakeholders and statutory agencies within the family justice sector including the Family Justice Council, Family Justice Boards and CAFCASS. The FJC's bi-annual conference tends to have a focal theme with contributions and attendance from researchers and members of the judiciary. This event not only has a substantive research focus it provides an opportunity to develop judicial-research networks and contributes to setting family justice research priorities via the conference resolutions. The National and Local Family Justice Boards (FJBs) also at times provide important forums within which research discussions occur and research knowledge is disseminated. Involvement in local FJBs appeared particularly valuable for magistrates:

*We get information from our local Family Justice Board and that relates to the national picture. Reference to research comes up in these meetings. Directors of Children's Services on the Board are frequently referring to research such as the statistical breakdown of placements. If we needed more information about the research or the statistics mentioned we could get access to these from the Board members or their websites. (Magistrate)*

It was reported to us that several local FJBs organise events which facilitate engagement with national and local academics and relevant research:

*I was involved in organising the local Family Justice Board conference and we had tremendous support from local universities in relation to presenting their research. We've had excellent academic talks on attachment theories. The response to the talk was extremely positive. Similarly we had another academic who gave a thought provoking talk on Gypsy and Roma people involved in care proceedings. There were lots of differing views in relation to the discussion. In terms of stimulating debate and increasing awareness on that particular area I thought it was worth its weight in gold! So I think it's reassuring to see that we can tap into some of these important academic areas and be able to benefit from that on a judicial level. (District Judge)*

As the extract above illustrates, opportunities to attend events and conferences with substantial research content are valuable as they facilitate dialogue and debate which constitute important aspects of research-practice knowledge exchange. To a large degree though, our audit and interview findings, indicated a mixed picture of access to, and occurrence of, these research opportunities across regional family courts and between members of the judiciary. There is potentially scope, from the perspective of the judiciary, for the Family Justice Research Observatory to extend their opportunities to engage in research-orientated events, networks and activities.

Informal and ad hoc research dissemination among judicial networks were clearly important features of the ways and means by which members of the judiciary developed their awareness of relevant research:

*What I would do is if I needed assistance in relation to a particular topic is I would probably throw the question out to my colleagues, to my District Judge colleagues or my Circuit Judge colleagues about a particular issue or particular area of research that might be relevant, to see if they've either got a copy of something relevant or if they are aware of how I might be able to access something relevant. I'd probably also have a look on the Judicial College website to see whether there might be anything there that might assist me. (District Judge)*

*Judges do support each other a lot. If someone in my court is aware of some research they will tell the others – have you heard about this or that? We share that. (Circuit Judge)*

While these aspects of research dissemination are valuable, supportive and responsive; they disseminate research in unreliable fragmented and uncoordinated ways:

*You come across things by accident and go 'that's really interesting' and you keep the research, you keep it close by. But then there's the worry that, is there any updating to the research? And did anyone tell you about that? And are you going to find that out by accident as well? (District Judge)*

### **3.3. Research dissemination targeted at and accessible to family justice and child welfare practitioners**

Beyond in-house research dissemination, there are several organisations, bodies and teams who engage in research dissemination to family justice and child welfare practitioners including members of the judiciary. This section examines research disseminated by these organisations and outlets provided on an open access basis – therefore constituting relatively ‘targeted and relevant’ research dissemination as well as accessible resources in the sense of those that are freely available, mainly online, or via institutional subscriptions within the judiciary and judicial intranet access.

#### *The Ministry of Justice (MoJ) Family Justice Knowledge Hub and Family Justice Research Bulletin*

The government response to the Family Justice Review (MoJ 2011) included commitments to address “the need to better disseminate relevant research and good practice throughout the family justice system” (MoJ 2015:1). Subsequently, the small specialist ‘family justice research and analysis’ team within the MoJ established the *Family Justice Knowledge Hub* to “facilitate the provision of research evidence to family justice practitioners and wider stakeholders” (MoJ 2012: 1).

Central to our study is the innovative initiative, the *Family Justice Research Bulletin*, produced as part of the Family Justice Knowledge Hub. The Bulletin aims to “provide a summary of the findings of recent research relevant to family justice, and an update on the progress of noteworthy ongoing and forthcoming projects” (MoJ 2013: 1). It “collates and disseminates the latest research news, whether conducted on behalf of government departments, local authorities, research bodies or other organisations’ (MoJ 2015: 1). In the six editions published to date from 2012 to 2015, research summaries are organised under the headings of ‘public family law research’, ‘private family law research’ and ‘research in progress’. A further section in the Bulletin is ‘research news updates’ which provides research related news and information about forthcoming research grant opportunities or research network meetings. In the last few editions commentaries on selected international research developments were also included.

**Table 3.2. Research dissemination targeted at and accessible to family justice and child welfare practitioners**

Type of research dissemination	Examples
<ul style="list-style-type: none"> <li>• Dedicated family justice/child welfare research dissemination and knowledge transfer services, organisations, publications and initiatives</li> <li>• Academic and university-based family justice, child protection and children’s social care research centres, units and teams engaged in research dissemination targeted at and tailored to practitioners</li> <li>• Research-practice family justice journals produced for and by the sector - widely accessible to the judiciary on the basis of judicial institutional subscriptions</li> <li>• Bodies and organisations with key roles in family justice, child protection and children’s social care that include commissioning and/or undertaking relevant research and/or research dissemination.</li> </ul>	<ul style="list-style-type: none"> <li>• MoJ Family Justice Research and Analytics Team, MoJ Family Justice Knowledge Hub and Family Justice Research Bulletin</li> <li>• Research in Practice open access care proceedings resources</li> <li>• Research in Practice open access evidence-informed practice resources</li> <li>• Family Law journals accessible to the judiciary via institutional subscriptions</li> <li>• CASCADE: Children’s social care research and development centre</li> <li>• Centre for Child and Family Justice Research</li> <li>• Centre for Child and Family Research</li> <li>• Family Drugs and Alcohol Courts National Unit</li> <li>• Making Research Count</li> <li>• National and Local Family Justice Boards</li> <li>• Family Justice Council</li> <li>• Several prominent family justice/child welfare charities and organisations including Action for Children, BAAF, Adoption UK, Family Rights Group, NSPCC, Barnardos and the Children’s Bureau</li> <li>• NSPCC child protection library</li> <li>• Social Care Online database.</li> </ul>

In several ways the MoJ team employ a systematic, collaborative and comprehensive approach to both identifying relevant research studies to be included in the Bulletin and in appraising the quality of research studies and the quality of its dissemination of these. To assist in the production of the Bulletin, the MoJ team has established a substantial ‘virtual group’ of ‘academics and stakeholders’. During the production process, the Virtual Group is involved in providing information about research they have undertaken or have commissioned or have in progress; recommending other research recently published and in progress; providing comments on research recommended for inclusion identified by the MoJ team via research database searches; and providing guidance on future substantive content and publication formats for the Bulletin.

Key informant discussions for our study emphasised the importance of ‘objectivity’, ‘quality’ and ‘comprehensiveness’ in relation to Bulletin’s content. The Bulletin aims to be relatively wide-ranging in its content incorporating research related to all aspects of family justice; research published by statutory and charity bodies as well as academics, specialist journals

and research organisations; and to some extent international research developments. This is facilitated by the Virtual Group recommendations and research database searches:

*The content comes from a range of sources which include: literature searches of journals and newsletters; contributions received by the Virtual Group; ongoing discussion and collaboration with the MoJ family justice policy and analytical colleagues across government, and materials provided at family justice conferences and events. (MoJ 2015: 2)*

The selection of research content for the Bulletin was also informed by considerations of 'quality' which key informants for our study related in particular to 'rigour and transparency in research methods'. Informed by these approaches, the editions of the Bulletin published to date included summaries and reviews of highly relevant and significant family justice research informed by diverse quantitative, qualitative and mixed methods designs about diverse topics such as:

- Profiling Public Family Law cases;
- Outcomes for children in child care proceedings;
- Special Guardianship arrangements and outcomes;
- The impact of family breakdown on children and young people;
- Child development and the impact of child maltreatment;
- The quality of expert reports in care proceedings;
- Contact and residency orders implications for children;
- Children and young people's experiences of residential care;
- Adoption stability and outcomes;
- Safeguarding children across services;
- Social pedagogy approaches to residential care in Europe;
- Family mediation services and their outcomes;
- Parental abuse by young people;
- Scottish approaches to children's social care;
- The evaluation of pre-proceedings pilots;
- Attitudes and experiences of the family justice system; and
- The evaluation of the Family Drugs and Alcohol Courts.

