

The  
Nuffield  
Foundation

# FAMILY MATTERS

Work in child protection  
and family law at the  
Nuffield Foundation

1995–2001



**CHILD PROTECTION AND FAMILY LAW  
AND JUSTICE PROGRAMME**

**CPFLJ Committee, past and present**

- \* The Right Hon Dame Brenda Hale DBE QC HonLLD MA, Nuffield Foundation Trustee
- \* Professor Sir Michael Rutter CBE MD FRCP FRCPsych FRS, Nuffield Foundation Trustee
  - \* Ms Celia Atherton, Research in Practice
  - \* Professor Gwynn Davis, Faculty of Law, University of Bristol
  - \* Dr Michele Elliott, Kidscape
  - \* Mrs Katherine Gieve, Bindman & Partners
- \* Professor Jenny Levin, (then) School of Law, University of Wales, Swansea
  - \* Dr Michael Little, Dartington Social Research Unit
- \* Professor Christina Lyon, Faculty of Law, University of Liverpool
- \* Ms Mavis Maclean, Oxford Centre for Family Law and Policy, University of Oxford
  - Ms Carolyn Hamilton, Children's Legal Centre
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## FOREWORD

by The Rt Hon Dame **Brenda Hale**

Trustee, Nuffield Foundation

**T**his report chronicles the work of the Nuffield Foundation's Child Protection, Family Law and Justice (CPFLJ) Committee from its inception in late 1994. It began as part of our regular process of reviewing each area of our work, but we soon realised that there was a story to tell which deserved a wider audience.



Dame Brenda Hale

One of the principal aims of the Foundation is the advancement of social well-being through scientific research and practical experiment. The reform of the law, the legal system and legal processes make a special contribution to this aim, particularly in the areas of child protection and the family. When the Foundation was first set up in 1943, few would have predicted the upheaval in family relationships which has taken place since then. Then, most people got married, most children were born within marriage, few couples separated or divorced; the separation of children from their families was seen as a consequence of war, destitution or depravity; all of these would be solved in the post-war reconstruction. How things have changed! But if our founder had foreseen those changes, he would surely have wanted there to be systematic research and philanthropic experiment to guide our thinking about how to respond to them.

It has been my great privilege and pleasure to stimulate, promote and preside over the development of the Foundation's special interest in this area. For the first half of my period as a Trustee, we did it through the ordinary grant-making processes. For the second half we have done it mainly through the CPFLJ Committee, which I chair.

For this inspiration, we have Pat Thomas, our former Deputy Director, to thank. Working through a specialist committee has added a strength and focus which the Trustees could not have achieved by themselves. The quality and quantity of the projects funded, and their impact upon policy and practice, speaks for itself.

We have also learned a good deal about useful ways of working: the advantages of sticking with an area over time, of stimulating interest in particular topics, and of funding clusters of work in related areas; the value of teaming researchers and practitioners; the importance and difficulty of ensuring that the results of good work reach the right ears at the right time; and the problems of reconciling our pump priming role with long-term viability. There have inevitably been a few mistakes and failures: but this method allows us to learn the lessons from failure as well as success.

All this is thanks to the hard work and commitment of those who have served on the Committee over the years (page 11). They have brought enthusiasm and expertise from a variety of perspectives – family law, socio-legal research, social research, legal and social work practice, and the voluntary sector – often embodying more than one of these in a single person. The Foundation owes so much to them, as well as to the larger army of experts who are prepared to referee applications, serve on advisory committees, participate in conferences and seminars, and generally secure the quality upon which the work we fund depends for its success.

It is also thanks to the Nuffield Foundation's staff: Pat Thomas' vision and dedication have been followed by Sharon Witherspoon's energy and expertise, ably assisted by Louie Burghes and Theresa O'Neill. Sharon Witherspoon is not only the author of this report but also a major force behind the success story it tells. The proposals which come to her in outline benefit greatly from her rigorous scrutiny and advice; she is also invaluable as our eyes and ears, getting out and about and stimulating ideas and proposals for us; but she will not pull her punches in letting us know when things have not gone as well as we might have hoped.

