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| <b>Institution:</b> Lancaster University   |                                  |  |
| <b>Unit of Assessment:</b> 18, Law   |                                  |  |
| <b>Title of case study:</b> Pioneering the use of large-scale family justice data to shape policy and practice for children in out-of-home care  |                                  |  |
| <b>Period when the underpinning research was undertaken:</b> 2016 to 2020  |                                  |  |
| <b>Details of staff conducting the underpinning research from the submitting unit:</b>   |                                  |  |
| <b>Name(s):</b>  | <b>Role(s) (e.g. job title):</b> | <b>Period(s) employed by submitting HEI:</b> |
| Judith Harwin  | Professor                        | April 2016 to present                        |
| Linda Cusworth   | Research Fellow                  | May 2017 to present                          |
| Karen Broadhurst   | Professor                        | August 2015 to present                       |
| Bachar Alrouh  | Research Fellow                  | August 2015 to present                       |
| <b>Period when the claimed impact occurred:</b> 2016 to 2020   |                                  |  |
| <b>Is this case study continued from a case study submitted in 2014?</b> No  |                                  |  |
| <p><b>1. Summary of the impact</b></p> <p>Researchers in the Centre for Child and Family Justice Research (CFJ) have pioneered the use of large-scale datasets to shape policy and practice for children in out-of-home care (looked after children). Consequently, children are at the heart of family justice reform in England, Wales and Scotland, and new best practice guidance and tailor-made services have been created. The research is change-orientated and has:</p> <ol style="list-style-type: none"> <li>shaped national policy and practice reform in England, Wales, and Scotland by linking longitudinal large-scale datasets;</li> <li>influenced national judicial training on special guardians and enabled successful campaigns to support new investments;</li> <li>enabled government analysts to improve national datasets and maximise their use.</li> </ol>   |                                  |  |
| <p><b>2. Underpinning research</b></p> <p>Although the family courts and local authorities in England, Wales, and Scotland routinely produce a wealth of administrative data based on entire service populations, there has been scant use of these data in independent research. Both the Family Justice Review in 2011 (England and Wales) and the Looked After Children Data Strategy in 2015 (Scotland) called for greater investment in robust research to underpin pivotal decisions for children. The researchers, supported by the CFJ's interdisciplinary research team, have contributed to family justice policy and practice by harnessing the potential of large-scale data to shed light on family court decision-making and on pathways and outcomes for children requiring out-of-home care.</p> <p><b>The contribution of special guardianship to children's lives and family justice</b></p> <p>Special guardianship orders (SGOs), introduced in the Adoption and Children Act 2002, give the main parental responsibility for bringing up children who cannot live with their birth parents to special guardians (mainly relatives) until the age of 18. Building on earlier work and since joining Lancaster in 2016, Harwin's team have undertaken the first national longitudinal study of SGOs in England, using administrative data produced routinely by the Children and Family Court Advisory Service (Cafcass in England; Cafcass Cymru in Wales). It is the first study based on Cafcass data to use a <i>per child</i> analysis to track pathways and outcomes, including return to court. Through an analysis of all care proceedings (175,280 children) between 2007 and 2016, and the resulting legal orders made between 2010 and 2016, Harwin's team have demonstrated that special guardianship has become the main route out of the care system [R1, G1]. The proportion of SGOs as an outcome of care proceedings increased from 11% (1,566) in 2010 to 17% (4,018) in 2016. SGOs have thus overtaken orders which enable children to be placed with adoptive parents (22% in 2010, down to 16% in 2016). In total, more than 21,000 children were placed on SGOs following care proceedings in that period.</p> <p>Harwin's team have provided robust evidence that special guardianship is a safe and stable permanency option that keeps children within their family networks. They found that only 5% of children on SGOs returned to court for further care proceedings because family placements had broken down, and this finding challenged prejudicial attitudes about the placement of children with relatives. They also uncovered systemic problems in the operation of special guardianship through qualitative sub-studies. In-depth casefile reviews (107 children) and focus groups (89 practitioners and 24 special guardians) revealed that prospective special guardians often lacked</p> |                                  |  |

access to legal advice and representation, did not understand the nature of the SGO, and felt excluded from the court proceedings [R1]. Just over a third of the children in the cases reviewed were made subjects of a SGO without prior testing of the placement, undermining legislative intent that a pre-existing settled relationship was in place *before* a final order is made. Practitioners suggested that the shorter timescales to conclude care proceedings, introduced in the 2014 Children and Families Act, had inadvertently led to rushed assessments and premature final orders. Harwin and Cusworth's research uncovered lack of support, lack of voice, problems related to contact, and a process lacking the rigour afforded to adoptive parents [R1]. Overall, it revealed the inequitable treatment of special guardians within the family justice system.