The Bulletin editions to date include relatively detailed accounts of research studies and findings and were produced adopting review processes. The Bulletin provides 'a summary of relevant 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' (MoJ 2015: 2). The research summaries offer substantial engagement with research methods and the inclusion of comprehensive research review studies. These strengths promote critical engagement with methodological influences and approaches; and broader engagement with thematic areas, debates and reviews of research. Moreover summaries about research include information about the researchers; researcher professional affiliations; research commissioners, funders and funding; and peer review status of publications. Further information is also provided so that readers can learn more about specific studies and research programmes such as webpage addresses and information about additional and forthcoming publications. Furthermore, each summary of a research study produced by the MoJ team is reviewed and approved by the researchers themselves before publication. Each edition of the Bulletin, overall, is subject to a process of review provided by up to 10 members of the Virtual Group.

To 'help facilitate the dissemination of knowledge across the family justice system', the Bulletin is freely available on an open access basis online via the MoJ website and via joining their mailing list (MoJ 2015: 1). The Bulletin currently has around 350 subscribers so a sizeable 'research user' audience and is likely to be circulated more widely than this between colleagues. Copies of the Bulletin to date have also been available on the judicial intranet.

Overall the Bulletin has much relevance and utility for members of the judiciary working within public family law. The editions published to date provide wide-ranging research content summarised in an accessible and concise way while providing important information about study aims, methodology, findings and accompanying publications. For time-pressed family justice practitioners the Bulletin is relatively short in length (around 20 pages) but wide-ranging in scope. Further, the involvement of academics and stakeholders in the production and peer review processes detailed above enhances the scope, relevance and quality of its research summaries and dissemination.

Among our interview sample, however, there was a lack of awareness, and therefore use, of the Bulletin. This lack of awareness of the Bulletin among the judiciary could be because the last edition appeared some time ago in late 2015. However, an extended 2016-2017 edition is due to be published early 2018 and includes several new enhanced features: an online publication format with more extensive hyperlinks facilities and supplementary research resources, and an editorial article written by the chief researchers in the MoJ team.

In addition, the Bulletin, while broad and authoritative in content, provides an introduction to relevant research studies related to family justice. Practitioners, including the judiciary, need supplementary opportunities to engage more deeply with research studies and research areas although, as noted above, issues of workload capacity and research literacy can present barriers and challenges. Although not necessarily within the remit of the Bulletin or MoJ, additional guidance would also be useful for the judiciary about critical issues to consider in relation to the applications and limitations of various research study designs. Further, respondents in our study stated research resources more dedicated to serving the judiciary and those involved in public family would be useful. This was considered a significant gap which the development phase of the Family Justice Research Observatory could review:

*There is no one place that you can go and find it. There's no one review. If there was a review that came out - 'this is current research in family public law' - that would be an excellent read. That would be something that I would certainly be very interested in. I think we should have access to this information, I want to know what happens, what works for families, what is working, what's not working. I want to know if special guardianship, kinship placements, and so on, if they are working.*  
(District Judge)

### *Academic-practice initiatives and collaborations*

It is beyond the scope of this review to examine the full range of research dissemination to family justice practitioner audiences that academic and university-led initiatives and collaborations encompass. However, this section will briefly examine a select few.

Several leading family justice, children's social care and child welfare research centres and

institutes based in university departments and often funded by a range of sources engage significantly in research dissemination to practitioner audiences. Prominent among these would be: the Children's Social Care Research and Development Centre, University of Cardiff; the Centre for Child and Family Justice Research, University of Lancaster, the Centre for Child and Family Research, University of Loughborough; the Children and Families Research Centre, University of Bristol; the Centre for Research on Children and Families, University of East Anglia; and the Centre for Applied Childhood, Youth and Family, University of Huddersfield.

Undertaking leading research in family justice and children's social care, these research centres often provide a range of practitioner orientated resources including short accessible research briefings, research blogs, short films about research and research reports – on an open access basis. Most have mailing lists practitioners can sign up to receive regular research updates and newsletters. Promoting a more extensive approach to practitioner and service user involvement, some university research centres have established 'practitioner advisory groups or boards' and 'service user groups' which contribute to setting research priorities, developing research grant applications, undertaking and reviewing research. Examples of these knowledge exchange initiatives include the 'Policy and Practice Board' and 'ExChange' group established by, and informing the research undertaken by, the Children's Social Care Research and Development Centre.

There are three challenges, however, the judiciary are likely to currently face in accessing and utilising these research-practice resources. Firstly, for individual judges it is a timely endeavour to keep abreast of the research undertaken and in progress by university departments and research institutes. It was exactly the drawbacks of this individualised approach that prompted the development of the Family Justice Research Bulletin discussed above. Current developments in the 'What Works Centre for Children's Social Care' based on a consortium of research knowledge intermediaries, evidence-informed practice and academic researchers also seeks to provide better coordinated research dissemination and research-practice activities – although not primarily focused on family justice. Secondly, university departments and research centres can only selectively provide open access research literature – with much research literature published in subscription-based journals which can be difficult for practitioners to access without incurring substantial costs. Lastly, members of the judiciary are likely to face challenges in identifying research-practice literature and resources via these means that are highly 'targeted and tailored' to their needs.

An example of a more collaborative academic-led research dissemination initiative is '*Making Research Count*' involving 10 university social work departments. *Making Research Count* collates and disseminates information about the social work research undertaken by these departments as well as holds social research events and conferences about a range of specific and cross-cutting issues in social work practice, and children's and adults services. Making Research Count therefore has a wider generic social work foci including children's and adult services. It also works closely with its partnership members which includes local authority children's and adult services departments and services; health trusts and voluntary sector organisations to develop and deliver collaborative research agendas and projects. Although not primarily a family justice initiative, there are useful lessons to consider in approaches to research-practice collaborations for the family justice sector.

Sector-based and academic journals could be classified within this category of family justice research dissemination. Within family law, respondents in our study referred to

several widely read specialist journals which often included research and academic articles. Several of the most prominent journals were accessible to the judiciary via institutional subscriptions and the judicial intranet and library. In terms of family law journals, among the most widely referred to in our study were 'Family Law', 'Child and Family Quarterly' and 'Family Law Week'. Some respondents, however, felt there was limited research content in several family law journals or that the research content in family law journals was not always easily identifiable:

*The main family law journals are easily accessible electronically. But you wouldn't necessarily get a flag saying 'research which you might be interested in'. It's you having to each month go through the whole publication and you just don't have time to do that. (Circuit Judge)*

In addition, several child welfare and children's social work journals include many relevant research articles that relate to the family justice system and child care proceedings – although judges in our study were critical that the majority of these research publications were not accessible to them with little open access content. Overall there appears to be few dedicated family justice research journals and publications.

### *Research in Practice child welfare research and evidence-informed practice resources*

Established in 1996 by the Darlington Hall Trust charity and supported by the Association of Directors of Children's Services (ADCS) and the Department of Education (DfE), *Research in Practice* has become an internationally recognised children's services research-practice knowledge exchange intermediary and initiative (Lawrence 2006). Operating with over 20 staff members, several with specialist research and practice expertise, *Research in Practice* (RiP) provides a range of research-orientated services and professional development initiatives which ultimately aim to:

Bridge the gaps between research, practice and service users' lived experiences to improve practice, services and outcomes for children and families.

(<https://www.rip.org.uk/about-us/>)

Support practitioners, managers and leaders to embed evidence from research, practice expertise, and the views and experiences of children, young people and families in the design and delivery of services. (RiP 2016: 3)

In addition, since 2005 a partner initiative, supported by the Association of Directors of Adults Social Services (ADASS), *Research in Practice for Adults* (RiPFA) has been in operation with corresponding aims to:

Support people working in social care and health to improve outcomes for adults, their families and carers.

Bring together academic research, practice expertise and the experiences of people accessing services to enable professionals across the sector to make evidence-informed decisions about the design and delivery of Adults' Services.

(<https://www.ripfa.org.uk/about-us/who-we-are/>)

The statements above illustrate two key features of the aims and approach informing the work of these Research in Practice initiatives. Firstly, reflecting the importance of the ‘knowledge exchange’ approach discussed in Chapter 2, ‘evidence-informed practice’ for *Research in Practice* “means taking research evidence and blending it with practice knowledge and the experiences of children, young people and their families and carers to produce a rich and relevant knowledge-base” ([www.rip.org.uk/about-us/](http://www.rip.org.uk/about-us/)). Much emphasis is placed on ‘triangulating and translating’ these ‘different sources of knowledge’ to ‘produce accessible tools and guidance’ which support frontline practice and decisions across children’s services (Ibid). With a focus on adult services – this orientation to evidence-informed practice similarly informs the work of RiPfa. This conception of evidence-informed practice recognises the significance of a broad range of research knowledge and evidence to developments in frontline services as well as the central importance of professional expertise and the experiences of service user groups.