There is still, as this report shows, much to be done. There are many subjects upon which we would like to know more, even as things stand now. And with families and children, things never stand still. The law, its processes and institutions must try to keep up. There will always be room for the kinds of research and experiment which the CPFLJ Committee exists to promote. As my time at the Nuffield Foundation draws to a close, I can bask in the reflected glory of others' achievements, so ably chronicled here; but I also expect that the Foundation's commitment to and interest in this area will continue into the future. I hope that future researchers and practitioners will be encouraged by this report to put on their thinking caps and produce a steady stream of good projects for the Foundation to support.

## BACKGROUND TO THE CPFLJ COMMITTEE

*The Nuffield  
Foundation has  
had a lively  
interest in  
family law for  
some time*

- 1 The Nuffield Foundation has had a lively interest in family law for some time. It funded the first family conciliation service (as mediation was then known) in Bristol in 1978, and at the same time made a small grant for its evaluation. This led to a number of grants throughout the 1980s and 1990s to support mediation, particularly as carried out by National Family Mediation and its predecessors, and support for evaluation and research about it.
- 2 This illustrates an important characteristic of the Foundation's approach to its areas of special interest: the ability to stick with a topic for a longish period of time, responding to changes and supporting – or even animating – a dialogue between research and practice. This has also been true of the Foundation's long-standing interests in education and access to justice, which have been enduring preoccupations from the Foundation's earliest days.
- 3 During this period, Patricia Thomas, then Deputy Director of the Nuffield Foundation, was responsible for encouraging much of the Foundation's early work in child protection and family law. Pat had a deep commitment to work that might benefit children and families, allied to a shrewd sense of what might be useful or successful. The Nuffield Foundation's *Annual Reports* through the 1980s show a regular stream of grants including, in addition to those for mediation, grants to the Family Rights Group, the Children's Legal Centre, for research on divorce law, and for meetings to discuss the family justice system.
- 4 In 1987, Dame Brenda Hale (then Brenda Hoggett) became a Trustee of the Nuffield Foundation. As an academic family lawyer, then a Law Commissioner, then a Judge of the Family Division of the High Court, and now as a Judge on the Court of Appeal, she has had an enormous impact on the Foundation's work in family law. The total annual spending on grants in this area – never more than £80,000 and usually a good deal less – leapt to nearly £250,000 in 1989. This was, of course, also the year in which the Children Act became law.
- 5 During the 1990s, a steadily increasing stream of projects was funded in both child protection and family law. (At that time the two areas were listed separately.) Between 1990 and 1993, a total of £1,718,640 was spent on this area of work. But though this averages over £400,000 a year, there was much fluctuation from year to year. No doubt some of this was due to events outside the Foundation, as there was a real flurry of work in more narrowly conceived child protection projects in 1990 and 1991 – before the implementation of the Children Act 1989 – and a wider-ranging portfolio of grants thereafter.
- 6 When Professor Sir Michael Rutter joined Nuffield as a Trustee in 1992, another crucial influence was added. This area of the Foundation's work saw a move away from funding of untested therapeutic interventions and an invigorated insistence on methodological rigour in the research that was funded.



## THE CHILD PROTECTION AND FAMILY LAW AND JUSTICE PROGRAMME

7 As part of a wide-ranging review of the Nuffield Foundation's activities in 1993, Trustees agreed to change their approach to this area of work. The two categories of 'child protection' and 'family law' were brought together into one declared area of special interest. And at the end of 1994, the Child Protection and Family Law and Justice (CPFLJ) programme was established, with its own Committee and a more explicit listing of the themes in which the Foundation was interested. From the first, the Foundation had a clear idea of what it wished this programmatic approach to accomplish.

8 First, in declaring areas of special interest, the Nuffield Foundation was *not* setting up a programme of tight themes or calling for grants on a narrow range of topics over a brief period of time. While this style might result in a flurry of linked applications that may be especially appropriate for policy-making bodies, the Foundation views its role differently. Independent foundations can stick with subjects over the longer term, and responsive grant-making allows work to be done by those who are committed to what they are doing. So Trustees decided that the programme agreed in 1993 should last at least five years in the first instance, with regular quinquennial reviews. The Foundation would signal interest in broad themes in the area of child protection and family law and justice, and remain responsive to proposals for particular projects that addressed them.