### **Pathways to permanence for children in out-of-home care**

As the Co-Investigator and lead quantitative analyst on phase one of the Permanently Progressing: Building secure futures for children in Scotland project [G2], Cusworth examined the pathways of all 1,836 children aged 5 and under who were in out-of-home care in Scotland in 2012-2013 over a 4-year period. She used administrative data provided by all 32 local authorities (Children Looked After Statistics [CLAS], [R2]). This longitudinal mixed methods study started when Cusworth was at the University of York and continued when she moved to Lancaster in 2017. The study was carried out in collaboration with the Universities of Stirling and York, and the Adoption and Fostering Alliance (AFA) Scotland, and investigated decision-making, pathways, permanence and outcomes for children in Scotland who became looked after at the age of 5 or under. Phase two of the study commenced in December 2020.

Cusworth's team found that nearly 1 in 3 of the children who were in out-of-home care were not in a permanent placement (reunified to birth parents, placed with relatives or long-term foster carers) 3 years later. Furthermore, while 1 in 5 of the children had been adopted or placed with prospective adopters, most adoptions took 3 to 4 years to finalise. These new findings were concerning because of the recognised importance of establishing timely permanence for children. An analysis of the histories and outcomes of a sub-sample of 433 children showed that abuse and neglect were the most common factors resulting in children being in out-of-home care. The study also highlighted the emotional and behavioural needs of children who were permanently placed with kinship carers and those in adoptive placements [R3].

In 2018, Cusworth also linked, for the first time, local authority data on children in out-of-home care (CLAS) to data from the Children's Hearings System (CHS), held by the Scottish Children's Reporter Administration. Vulnerable children in Scotland may encounter Local Authority children's services, or the non-adversarial CHS (where decisions are made by a lay panel), or the more traditional Sheriff court. Her research demonstrated the feasibility and value of data linkage, enabled a more comprehensive picture of the pathways into care to be established, including any previous referrals to the CHS for the cohort of 1,836 children [R4], and provided useful information for other researchers to draw on.

### **Nuffield Family Justice Observatory and the Family Justice Data Partnership**

Following a development phase led by Lancaster's CFJ, the Family Justice Observatory for England and Wales was established at the Nuffield Foundation in 2019. Its primary aim is to support better outcomes for children in the family justice system by improving the use of data and research evidence in decision-making. Cusworth and Broadhurst (and the Secure Anonymised Information Linkage (SAIL) Databank, Swansea University), were subsequently awarded a major grant of GBP2.18 million to establish the Family Justice Data Partnership (FJDP) as the data and analytics arm of the Observatory (2019 to 2023) [G3].

The FJDP's research has resulted in *Born into Care*, an influential open-access series of research reports directed at policy makers and practitioners, which has contributed to knowledge about infants in the family justice system in Wales. Cusworth and colleagues uncovered the rising numbers of cases of care proceedings issued for babies at birth in Wales, revealing an increase from 39 new-borns (babies under two weeks old) per 10,000 live births in 2015 to 83 per 10,000 in 2018, with significant local authority and regional variation in incidence rates [R5]. The team's research received repeat coverage by BBC Wales in October 2019 (radio and television, combined potential reach: 1.28million, source: Kantar). To facilitate close collaborative engagement with the Welsh Government and other agencies, Cusworth established the FJDP's Welsh Reference Group, which includes members from Cafcass Cymru, local authorities, and Welsh Government policy and analytic departments. This group allows for

regular discussion about the interpretation and implications of policy-facing project reports, and has led to measurable improvements in the scope and quality of Cafcass Cymru data. The resource profile of the Cafcass Cymru data sets out its scope and coverage [R6], highlighting the future research potential for other users.