Secondly, the activities undertaken by, and resources produced by, Research in Practice are primarily targeted at agencies, managers and practitioners involved in the design and delivery of children’s, youth and family services, particularly children’s social care services. Similarly for RiPfa – adult services agencies, managers and practitioners are focal target groups, particularly social care and health services for adults. Further, given the significance of joint-working across children’s and adults’ services for meeting the needs of vulnerable children and families – overlapping areas of research and integrated working are focal themes within the work of both organisations. Considering the focus of our review, therefore, there are two implications. On the one hand, Research in Practice (and to some extent RiPfa) produces a wealth of research-practice resources which will be of interest to the judiciary involved in child care proceedings. Focal areas of interest include: child development, child welfare, family welfare and family support practice and research; family justice practice, processes and research; and children’s services practice and research. As highlighted below, some of these resources have been produced with the judiciary involved in public family law considered to be among the primary audience and target group. However, on the other hand, the majority of the activities undertaken by, and resources produced by, RiP and RiPfa are targeted at, and tailored to, frontline children’s and adult service agencies and practitioners – and have not been primarily designed for and with the judiciary.

Nevertheless, below we review some of the resources produced by and activities undertaken by, these Research in Practice initiatives. Not only do these *Research in Practice* initiatives disseminate relevant and significant child care and family justice research – they provide an exemplary approach to research-practice developments. Indeed, in recognition of this, *Research in Practice* has been involved in the developmental work for the Family Justice Research Observatory to date and was a key partner in the Observatory Scoping study (Broadhurst et al 2018). Below we particularly highlight the relevance of research resources, particularly thematic research reviews, related to child care proceedings provided on an open access basis; and draw attention to the significance placed on research-practice collaborations and an organisational approach to research services, research support and professional development activities.

*Research in Practice* (RiP) produces a wealth of open access research resources about key issues and areas highly related to child care proceedings and family justice including child development, child welfare, family support and children’s social care. With the aim of disseminating lessons from research in an informed, rigorous and accessible way, a specialist area for *Research in Practice* is undertaking and disseminating ‘research reviews’

produced in the form of ‘research reviews’, ‘evidence reviews’, ‘evidence scopes’, ‘research briefings’ and ‘research summaries’ which to varying degrees ‘bring together knowledge on key topics, practice areas and research issues’; ‘evaluate research findings’ and reflect on ‘practice implications’ ([www.rip.org.uk](http://www.rip.org.uk)). All of these resources can be accessed relatively easily via the RiP website and its categorisation of research/practice themes and resource types. Beyond hard copy publications, research resources are also produced in engaging formats such as short videos and audios. Many are produced on the basis of collaborations with leading academics and specialists working in specific fields and topic areas. Adopting a similar approach, Research in Practice for Adults (RiPfa) also produces a number of open access research resources related to child care proceedings and family justice on key topics such as specialist services for, and the support needs of, adults with serious health problems, learning difficulties or substance misuse problems.

Both *Research in Practice* initiatives provide research dissemination to children’s and adult services sectors. Valuable resources are the subscription-free monthly e-bulletin ‘research and policy updates’. These can be downloaded as a pdf document (around 25-30 pages long) and include an overview of significant policy developments within each sector as well as significant reports, research and campaigns. Most relevant to our review are the inclusion of thematic topics within each Bulletin whereby, related to each theme, several prominent national and international peer reviewed research articles are reviewed in relative depth, providing an overview of the research aims, methodology, findings and limitations along with a selected reference list from the original article and details of how to access the publications in full. Many of the thematic areas and associated research publications reviewed in the monthly e-bulletins produced by *Research in Practice* in 2016-2017 related to children’s services are relevant to child care proceedings:

- Mental health
- Multi-agency working
- Children with disabilities and their families
- Foster care
- Early help
- Sibling placements in social care
- Residential care
- Child and youth online safety
- Domestic violence and child maltreatment
- Child neglect

Going beyond research dissemination, both Research in Practice initiatives contribute to research in their respective and overlapping fields – particularly in terms of commissioning and conducting research reviews on ‘pressing practice issues’ – several of which will be of interest to the judiciary involved in public family law and most provided on an open-access basis. These reviews adopt a rigorous, critical approach to research evaluation and synthesis while providing an accessible, comprehensive resource for practitioners. For example, commissioned by the Department of Education (DfE), *Research in Practice* conducted the ‘Evidence Review’ of UK research about the ‘impacts of abuse and neglect on children’ and ‘different types of long-term child care placements and their impact on children’ (Wilkinson and Bowyer 2017: 8-9) advised by a steering group including members of the judiciary, the Ministry of Justice and CAFCASS. The review sought to provide ‘an independent summary of key research findings’ and ‘research messages about comparative outcomes of different placement options’; and ‘intended to be

accessible to judicial and local authority decision makers as well as others including CAFCASS Guardians' (Ibid: 8). To produce a feasible and focused review, significant UK studies completed and published from 2000 to 2016 were included. Although a systematic review methodology was not suitable, the review employed a systematic analytical approach: studies were only included if they had been successfully peer reviewed; methodological limitations and short-comings were noted; a methodological appendix of key studies was provided; and the outstanding gaps in research were identified. The review provides an accessible yet balanced account of overarching research findings and messages. Much attention is paid to the need to 'clarify the robustness of the research', 'caution against too readily attributing causality' and not 'over-simplify the evidence' (Ibid: 10). The conclusion recognises 'these are complex areas and the research is ever evolving, and in some areas, contested' (Ibid: 184). The review includes critical discussions about the limitations in the generalisability of research findings and the complexities of using research knowledge in the context of family courts proceedings whereby 'the specific needs, vulnerabilities and circumstances of the individual child is paramount in any recommendation from the local authority and decisions from the courts' (Ibid: 84). Additional significant research reviews published in recent years by RiP and relevant to child care proceedings include those entitled: child neglect; children experiencing domestic violence, kinship care; parental capacity to change and children on the 'edge of care'; and voice of the child.

Additional research and practice resources specifically about aspects of family justice and child care proceedings, produced and disseminated by RiP, may be of interest to members of the judiciary. These include two empirical studies undertaken by RiP on the 'Special Guardianship' and 'Public Law Outline' reforms which examined how recent reforms were implemented, developed and evaluated within several case study local authority areas (Bowyer et al 2015a; 2015b). Although targeted and tailored at children's services managers and practitioners, members of the judiciary may also find several of the practice resources about family justice and children's social care produced by RiP of interest. Designed in partnership with practitioners, these resources build on research knowledge, practice wisdom and service user perspectives providing decision-making tools and frameworks which seeks to 'help practitioners to develop systematic, reflective and critical thinking' and 'quality and rigour of professional judgement'. Open access resources are available, for example, in relation to: adoption; foster care; special guardianship; child care pre-proceedings; and sibling placements in child care. Relevant and useful resources produced by RiPfa are also likely to be valuable, particularly those that examine support for parents with learning difficulties and severe mental health issues; the roles of specialist advocates working with vulnerable adults; and types of specialist assessments for vulnerable adults.

Two further key features of the approach to research-practice knowledge exchange developed by the *Research in Practice* initiatives are collaborative sector-based partnership working and an organisational approach to research and professional support. *Research in Practice*, for example, works widely with its Partnership Network, made up of academics, directors of children's services and senior figures in leading stakeholder organisations to formulate its research-practice strategic priorities. In addition, moving beyond the individualised approach to research support discussed above, over 100 local authorities and children's services organisations have established organisational partnerships and subscriptions with RiP which in return provides organisational-wide bespoke research support and professional development services. These bespoke support services offered to those with organisational subscriptions include open access to all RiP resources and publications for all staff; targeted and tailored service of professional development and

training activities; and targeted and tailored research and research support services including assistance with designing and completing local evaluations and action-research studies.

Overall the children's and adults' services resources produced by *Research in Practice* provide useful research reviews for members of the judiciary involved in public family law. Their range of evidence-informed practice tools and resources further provide useful aids for reflective and critical thinking on the part of practitioners; and particularly in relation to consideration of issues and options informed by research findings and knowledge. Further, practitioner and service user engagement are major aspects of the *Research in Practice* approach with forums and networks influencing priorities and activities. The approach and activities undertaken by *Research in Practice* also provide an exemplary approach to bridging research-practice gaps and communities. However, with the primary target groups as children's and adults' services practitioners and managers – it is beyond its remit to provide targeted and tailored resources for the judiciary. Further, beyond the examples cited above, additional resources have to be purchased or are provided free to practitioners on the basis of individual and organisational subscriptions – presenting cost-based barriers to access.