9 The Nuffield Trustees had various reasons for appointing a specialist advisory committee. It was agreed that the CPFLJ Committee should retain close links to Trustees, chaired by one Trustee and with a second Trustee sitting on it. But while the Nuffield Foundation remained committed to responsive grant-making, it recognised that there was perhaps a third way – to coin a phrase – between a wholly-reactive programme of grants and a narrowly-defined short-term programme of work. One hope was that with specialist advisers who could bring their expertise to bear on developing the programme, the Foundation could foster connections between projects, initiate work in some areas and bring activities together in a more focussed way. The Foundation wanted to have a mix of academics and practitioners, both professional and voluntary. It also wanted to bring together those with an expertise in family law with those whose work with children gave them a distinctive expertise in child protection. But it has never viewed the Committee as a substitute for independent peer review of applications.

10 As in its other areas of special interest, the Nuffield Foundation's support for 'responsive' grant-making does not mean that it is purely passive or reactive. Sometimes the Foundation actively stimulates proposals. Sometimes our involvement in discussions with applicants at the outline stage results in new teams working together, alterations in original plans or even an enlargement in the work being planned. With a specialist Committee and staff, it is possible to respond substantively, rather than simply bureaucratically, to plans and proposals and it is this approach that our application procedure is designed to foster.

*It recognised that there was perhaps a third way – to coin a phrase – between a wholly-reactive programme of grants and a narrowly-defined short-term programme of work*

11 The box below describes our application procedures.

### Application procedures

With its broad themes and interests, the CPFLJ grant-making programme is deliberately designed to allow us to respond over time to new issues, and to fund useful ideas on a wide range of subjects. We do not simply react bureaucratically to applications; we actively seek to stimulate some work.

Applicants are asked to send in a two- or three-page outline before the Nuffield Foundation decides if it wishes to proceed to a full application. This is done for two reasons. In the first instance, it allows both our time and that of grant applicants to be used efficiently, as we can take a decision about the eligibility of the application or whether we might be interested in funding it without requiring prospective applicants to put in all the work required for a full application.

In addition to efficiency, we have another clear reason for using the outline procedure. At the outline stage, Nuffield Foundation staff, Trustees and Committee members have the opportunity to confer. We can discuss the strengths and weaknesses of the outline, and identify areas where we would like to know more. We can suggest people or projects that potential applicants might like to be aware of. And we can ask tough questions. Sometimes this is about the design or methodology of a research study. Sometimes it takes the form of suggesting to practitioners that we are not interested solely in research, and the useful practical idea they wish to develop does not need to be dressed up as a research application. Sometimes we merely raise a number of issues that they might like to consider. We are aware that it is impossible to judge matters fully on the basis of a short outline. But the questions mean that from the outline stage, we view the application procedure partly as a chance to have a constructive dialogue with applicants in the interests of getting the best application possible.

In a few cases we ask people to submit applications to us on particular topics of interest. In these cases too, the applications go out to peer review but in these cases we can then work with applicants over time to see if there are ways that projects might be improved.

Even so we are able only to fund some of the many applications we receive. We shortlist between one-third and one-half of all outlines, and fund about one-quarter to one-third of the full applications considered by the Committee.

Applications from Committee members are not disbarred, but are subject to particularly rigorous peer review, and the applicant of course plays no role in the decision.

12 Founder and current members of the Committee are shown below.

**CPFLJ Committee** with dates of their service

- \* The Right Hon Dame **Brenda Hale** DBE QC HonLLD MA,  
Nuffield Foundation Trustee, 1994–
- \* Professor Sir **Michael Rutter** CBE MD FRCP FRCPsych FRS,  
Nuffield Foundation Trustee, 1994–
- \* Ms **Celia Atherton**, Research in Practice 1994–
- \* Professor **Gwynn Davis**, Faculty of Law, University of Bristol 1994–
  - \* Dr **Michele Elliott**, Kidscape 1994–
  - \* Mrs **Katherine Gieve**, Bindman & Partners 1994–
- \* Professor **Jenny Levin**, (then) School of Law, University of Wales,  
Swansea 1994–9
- \* Dr **Michael Little**, Dartington Social Research Unit 1994–
- \* Professor **Christina Lyon**, Faculty of Law, University of Liverpool 1994–9
- \* Ms **Mavis Maclean**, Oxford Centre for Family Law and Policy,  
University of Oxford 1994–
- Ms **Carolyn Hamilton**, Children’s Legal Centre 2000–
- Dr **Ray Jones**, Director of Social Services,  
Wiltshire County Council 2000–