### 3. References to the research

[R1] Harwin J, Alrouh B, Golding L, McQuarrie T, Broadhurst K, Cusworth L, (2019). *The contribution of supervision orders and special guardianship to children's lives and family justice*. Lancaster: Centre for Child and Family Justice Research, Lancaster University. [https://www.cfi-lancaster.org.uk/files/documents/SO\\_SGO\\_report.pdf](https://www.cfi-lancaster.org.uk/files/documents/SO_SGO_report.pdf). Peer-reviewed item. Funded by [G1].

[R2] Biehal N, Cusworth L, Hooper J, Whincup H, Shapira M, (2019). *Pathways to Permanence for children who become looked after in Scotland*. Stirling: University of Stirling. <https://www.cfi-lancaster.org.uk/files/documents/Pathways%20-%20Final%20Report.pdf> Peer-reviewed item. Funded by [G2].

[R3] Cusworth L, Biehal N, Whincup H, Grant M, Hennessy A, (2019). *Children looked after away from home aged five and under in Scotland: experiences, pathways and outcomes*. Stirling: University of Stirling. <https://www.cfi-lancaster.org.uk/files/documents/Outcomes%20-%20Final%20Report.pdf>. Peer-reviewed item. Funded by [G2].

[R4] Hooper J, Cusworth L, Whincup H, (2019). *Linking two administrative datasets about looked after children: testing feasibility and enhancing understanding*. University of Stirling. <https://www.cfi-lancaster.org.uk/files/documents/Linkage%20-%20Final%20Report.pdf>. Peer-reviewed item. Funded by [G2].

[R5] Alrouh B, Broadhurst K, Cusworth L, et al (2019). *Born into care: newborns and infants in care proceedings in Wales*. London: Nuffield Family Justice Observatory. [https://www.cfi-lancaster.org.uk/files/pdfs/BiC\\_Wales\\_report\\_English.pdf](https://www.cfi-lancaster.org.uk/files/pdfs/BiC_Wales_report_English.pdf). Peer-reviewed item.

[R6] Johnson R D, Ford D V, Broadhurst K, Cusworth L, et al (2020). *Data Resource: population level family justice administrative data with opportunities for data linkage*. International Journal of Population Data Science, 5 (1). <https://doi.org/10.23889/ijpds.v5i1.1339>. Peer-reviewed item.

### Research Grants

[G1] Harwin (PI), The contribution of supervision orders and special guardianship to family justice and children's lives, Nuffield Foundation: (2015–2018) GBP628,204 (of which GBP425,000 transferred to Lancaster University in April 2016). Peer-reviewed grant.

[G2] Cusworth (CI), with Whincup, University of Stirling (PI) and Biehal, University of York (Co-PI), Permanently Progressing? Building secure futures for children in Scotland, anonymous donor, (2014–2018), GBP400,000. Grant awarded via competitive tender by the (former) British Association of Adoption and Fostering.

[G3] Cusworth (CI) with Broadhurst (PI), A data platform and analytics partnership for the Nuffield Family Justice Observatory, Nuffield Foundation: (2019–2023), GBP2.18 million. Peer-reviewed grant.

### 4. Details of the impact

Every day, the family courts and local authorities make critical decisions about children, including that they are unable to live safely with their birth parents and should be removed from their care. It is vital that these decisions, which shape children's lives into adulthood, are underpinned by the very best research evidence and data. Harwin and Cusworth's research is focused in this way, and has:

**(a) Shaped national policy and practice in England, Wales, and Scotland by linking longitudinal large-scale datasets.** In 2018, the then President of the Family Division instructed a comprehensive review of public law in England and Wales for the improvement and reform of the child protection and family justice systems, appointing a Public Law Working Group (PLWG) chaired by Mr Justice Keehan, with Harwin an invited expert member. Harwin and Cusworth's research ensured that children subject to SGOs were central in the review, given their new evidence about the considerable number of children exiting care proceedings on these orders [R1, G1]. The Chair has stated that the research [R1] "*provided the working group with authoritative national statistics on the scale, use and outcomes of special guardianship. They were an essential context and underpinning to our recommendations regarding policy and practice reforms*" [S1]. The PLWG's subsequent report on special guardianship, which incorporated new national best practice guidance (BPG), was issued to thousands of

professional stakeholders in the family justice system (including all family judges in England and Wales, the Family Bar and solicitors, children's guardians, and social workers) by the President of the Family Division in June 2020 [S1]. The new BPG includes several recommendations directly arising from Harwin and Cusworth's research, including that SGOs should not be made prematurely by the courts without first ensuring the quality and stability of a placement with family or friends, to negate the unacceptably high number of children placed without a pre-existing relationship [R1]. The Chair of the PLWG has commented that "*The importance of 'The Contribution of Supervision Orders and Special Guardianship' [R1] in formulating the recommendations of the PLWG's Special Guardianship Order Report and BPG cannot be overstated. It has brought real and significant changes in the approach of local authorities, lawyers, children's guardians and the courts. Most importantly, it has improved the outcomes and life chances of children and young people who are made the subject of special guardianship orders*" [S1]. Thus, beneficiaries of the new BPG are children who leave care through SGOs (around 3,500 per year), special guardians, and family justice practitioners.

Research by the FJDP, presented in the Born into Care series, and which made infants the focal point in family justice reform, has (since 2018) provided a focussed analysis for Wales, with rapid and multiple reform of policy and practice [R5, G3]. The Head of Children's Services at Newport City Council said that "*we have used the research as a springboard to develop specific services to meet the needs of the mothers identified in this research and to develop provision which better meets their needs and so improve outcomes for them and their children. The policy for working with pregnant mothers at risk of involvement with the Local Authority has been overhauled with a complete change for ourselves and the midwifery services. The work of the FJDP revealed we were working to some shibboleths which absolutely needed to be dismantled*" [S2]. Reflecting the shift in understanding of the needs of pregnant mothers at a national level, a range of new services have been developed across Wales offering intensive support in pregnancy, including (for example) the Baby and Me multiagency service co-run with Barnado's (Newport) and Jig-so in (South West Wales). These services provide intensive support to vulnerable parents during pregnancy (Baby and Me), with early evidence demonstrating positive outcomes and a lower rate of care proceedings [S2].

In addition, the Independent Care Review, announced by the Scottish First Minister in 2016 and launched in 2017, aimed to improve the care system for children. It highlighted the importance of using longitudinal and linked administrative data, to better understand children's care pathways and outcomes. Findings from Cusworth's work [R2, R3, G2] contributed to the Evidence Framework [S3]; her research was commended for "*adding to our knowledge of looked after children's care journeys*" [S3] and went on to influence the final report, 'The Promise', published in February 2020. The Former Policy Manager in the Looked After Children Unit of the Scottish Government has commented that the research findings "*have been of great value in informing current and future policy development...I along with colleagues ...have used key messages from the research in several Ministerial speeches and briefings across specific policy areas as well as cross cutting themes. The research continues to influence support for families, carers and practitioners by highlighting what more needs to be done to meet their needs*" [S4].

**(b) Enabled successful campaigns and shaped national training.** Harwin, in partnership with Grandparents Plus (the national kinship care charity across England and Wales) and the leading children's charity CoramBAAF, produced a highly influential documentary film: *The First Day of Forever: Becoming a Special Guardian*. It drew on the personal experiences of special guardians revealed by Harwin and Cusworth's research, which highlighted the inequitable treatment of relatives who care for children in out-of-home care [R1, G1]. Launched in June 2020, by December 2020, the film had been viewed more than 5,000 times on YouTube [S5]. In the context of increased awareness of special guardians' marginal position, Grandparents Plus drew directly on Harwin and Cusworth's research [R1] and the film to successfully secure funding from the government's Adoption Support Fund. The charity's Chief Executive has said that "*The CFJ's publications were especially relevant to the development of our Kinship Response service which was rapidly designed and implemented in response to the unprecedented social crisis resulting from the Covid-19 pandemic*" [S6]. Furthermore, "*The largescale data provided strong evidence of the changing use of SGOs nationally ... This information has been a vital underpinning to our policy and lobbying work because it makes the*