### *Family justice/child welfare grey literature and research dissemination*

There is a wealth of useful and relevant research undertaken, published and circulated by a range of family justice and child welfare charities, organisations and bodies; as well as research disseminated by these within the events and conferences they organise for the family justice sector. For example, the following organisations commission, undertake and disseminate relevant research about working with vulnerable children, youth and families; and issues and experiences for Looked After Children, and children and families involved in care proceedings: Action for Children, Barnardos, CAFCASS, Coram BAAF, Adoption UK, Family Rights Group and the NSPCC. Much research commissioned and undertaken by family justice and child welfare statutory bodies and charities are done so in collaboration with or the involvement of academic researchers; and are subject to independent and peer review processes. However, these features can also vary significantly across these sectors.

Additional useful resources for members of the judiciary are the open access research, policy and practice databases and libraries – Social Care Online and the NSPCC child protection library. These can provide a useful starting point for locating open access research and statutory publications. However, while they include much material relevant to family justice, they are not primarily designed to serve the judiciary.

Resonating with points made above, coordinated and integrated ways of disseminating relevant 'grey' literature to members of the judiciary provides a more systematic and comprehensive approach. Although individual members of the judiciary can utilise these resources, sign up to mailing lists and newsletters, and sign up to useful 'content alerts' often provided on a weekly basis (e.g. NSPCC child protection library) – keeping abreast of this literature will be a challenge.

### 3.4 Research dissemination targeted at family justice and child welfare practitioners with varied or restricted access

The final category of research dissemination outlets and mechanisms includes those which disseminate relevant research (e.g. academic, official and stakeholder family justice and child care research) but which have issues of accessibility because they are: (a) not widely or easily accessible to the judiciary due to issues such as they are expensive subscription-based publications and resources; institutional subscription is not necessarily provided for the judiciary; or there is limited resources for the judiciary to purchase journal subscriptions and research publications; and/or (b) they are not highly promoted or targeted at the judiciary leading to potentially low levels of awareness about them. This category includes: Research in Practice research and practice resources accessed via its organisational membership or individual subscriptions; several subscription-based family law peer reviewed journals (e.g. Child and Family Law Quarterly); several subscription-based child welfare and social work peer reviewed journals (e.g. Child and Family Social Work; the British Journal of Social Work; the Journal of Social Welfare and Family Law; Child Abuse and Neglect); and several additional relevant subscription-based peer review journals such as in psychology/medicine and child health (e.g. the British Medical Journal; the Lancet). This category also includes a wealth of research publications which the judiciary could purchase and many family justice and child welfare research and inter-disciplinary events, seminars and conferences.

**Table 3.4: Relevant and useful research dissemination targeted at family justice and child welfare practitioners with varied or restricted access**

Types of research dissemination	Examples
<ul style="list-style-type: none"> <li>• Dedicated family justice/child welfare research dissemination and knowledge transfer services, organisations, publications and initiatives</li> <li>• Academic and university-based family justice, child protection and children’s social care research centres, units and teams engaged in research dissemination targeted at and tailored to practitioners</li> <li>• Bodies and organisations with key roles in family justice, child protection and children’s social care that include commissioning and/or undertaking relevant research and/or research dissemination.</li> </ul>	<ul style="list-style-type: none"> <li>• Research in Practice family justice and child welfare research and practice resources accessed via organisational membership or individual subscriptions</li> <li>• Subscription-based family law peer reviewed journals</li> <li>• Subscription-based child welfare and social work peer reviewed journals</li> <li>• Subscription-based peer review journals such as in psychology/medicine and child health</li> <li>• Family justice and child welfare research and inter-disciplinary events, seminars and conferences with registration fees</li> <li>• Research publications produced by family justice and child welfare academics, organisations and charities that members of the judiciary can purchase</li> <li>• Subscription based Children and Young People Now magazine and online practice resources.</li> </ul>

The critical practical and research challenges raised above also relate to this category of research dissemination outlets. In addition, the judiciary often face cost-barriers which inhibit access to these research resources. Respondents in our interviews reported judges have little financial support to purchase research articles or subscribe to research-orientated journals:

*Each year a judge has an allocation for books and journals. For District Judges, because it's such a wide jurisdiction, you're dealing with not only Family Law but also Civil Law, you don't have the ability really to say 'right I want to read these journals every week in respect of this bespoke area'. It would be the main texts of the particular area, the black letter law materials, rather than the research side of things. (District Judge)*

### **3.5 Conclusion**

This chapter presented our audit findings. It categorised and examined research dissemination targeted at, and available to, members of the judiciary involved in public family law in terms of: (1) in-house arrangements operated by and for the judiciary; (2) research dissemination serving the family justice sector provided on an open access basis; and (3) research dissemination serving the family justice sector not provided on an open access basis. One overall conclusion is that current research dissemination targeted at, and available to, the judiciary is complex involving multiple in-house judicial and external family justice research-practice organisations, networks and activities which vary in focus, scope and purpose. There are significant gaps in the degree to which the judiciary are served by comprehensive, up-to-date, targeted, tailored and accessible research resources and dissemination mechanisms - beyond aspects of in-house research dissemination and the Family Justice Research Bulletin. There is much reliance on an individualised, 'pro-active' approach to engagement with research on the part of judges themselves. This is problematic in the context of challenges and constraints for individual members of the judiciary. It also contributes to a fragmented, selective and ad-hoc approach to engagement with and utilisation of research among the judiciary. There is an absence of information, processes, guidance and forums involving the judiciary that contribute to informed critical appraisal and evaluation of family justice related research. There are limited opportunities for the judiciary to engage with higher level dialogue and reviews that go beyond individual studies – engaging with theoretical and methodological debates, and broader fields of research within and across disciplines. Further, research literacy and skills among the judiciary appears to be uneven with significant research support needs in these respects. Overall participants in our study were keen to see developments towards more comprehensive, coordinated and better resourced approaches to research knowledge building among the judiciary and research-practice developments across the family justice sector. The two quotes below particularly emphasised the scope to develop a dedicated 'public family law' research resource:

*If there was some sort of research portal I think people would find that really useful and people could dip in and out of a resource like that, that would be fantastic. And also to have something that's not just for the judiciary because it's no good if I'm talking about something that I've been educated about and all the practitioners in a case know nothing about it! (Circuit Judge)*

*A resource not just for the judiciary but all practitioners. Private law, contact issues,*

*resident issues, adoption ones - if there are research materials that would enhance everybody's understanding of the complex issues in a website form or something. I think if you want people to look at research more that would be a more accessible way of doing it because we simply don't have the time. I think that would be the key for research to be brought into practice more so it would be something that you could think 'oh right I wonder if there's any research on this' – I will look up that website and just see in the index what there is out there. (Circuit Judge)*

The final chapter in this report returns to deliberate the potential implications for the Family Justice Research Observatory.

### **Key learning points**

- There are multiple and diverse forms of research dissemination of child welfare and family justice research to the judiciary but these vary in foci, scope, accessibility, purpose, quality and coordination.
- There is an over-reliance on an individualised, 'pro-active' and 'reactive' approach for judges to identify, access, understand and evaluate child welfare research which is problematic in the context of challenges and constraints for individual members of the judiciary.
- Research dissemination is to some extent embedded within activities of the Judicial College and judicial professional networks but the approach tends to be individualised, fragmented, poorly resourced, selective and ad-hoc approach.
- There is an absence of information, processes, forums and dialogue to assess research quality and the application and utility of research to judicial roles, practice and decision-making.
- Research literacy is uneven which presents a barrier to engagement with research, holds an inherent risk that research may be misinterpreted or misused and indicates substantial research support needs.
- The judiciary appear poorly served in respect of comprehensive, up-to-date, targeted, tailored and accessible child welfare and family justice research dissemination.
- Critical issues and challenges for the judiciary were resource and workload constraints impeding capacities to engage in research activities; fragmented and ad-hoc research dissemination; and the difficulties of using online research resources.
- Quality is a concern, knowing which research is robust and can be usefully considered is important, but currently lacking.

# Chapter 4: Judicial use of research and care proceedings: Qualitative findings

---

## 4.1 Introduction

This chapter explores judicial consideration of, and use of research, in relation to judicial roles and decision-making in child care proceedings. Drawing on the qualitative interview findings, the chapter examines three key areas: (1) judicial oversight of research presented by parties, experts and professionals involved in care proceedings and considered by the family courts; (2) judicial use of research to inform their judicial practice in care proceedings and regional family courts reforms; and (3) judicial use of research in decision-making in care proceedings. Overall the chapter evidences the importance participants in our study placed on being informed and knowledgeable about research relevant to their judicial roles and practice; and in turn the significance of building research knowledge as part of their professional development. It demonstrates the significance of conceiving of the 'research knowledge base' for the judiciary in wide-ranging terms. Building on issues raised in the previous chapter, this chapter also highlights issues and challenges the judiciary face in building and using research knowledge relative to their public family law roles.

## 4.2 Judicial examination of research presented and considered in care proceedings

Judicial roles in case proceedings involve examination of research-based and research-related claims and statements presented by various parties involved in case proceedings and considered by the family courts. For example, medical assessments and reports are often required by medical expert witnesses who may provide an independent assessment of the incidence, causation and severity of child maltreatment or non-accidental injuries. Guidance on the duties of independent medical experts emphasises their reports should be objective, straightforward, transparent and properly researched. In addition, respondents in our study cited several others involved in care proceedings who often provide research-based and research-supported claims and statements. This included reports provided by a range of professionals such as those working in adult and child psychology, psychiatric and health services as well as children's social work practitioners and managers. Furthermore, special guardians/CAFCASS officers were noted for their use of research. For example, participants stated:

*Sometimes in a case somebody will refer to research. It happened very recently in a care proceedings case I heard when an independent social worker referred to research about the impact on children of domestic violence and parental substance misuse. (Circuit Judge)*

*Research is sometimes quoted by social workers in their final statement and sometimes quoted by children's' guardians in their final analyses. (Circuit Judge)*

*You will very regularly find CAFCASS officers will give some sort of general point of*

*principle and quote research and then give you a hyper-link to the research. (Circuit Judge)*

Judicial roles in case proceedings therefore involve oversight of, and examination of, research-related claims and reports presented to and examined by the family courts. In particular it was noted that significant 'research claims and evidence', those that 'get to the heart of a case', should be subject to substantial examination by the courts. On several occasions, participants felt research-related claims were well supported and appropriate; and felt their understanding of the research area was sufficient to inform these judgements. Other occasions required judges to develop their understanding of significant medical and social research during care proceedings in an extremely timely and proficient way. One Circuit Judge, for example, stated when they 'get a report expressing an opinion about and citing research' they would 'go and read about the research' particularly when the research study or area was 'unfamiliar to them'. Overall, the following synopsis by a District Judge was a widely held viewpoint:

*If a particular piece of research has been relied upon by one of the advocates or by one of the parties, either in support of a particular submission that's been made, or as a challenge to the position advanced by another party, then it would be appropriate for me to consider that research or study, or a part of that study in some detail and to be able to analyse it.*

Echoing the official guidance, participants in our study expected medical experts to demonstrate high levels of specialist research knowledge. Indeed, several participants reported that many medical expert witness reports were 'extremely useful' and their use of research informative, appropriate and transparent. Useful practices in these regards were the provision of relevant, accessible and informed research-related and research-based claims and statements; as well as information, publications and resources to facilitate judicial and courts access to, and examination of, relevant research reports and publications:

*Quite often the expert doctors, such as the paediatricians, will themselves attach to their report the research upon which they are relying. This might include research papers from the Lancet, for example. This often occurs in cases where we are establishing the incidence of non-accidental child injuries. That is quite frequent. There would be questions in court about why the doctor says, for instance, a 4 month year old baby, in their view and in this particular case, has non-accidental injuries and alternative explanations and causes for those injuries are unlikely. (Circuit Judge)*

Participants in our study also noted the informed and relevant use of research by several social workers, legal representatives and special guardian in case proceedings. Conversely, however, several issues complicated and hindered court consideration of, and judicial oversight in, the use of research in case proceedings. Two issues were the quality and validity of research-related claims in reports and submissions to case proceedings. Participants reported dissatisfaction and difficulties with 'vague', 'oblique', 'overly-general', 'dated', 'misinformed', 'poorly articulated' and 'poorly evidenced' research claims and statements - including at times among independent medical and expert witnesses.

For example, a Circuit Judge recounted the need to undertake their own 'research reading' in order to consider the research claims made by an independent social worker about parental

capacity issues in the context of substance misuse concerns and recovery. In this case the judge reflected the need to scrutinise research claims in the family courts:

*I went away and read that research that night and that led me to also find out about other research that hadn't been looked at in the social workers report. So in that particular case, the parties knew I was looking at the research. In part, what that did was, it led me to examine the statements made by the independent social worker and it established that the statements made about research were not borne out by the research. And there was questioning about that in the family court, there was an exchange and the independent social worker then said they had not cited the research in an appropriate way when earlier they had categorically said their viewpoint was backed by this research. So reading about the research myself helped to expose that difficulty. (Circuit Judge)*

Another example of significant judicial oversight was provided by a District Judge who reported 'delving into' research about non-accidental injuries among young children in response to concerns raised within proceedings about an expert witness report produced by a paediatrician:

*There was a case of suspected non-accidental injury involving a toddler. The injuries in question were bruising type injuries. I'd given permission for an independent paediatrician to prepare a report in relation to the injuries and to assist me to understand the causation that may have been involved. In that particular case the paediatrician took a strong stance in relation to the causation and attributed the injuries clearly to one of the parents. Counsel for that parent appeared to have done a good job in researching the area in particular and analysing the authority of the research that the paediatrician relied on in coming to the conclusions that they did. And I think it was demonstrated clearly that the paediatrician had not necessarily misquoted but rather misinterpreted that research and it added further concern to the weight that I could attribute to the evidence that the paediatrician had brought to the court and which had then subsequently been tested. It assisted me to understand that particular area better, because I needed to delve into that research.*

In general, several participants in our study noted how research knowledge in some areas can be highly contested and is ever evolving. In regard to these issues, members of the judiciary were keen to know more about 'emerging and mainstream' research perspectives.

These accounts demonstrate the central importance of judicial consideration and examination of the use of research in case proceedings; and the ways in which competence in these roles can be enhanced by judicial research knowledge not only of specific research studies and programmes but also debates and perspectives within the wider and related bodies and areas of research. But they also indicate the need for sustained efforts to improve the interpretation and application of research among all professionals involved in case proceedings spanning family justice and children's services sectors.

Conversely, several critical issues and challenges were raised by our study participants about the scope of, and support for, judicial and court examination of research claims. One issue was the tendency to consider medical/psychological research in more depth compared to social research. The Circuit Judge below highlighted this issue with reference the roles of expert witness reports:

*The times when reference is made to research most is in non-accidental injury cases when medics will refer to peer reviewed research and, often as a way of cross examining, advocates will refer the medics to other pieces of research. But there is a difference in the way that research is used. With medical cases you have a court appointed expert to help you to know what weight you should attach to the research. So the court appointed expert will say to you 'yes I'm aware of this research and its important research because of this' or that 'it's research that you shouldn't place any weight on because of whatever'. So I have an expert there telling me about the value of the medical research. This isn't so much the case for non-medical research. (Circuit Judge)*

Another overarching issue was the varied and partial knowledge of medical and social research among the judiciary. Related to this issue were: workload and resources constraints (such as having the time, workload capacity and resources to develop knowledge of relevant research); limited research support and engagement (such as access to research resources, assistance and communities); and limited research skills and training (such as developing sufficient skills to effectively and efficiently become sufficiently knowledgeable about relevant research, and its strengths, limitations, comprehensiveness and utility) – all of which impeded the capacity of the judiciary to engage with research and build their research knowledge and literacy.

There were also issues arising around the appropriate scope of judicial oversight and examination of research presented and considered in care proceedings. For example, issues of transparency in courts proceedings were raised in relation to judges and their engagement with research during the process of care proceedings. One participant emphasised that judicial engagement with and use of research in care proceedings had be carried out in a way that maintained transparency:

*I think there is the issue of transparency in proceedings, you have to be careful that you don't go and do your own research. It's rather like judges telling juries not to look on the internet, so judges themselves shouldn't be doing things that they're not telling the parties about. So, for example, if I find some relevant research and I want to rely on it, I need to tell the parties to give them an opportunity to comment on that. I had that the other day. (Circuit Judge)*

Overall the importance of judicial oversight and examination of research-claims presented by parties and professionals involved in child care proceedings was emphasised by our study participants. At times respondents reported their critical examination of research statements within care proceedings had prevented what was perceived as the misuse of research. Several issues also complicated and hindered court examination of, and judicial oversight of, research claims considered within care proceedings. These included the poor quality of research-related reports and statements; workload pressures, resource constraints and research literacy issues which impeded the capacity of members of the judiciary to appraise research; and complexities around the appropriate scope of judicial oversight and examination of research in relation to the role of expert witnesses and professionals involved in care proceedings.