case so clearly that it makes sense to invest in special guardianship. Equally important to us were the qualitative findings of the 2019 report [R1] which revealed systemic problems. We have used these too for service development, funding applications and staff development and policy reforms" [S6]. The national Judicial College (England and Wales) has also used the film in its training programme, with at least 300 members of the judiciary having benefited from seeing it. A Circuit Judge, the Course Director, has stated that *"I have seen a real change once people have seen the film and looked at the research in the way they approach a case ... It has brought about a change in awareness and understanding of the needs of special guardians... I know that, as it is quoted to me in Court, and rightly so, when parties seek a delay to allow placement and assessment ... The largescale data the research provided has completely changed the way the courts and professionals are now approaching special guardianship assessments"* [S7].

In Wales, powerful data visualisations and accessible summaries of key research findings on infants entering care [R5, G3], have enabled practitioners to take up the messages and catalysed practitioner-led change [S2]. In Scotland, alongside final reports [G2, R2-4] and summaries, including an accessible summary for children with an accompanying audio-recording, a series of policy briefings were produced. These, together with a seminar for policy makers, and a practitioner workshop series, run in collaboration with Adoption and Fostering Alliance (AFA) Scotland, maximised the reach and immediate take-up of the key messages in policy and practice [S4].

**(c) Influenced the scope, quality and use of population-level administrative data.** Through regular liaison with Cafcass (England) and Cafcass Cymru, including via the dedicated FJDP Welsh Reference Group, Harwin and Cusworth's research has enabled data owners to understand the completeness of their data, and highlighted critical gaps and limitations in their data capture [R1, R5, R6, G1, G3]. The Deputy Chief Executive of Cafcass Cymru has commented that *"Cafcass Cymru are now developing and implementing a case closure process as a means of capturing key elements and outcomes of cases is as a direct result of Linda's work"* [S8]. Cusworth's research [R6, G3] has also provided valuable information for other data users and showed *"the value of being able to link datasets to provide valuable insights into burning and important issues"* [S8].

As a result of Cusworth's research on combining a series of annual data returns from local authorities [CLAS] on children in out-of-home care [R2-4, G2], the Scottish Government have funded the work necessary to produce a new longitudinal data resource, with input from Cusworth on data issues and quality. The former Lead Statistician in the Children and Families Analytical Unit of Scottish Government has noted that *"This work was very useful as it provided us with additional insight into the quality of data which we were able to build into future versions of the data"* and *"provided an excellent example of the public benefit brought about by the use of administrative data"* [S9]. Regular feedback to the analytics team and to local authority data providers, together with contributions to discussions about the value of the data and a consultation on children's social work statistics in Scotland, were highly valued and *"will inform plans for developing the data collection in future, and lead to data that is fit for purpose"* [S9].

The research has benefitted, and will continue to benefit, children in out-of-home care, their special guardians and new-borns as they progress through the family justice system. Policymakers are able to act on improved analyses of administrative data but, most importantly, better pathways and outcomes for children are now at the centre of family justice reforms.

##### **5. Sources to corroborate the impact**

[S1] Testimonial: Chair of the Public Law Working Group (Nov 2020).

[S2] Testimonial: Head of Children's Services, Newport City Council (Feb 2021).

[S3] Scottish Independent Care Review (Evidence Framework), ([www.carereview.scot/conclusions/evidence/](http://www.carereview.scot/conclusions/evidence/)) (2020).

[S4] Testimonial: Policy Manager, Looked After Children Unit, Scottish Government (Feb 21).

[S5] "The First day of Forever" film, ([www.youtube.com/watch?v=pNO1sZb5mjC](https://www.youtube.com/watch?v=pNO1sZb5mjC)) (July 2020).

[S6] Testimonial: Chief Executive of Grandparents Plus (Feb 2021).

[S7] Testimonial: Family Course Tutor, Judicial College (Feb 2021).

[S8] Testimonial: Deputy Chief Executive, Cafcass Cymru (Feb 2021).

[S9] Testimonial: Lead Statistician Scottish Government (Feb 2021).