### 4.3 Judicial use of research to inform their judicial practice in care proceedings in more generic terms

A second way in which participants in our study emphasised the significance of research was in relation to their professional knowledge and development, and generic approach to their roles. Research knowledge, in these ways, can influence several aspects of judicial practice including:

- The manner of judicial engagement with parents and families;
- Judicial engagement with children and young people;
- Understanding of services and professional roles;
- And consideration of the options and circumstances in care proceedings.

The extracts below illustrate the ways in which participants described how being informed about, and reflecting on, the findings and perspectives of research informed their overall approach and generic aspects of their practice:

*I think probably the main benefit of research is just to give you an awareness of things that perhaps you could take into account. (Circuit Judge)*

*Reading research can help to form your general view on matters. For example research says for adoption and attachment to work it is best to decide about adoption early in the child's life. That's something that is in the back of your mind when you're dealing with these issues. (District Judge)*

*I think people like to be well informed and to have a different perspective. Reading about research can help. Enhance your judicial skills, that's what you hope to do, so that you don't get in a rut of thinking the same way. You should always be open to new ideas. (Circuit Judge)*

Building research knowledge was therefore recognised as an important aspect of judicial practice and professional development:

*I consider research in two ways. The first way is sometimes in a case someone will refer to research. The second way is self-development, being interested in a particular area and reading research to expand my knowledge not necessarily in a case specific way. As a judge doing family work, you're constantly asking yourself questions about what you are doing, how you are delivering it and what the outcomes might be for children and families. The greater understanding of the issues makes a massive difference. It makes you a better judge. (Circuit Judge)*

*In order to undertake that task I need to understand the area in which I'm working, I need to understand the context in which the decisions are being made and that requires me to be aware of research, and to be aware of developments and alternative views and the extent to which a particular issue has been considered and investigated and any conclusions drawn from it. So in terms of my development as a district judge, that's where the research comes in, my ability to undertake the task as a whole depends upon me being aware of what the law is, both in terms of statute and in terms of the case law, but also what the research can teach us in terms of the way in which thinking is developing and the way in which we ought to*

*be taking on board new ideas and perhaps attributing less weight to areas which are becoming discredited. In concrete case considerations research often plays a little part but it is informing my approach to those decisions and my understanding and awareness of the area that I'm dealing with. (District Judge)*

Of central importance in these regards were statutory and judicial directives and imperatives, such as Practice Directives and approvals of research made by the President of the Family Courts. Our participants cited several examples of the importance of 'approved research' and recognised the research-basis to many practice directives:

*I think in general terms the studies that highlight the adverse impact upon children of poor timeliness in care proceedings has had a significant impact. There was research published that brought timescales in care proceedings very sharply into focus. All sorts of legislative changes and real changes on the ground in terms of the way in which judges and practitioners approach decision making for children in this area developed from that. (Circuit Judge)*

In addition, participants discussed the value of studies highlighted by judicial directives such as in terms of working in more participatory ways with children and improving engagement with parents and vulnerable witnesses. Conversely participants cited what they felt were significant gaps in their research knowledge and their awareness of, and understanding of, relevant and significant research. These included studies about working with cases that have an international, multi-cultural or religious dimension; and learning about inter-professional perspectives on care proceedings practice.

#### **4.4 Judicial use of research in decision-making in care proceedings**

The complex issue of judicial use of research in decision-making in child care proceedings was examined in our study. The findings of relevant research were in general terms described as 'often informative but rarely instructive'. This is due in part to issues of significant gaps and limitations within current research. It also highlights limitations and uncertainties about the application and utility of research knowledge in relation to the specific nature of care proceedings decisions. With judgements focused on addressing the specific issues and circumstances relevant to child welfare in each case, research knowledge often has limited direct applications to formulating final case decisions:

*With reference to research in cases, when I'm considering a particular case and I'm deciding a particular case I've got to be very careful to make sure I decide it on the legal evidence. (District Judge)*

*I would be slow, generally speaking, to go looking for research in respect of a particular case, certainly in terms of to assist me to find an answer to the optimum outcome for the child in that particular case. Because I need to be careful that I rely upon the evidence in coming to the decisions that I make. (Circuit Judge)*

*We have to make a decision based on the evidence. I can say I am aware of such and such research but not to make a final judgement relying on that research. (Circuit Judge)*

*It is difficult to know what status research studies and findings should have in a particular case. This is because by nature research tends to be general because it involves a mass study but our deliberations have to be very factual and specific. (Circuit Judge)*

Participants referred to the central importance of the approvals and directives about research made by the Office of the President of the Family Division and highlighted how these increased judicial confidence in the reliability, validity and applicability of medical and social research relevant to family courts proceedings. The following example provides an illustration of the use of awareness of research in relation to family law proceedings:

*A recent example has been I heard an appeal about the dismissal of a father's application for contact to his son. There was evidence that this father had been abusive recently to his son's mother threatening to cause harm. I drew on research about domestic violence and the harm of witnessing abuse for children to inform my judgement and Practice Direction 12 related to this. I decided overall I could not order any direct contact to that child because potentially the detrimental impact on the whole family could be too great, although an appeal to have indirect contact was allowed. (Circuit Judge)*

However, complexities often remained over the applicability of research to the specifics of case proceedings. In addition, participants pointed to the challenges of using research in the context of complex and contested research issues and areas – which is common in child welfare. Overtime multiple rigorous research studies about adoption outcomes, for example, can point to common factors associated with beneficial outcomes for the majority of children involved in the studies. However, these findings don't provide firm insights for case specific decisions as noted below:

*Another area of research that we keep coming back to is adoption breakdown. It is almost an impossible area to research because you can never know what will happen in individual cases - the individual circumstances for each child in the adoption placements are so different each time as are the circumstances prior to adoption. It is extremely difficult to know why adoptions break down. So whilst it's interesting to read different theories about that subject - how we would apply them is not clear. (Circuit Judge)*

Respondents also pointed to what they felt were major gaps in the feedback via research or administrative data they received about the outcomes and implications of their decisions, particularly qualitative research about children's and young people's own perspectives and experiences of child care proceedings outcomes, children's social care, adoption and birth contact with families:

*We never really know if the decisions we make have been effective or best for the child. There is little research that follows on or provides feedback that says 'you put a child back with their family and later it turned out that they had been sexually abuse'. Or that you had three breakdowns from the adoptions. The outcomes – not even just of our children/cases – but even other peoples. We don't know if we are making the best empirical decisions for children. So we need to know about who is researching all those adopted kids saying what was it like for them? And asking them was it best for you? Do you wish you had more contact with your*

*parents or glad to turn you back on them? I feel we do our best in a paternalistic way, I really don't know if it is the best outcome for children. (Circuit Judge)*

## 4.5 Conclusion

There were uncertainties and complexities surrounding the appropriate and feasible scope of judicial oversight and examination of research presented and considered in care proceedings in relation to issues of transparency and judicial capacities and resources. In addition the important and complex issue of judicial use of research in decision-making and final judgements in care proceedings was explored. In these regards relevant research studies and findings were in general terms described as 'often informative but rarely instructive'. From the perspective of members of the judiciary this related to limitations within the current research evidence-base and uncertainties about the application and utility of research knowledge in relation to judicial decision making in specific child care proceedings.

### Key learning points

- Research can inform general approaches to judicial practice and decision making and court processes (such as family engagement, options, and impact).
- Individual cases may draw on research and where necessary respondents would familiarise themselves with studies.
- The interrogation of research used in proceedings is a serious and challenging matter, and one that can be essential in ensuring good decision making. Accessing and interpreting the research, however, can be difficult in these circumstances.
- The judiciary witness both excellent and inadequate use of research in proceedings, with implications for all parties concerned within child care proceedings.
- Respondents were cautious and careful about the use of research in individual proceedings, but describe its value and importance in certain situations.
- Research that is perceived as 'approved' in some manner will receive greater attention and use but decisions will still be made on the basis of the individual needs of the individual case.
- There are barriers to accessing and using research, these include the demands of intense workloads and limited time but also a lack of familiarity with accessing and interpreting research.
- There are inadequate mechanisms for quality assuring research and this has consequences for what can and cannot be used.
- An understanding for general trends and patterns in outcomes would allow decisions to be contextualised.

# Chapter 5: Conclusions and recommendations

---

## 5.1 Study conclusions

This study sought to:

- (1) Review the strengths and shortcomings of the current research dissemination targeted at, and available to, the judiciary involved in public family law proceedings;
- (2) Explore judicial perspectives and experiences of accessing and utilising child welfare and family justice research that has some bearing on child care proceedings.

From our audit of research dissemination it was evident that while significant developments have been introduced in recent years the current arrangements for the judiciary are complex, limited and fragmented. Multiple in-house judicial and family justice research-practice activities disseminate lessons from research to the judiciary but these vary in focus, scope and purpose. There are significant gaps in the degree to which the judiciary are served by comprehensive, up-to-date, targeted and tailored research resources and dissemination mechanisms. Beyond dissemination, there appear to be few opportunities for many members of the judiciary to engage in dialogue and developments in family justice and child welfare research – which further inhibits the extent to which research developments and studies are relevant and useful for the judiciary. There is largely an emphasis on an individualised approach to engagement with research on the part of judges themselves which is problematic in the context of workload constraints and significant research support needs. All of these limitations – specifically and collectively - present barriers that inhibit access to, engagement with, understanding of and use of, social research in the context of supporting systemic reforms, practice and decision-making in family justice. Moreover, our study identified the need to promote wider-ranging and critical awareness, engagement, appraisal and evaluation of family justice related research to promote greater recognition of the broad scope of relevant research knowledge; and to promote recognition of, and engagement with, contested, conflicting and newly emerging studies and areas.

Our qualitative interviews more extensively explored judicial perspectives and experiences of engaging with social research in relation to public family law roles and proceedings. Resonating with the conclusions above, these confirmed the significance of multiple constraints, challenges and shortcomings in relation to current research dissemination targeted at the judiciary. Participants in our study reported challenges in accessing relevant, up-to-date and quality research in timely ways to support their public family law roles. They also reported concerns about the scope and depth of their research knowledge as well as concerns from their perspective of pressing gaps in the available research and their understanding of the implications and applications of the available research knowledge for their practice and decision-making.

More fundamentally, however, our interview findings indicated the need to go beyond a narrow focus on improving judicial access to, and knowledge of, research studies and

knowledge – certainly one that focuses primarily on the dissemination of single studies although it is highly beneficial when these constitute major research reviews and rigorous research syntheses. The qualitative findings indicated the need to appreciate and consider the complex research-practice dynamics in the context of judicial public family law roles, practice and decision-making. Research-practice dynamics in relation to public family law reforms and judicial roles and decision-making encompassed at least five aspects: (1) the role of research in national and regional family justice system reforms; (2) the role of research literacy and knowledge in judicial professional development and training; (3) the role of research informing generic aspects of judicial practice within child care proceedings such as engagement with children, young people and parents; (4) the research support needs of the judiciary in relation to enhancing their oversight, consideration and examination of research-related statements and evidence presented to the family courts by expert witnesses, legal representatives, children’s services professionals and advocates; and (5) the role of research in assisting judges to consider options for, and decisions in, child care proceedings outcomes for children, young people and families.

To address the range of research support needs among the judiciary – it would be worthwhile to consider the significance of each of these research-practice dynamics and formulate strategies to address their particular as well as generic research-practice challenges, constraints and issues. These endeavours require comprehensive collaboration with, and involvement of, the judiciary in their deliberation, development and implementation. The Judicial College, for example, with its remit for judicial training will be central to a review of the role of research literacy and knowledge in professional development strategies. Moreover, judicial involvement in research-practice developments should be considered and developed alongside the involvement of the breadth of family justice research-practice stakeholders including children, young people and families who are subject to proceedings and their representative charities, forums and groups. These conclusions very much resonate with those set out in the Nuffield Foundation’s Family Justice Observatory Scoping Study final summary report (Broadhurst et al 2018).

These conclusions have implications for specific judicial and family justice bodies and initiatives. But they also go beyond the scope of these. Our recommendations below are therefore organised into those which could be addressed in the short-term within the current research-practice initiatives and arrangements; and those which set out longer-term proposals orientated towards the aims and objectives of the pilot phase of the Family Justice Observatory in the coming years.

## **5.2 Recommendations in the short-term**

- The judiciary could receive more information, guidance and signposting about the range of current research dissemination services and outlets relevant to their public family law work to enable them to make full use of current available services and opportunities for updates, mailings, newsletters, briefings and bulletins about current research and research-practice resources. As a starting point a follow-on output from this study (a briefing paper for members of the judiciary) that will provide information about the outlets, services and initiatives included in this study.
- A more targeted and systematic approach to academic/research dissemination to, and links with, the Judicial College and the judiciary could be developed within the current arrangements to ensure regular information is provided about research published and

completed; and research in progress. This might include promoting the existence of mailing lists and newsletters produced by research institutes among the judiciary or the development of more systematic communication and links between the Judicial College and the academic community.

- The *Family Justice Research Bulletin* provides a useful exemplar of a systematic and coordinated approach. The Bulletin could be produced more consistently on a bi-annual basis and promoted more extensively to the judiciary. There also appears to be a need to promote membership of the virtual group involved in the production and development of the Bulletin among the judiciary.
- There appears to be a number of issues that could be usefully addressed in relation to the level of, and support for, judicial training that encompasses some focus on engaging with researchers, research studies and knowledge, and research literacy skills among the judiciary. Proposals within our study findings included providing one day on an annual or bi-annual basis within public family law judicial training courses dedicated to research-focused sessions. Additional proposals included improvements in the range of research resources available to members of the judicial via their intranet and the Judicial College Learning Management System; and improved 'user-friendly' and 'research-focused' formats and functions within these online platforms. Further proposals included the production of guidance materials to support judicial awareness and use of the various research resources available to them on an in-house basis. This could usefully entail an internal review of these resources and judicial research support needs.
- Tailored guidance and resources (and signposting to currently available and useful albeit more generic resources) could be produced for members of the judiciary to assist their awareness and use of currently available research literature search facilities; and their understanding and critical appraisal of research studies and resources. As a starting point the follow-on output from this study (a briefing paper for members of the judiciary) will provide initial 'research appraisal tips' and signpost the judiciary to the most useful and relevant currently available resources.

### **5.3 Recommendations in the long term and for the Family Justice Research Observatory**

- There are tensions for the judiciary in both the extent to which research utilisation is appropriate and feasible. Any future developments will need to pay attention to these tensions and work carefully with all relevant stakeholders to arrive at common understandings and shared ways forward.
- The Family Justice Research Observatory provides the opportunity to develop more extensive collaborative family justice research-practice networks and activities. The involvement of the judiciary as a primary stakeholder in family justice and as a recipient of research support activities in the development of the Observatory aims and functions has received significant attention within the Scoping Study reports and is also emphasised in our conclusions. It will be important for the Observatory to develop extensive and routine consultation and involvement across the judiciary. The pilot phase of the Observatory could usefully

review with the judiciary their research support needs in a broad sense ranging from supporting access to research, research literacy and skills development, engagement with research and researchers, and critical deliberation of applications, strengths and limitations of research. Forums for consultation with senior members of the judiciary and the Judicial College will be important as will consultation activities that include all levels of the judiciary and magistrates.

- The Observatory could play a vital role in adding value to, and better coordinating, current research dissemination targeted at, and available to, the judiciary. In these regards the Observatory could assist with improving networks, communication, dissemination and engagement between the academic community and the judiciary as well as enhancing and improving research dissemination across the family justice sector. The Family Justice Research Bulletin provides a useful model to emanate and develop with its Virtual Group of academic and stakeholders who routinely provide information about research completed and in progress; embedded processes of quality assurance within the production of the Bulletin; its dissemination of 'research-related news' about current research grant schemes and upcoming events; and thematic focus on national vs international developments, public vs private law. Possible developments could be a dedicated public family law research publication or a review of potential gaps in dedicated family justice peer reviewed research journals. There is additional scope to develop dedicated, maintained and user-friendly online research resources as part of the Observatory. Thematic research events and conferences would be useful activities. Family justice research dissemination needs to go beyond 'single study' summaries and assist the family justice sector to examine research influences and findings in light of broader methodological, theoretical and disciplinary debates and knowledge.
- The Observatory could facilitate the involvement of members of the judiciary alongside other family justice stakeholders to review and identify current gaps in research in family justice and children's social care.
- The Observatory could collaboratively consider, provide guidance on and develop tools to assist practitioners in relation to research informing: a) regional family courts reforms; b) judicial professional development and generic practice; and c) decision-making in proceedings.
- The Observatory could collaboratively consider and develop quality assurance standards for research dissemination and utilisation - appropriately orientated to recognise the contribution of varied methodologies and types of research – for research reviews and syntheses.

# Appendix 1: Services, publications and organisations included in the research dissemination audit

---

- Action for Children
- Adoption UK
- Alliance for Useful Evidence
- Association of Lawyers for Children
- Barnardos
- British Association for Fostering and Adoption (BAAF)
- BAPSCAN
- CASCADE: Children's social care research and development centre
- CAFCASS
- Centre for Applied Childhood, Youth and Family
- Centre for Child and Family Research
- Centre for Child and Family Justice Research
- Centre for Research on Children and Families
- Child Abuse Review journal
- Child and Family Law Quarterly journal
- Child and Family Social Work journal
- Childhood Well-being Research Centre
- Children and Young People Now
- Children in Wales
- Children's Rights Association England
- CORAM
- Early Intervention Foundation
- Family Drug and Alcohol Courts National Unit
- Family Justice Council
- Family Law journal
- Family Rights Group
- Journal of Social Welfare and Family Law journal
- Judicial intranet
- The Justice Clerks Society
- The Children and Families Research Centre
- Local Family Justice Boards
- Making Research Count
- Ministry of Justice (Family Justice Bulletin)
- NACCC
- NAGALRO
- NAPO
- National Children's Bureau
- NSPCC
- Office for the Children's Commissioners in England
- Office for the Children's Commissioner in Wales
- Resolution
- Research in Practice
- Royal College of Paediatrics and Child Health

- Social Care Online
- The Children's Society
- The Judicial College (Public Family Law course)
- The Magistrates Association
- The Law Society
- UK Association of Women's Judges
- Womensaid

# Appendix 2: Analytical framework for audit of research dissemination

---

<p><b>1. Publisher/producer/organisation/source</b></p> <p>E.G:</p> <ul style="list-style-type: none"><li>• What are the organisational/source aims, objectives and functions?</li><li>• How is the organisation/source funded and by whom?</li><li>• Details of organisational/service/professional membership/subscribers if relevant.</li><li>• What are the key features and background of the personnel/team and/or individuals directly involved in producing and publishing research resources/ dissemination?</li><li>• Does the organisation provide 'knowledge brokerage/intermediary' role? What approach is adopted and activities undertaken?</li></ul>
<p><b>2. Target groups, audiences and research users</b></p> <p>E.G:</p> <ul style="list-style-type: none"><li>• Who are the professional/practice target groups and research user audience?</li><li>• Reflections on consideration of, assumptions of and perspectives about target group and research users?</li></ul>
<p><b>3. Format and accessibility</b></p> <p>E.G:</p> <ul style="list-style-type: none"><li>• How often is the resource/publication available?</li><li>• What format is the resource provided in? For example: online, bulletin, print copies etc.</li><li>• Is the resource open access provided free of cost or exclusive to members/subscribers and provided at a cost?</li></ul>
<p><b>4. Scope of research content, depth of research content and quality assurance of research content</b></p> <p>E.G:</p> <ul style="list-style-type: none"><li>• What substantive topics, issues and research areas are considered?</li><li>• What is the process for identifying, summarising and reporting research content? Are reviewers or academics involved?</li><li>• How detailed and appropriate is the information about research aims, approach, sample, methodology/methods, ethics and findings?</li><li>• How detailed and appropriate is the information about researchers and their funding/affiliations?</li></ul>

**5. Aspects of 'research translation'**

E.G:

- Reflections on 'research translation' orientation (e.g. explaining research terminology and approaches for wider audiences)?
- Are policy/practice implications and recommendations considered? How detailed and appropriate are these?
- Is there consideration of practice contexts, ethos, roles and debates?

**6. Scope, quality and promotion of research evaluation**

E.G:

- Is there sufficient methodological, conceptual and empirical information to promote an informed understanding of research? Is terminology explained?
- Are critical issues and/or reflections on research studies, findings and areas provided or promoted?
- What standpoint and perspective is presented/developed in the source?
- Are areas of research debate recognised or explained?
- Is there discussion or recognition of gaps in current research or limitations to studies and areas?
- Is there consideration of the applications, strengths and limitations of research designs and methodologies?
- Has the production of research resources included processes of quality assurance such as academic review or consultation/collaboration?

# References

---

Best, A and Holmes, B. (2010) 'Systems thinking, knowledge and action: towards better models and methods', *Evidence and Policy*, vol 6, no 2, pp. 145-159.

Bowyer, S et al (2015a) *Impact of the family justice reforms on frontline practice phase one: The Public Law Outline*, Department of Education Research Report, Research in Practice: Darlington.

Bowyer, S et al (2015b) *Special guardianship: qualitative case file analysis*, DFE RR497, Research in Practice: Darlington.

Broadhurst, K., Budd, T and Williams, T (2018) *The Nuffield Family Justice Observatory for England and Wales: Making it happen*, Nuffield Foundation: London.

CAFCASS (2017) *Number of care order applications: Annual summaries*, available from: <https://www.cafcass.gov.uk/about-cafcass/research-and-data/public-law-data/>, date accessed: 21st February 2018.

Davies, H., Nutley, S and Walter, I (2008) 'Why 'knowledge transfer' is misconceived for applied social research', *Journal of Health Services Research and Policy*, vol 13, no 3, pp. 188-190.

Holt, K (2016) *Contemporary family justice: Policy and practice in complex child protection decisions*, Jessica Kingsley Publishers: London.

Judicial College (2015) *Strategy of the Judicial College 2015-2017*, The Judicial College: London.

Masson, J (2015) *Developing Judgement: The Role of Feedback for Judges in the Family Court*, Bristol: School of Law, University of Bristol. Available at: [https://research-information.bristol.ac.uk/files/45213553/FINAL\\_REPORT\\_pub.pdf](https://research-information.bristol.ac.uk/files/45213553/FINAL_REPORT_pub.pdf) (date accessed: 4th March 2018)

Ministry of Justice (MoJ) (2015) *Family Justice Research Bulletin 6*, MoJ: London.

MoJ (2014) *Making the Family Justice system more effective*, MoJ: London.

MoJ (2011) *Family Justice Review: Final report*, MoJ: London.

Nutley, S., Powell, A and Davies, H.T.O. (2012) *What Counts as Good Evidence?* available at: [https://www.nesta.org.uk/sites/default/files/what\\_counts\\_as\\_good\\_evidence\\_provocation\\_paper.pdf](https://www.nesta.org.uk/sites/default/files/what_counts_as_good_evidence_provocation_paper.pdf) (date accessed: 15th November 2016).

Nutley, S., Jung, T and Walter, I. (2008) 'The many forms of research informed practice: a framework for mapping diversity', *Cambridge Journal of Education*, vol 38, no 1, pp. 53-71.

Nutley, S.M., Walter, I and Davies, H.T.O. (2007) *Using Evidence: How Research Can Inform*

*Public Services*, The Policy Press: Bristol.

Nutley, S., Walter, I and Davies, H.T.O (2003) 'From knowing to doing: a framework for understanding the evidence-into-practice agenda', *Evaluation*. Vol 9, no 2, pp. 125-148.

Lawrence, R (2006) 'Research dissemination: actively bringing the research and policy worlds together', *Evidence and Policy*, vol 2, no 3, pp. 373-84.

Research in Practice (RiP) (2016) *Research in Practice Our Work 2016-17*, available at: <https://www.rip.org.uk/about-us/our-work-2016-17/> (date accessed 18th March 2018).

Research in Practice (RiP) (2018) *Delivery programme 2018-19*, available at: <https://www.rip.org.uk/resources/delivery-programme/> (date accessed 18th March 2018)

Rodgers, B., Trindle, L and Williams, T (2015) *Towards a family justice observatory to improve the generation and application of research*, Nuffield Foundation: London.

Social Work Academic Working Group (SWAG) (2016) *Proposals for dissemination of lessons from research to the judiciary in public law*, in-house report for the Family Justice Council: London

Wilkinson, J and Bowyer, S (2017) *The impacts of abuse and neglect on children; and comparison of different placement options*, Evidence Review, DFE-RR663, Research in Practice: Darlington.

Wilson, P et al (2010) 'Disseminating research findings: What should researchers do? A systematic scoping review of conceptual frameworks', *Implementation Science*, vol 5, pp. 91-107.