\*Founder member

13 It was hoped that the formation of a specialist Committee would give fresh impetus to our work, and draw in a wider range of applicants. This aim seems to have been realised. Before 1994, repeated grants were made to a relatively small number of organisations, though many of the projects were of undoubted importance. National Family Mediation (and its predecessors), the series of meetings, discussions, seminars and papers organised by Professors Mervyn Murch and Douglas Hooper on an interdisciplinary family justice system, the advocacy organisations then known as IRCHIN and ASC (now the National Youth Advocacy Service, NYAS) and the befriending group NEWPIN all had three or more grants in the seven years before the Committee was formed. After the CPFLJ Committee was formed, there were fewer repeat grants of this kind.

14 The Child Protection and Family Law and Justice programme’s remit was deliberately cast rather widely across the family justice sphere. The broad themes from 1995 to 2001 were as follows.

*One deliberate and distinctive aspect of the programme is its focus on social institutions*

- The development of an integrated system of family justice, including work drawing attention to the anomalies and obstructions in the present system
- The roles and training needs of professionals in the system, including those that may contribute to the new family court welfare system, family mediation or other support services for the family jurisdictions
- Interdisciplinary work in family law, including other government policies with implications for families
- Children at risk or in need, including ‘looked after’ children but also a much broader range of children who might benefit from support
- Broader provision for children in need, for instance the education of ‘looked after’ children
- Placement and planning for children, including adoption, fostering and other types of care. This includes contact following adoption
- Children aged 16 or over who leave care
- Contact following separation or divorce, including the movement of children and child abduction
- Legal and financial aspects of divorce or separation (following marriage or cohabitation) and their aftermath. This includes studies of family finances following divorce, the new ancillary relief procedures, and pensions
- Marriage, divorce and parenting in minority ethnic communities, including expectations and practices of specific communities and changes in these over time
- Children in the legal system, for example, child witnesses
- Policing and risk management that affects children, including the risk management of ‘dangerous men’

15 This list suggests one deliberate and distinctive aspect of the programme: **its focus on social institutions**. Not that the Foundation ignores the needs of individuals; far from it, their well-being is at the centre of what should define properly working social institutions. But the emphasis throughout is on the workings of institutions – law, professional practice, regulations and the complex set of policies, practices and rules that govern social interactions.

16 This reflects partly the Nuffield Foundation’s own historical interests: its funding of socio-legal research and practice, with a distinctively institutional cast, dates back to the early 1970s. The programme is distinctive too in linking its emphasis on institutions with the wide-ranging remit that combines family law, family policy and child protection. For one thing, this means that it spans the interests of several government departments: the Lord Chancellor’s Department

(family law); the Department of Health (child protection and adoption); the Department of Work and Pensions (child support); and, more recently, the Home Office (family policy). The Foundation is keen to encourage work that takes a holistic perspective on these matters and is not artificially limited by bureaucratic or departmental interests.

- 17 The Nuffield Foundation's emphasis also reflects its recognition of the funding undertaken by others (including the Lord Chancellor's Department, the Department of Health, and the Joseph Rowntree Foundation) for parenting and relationship support, areas in which the Foundation does not specialise. Whatever the reason, the focus on institutions means the Foundation's interests lie in the intersection of high policy and daily practice, and on social behaviour and regulation, rather than individual psychology or family therapy.

## GENERAL CHARACTERISTICS OF THE GRANT PORTFOLIO

*Rigorous research is brought to bear on social processes, and practical work is alive and open to the implications of research*

- 18 One hallmark of the Nuffield Foundation's work is our attempt to fund work that is reflective: where rigorous research is brought to bear on social processes, and practical work is alive and open to the implications of research. That, combined with our longer time scale of operation, means that we can work by funding *clusters* of grants. These can be clusters of work on a single topic reporting at similar times, or clusters of work over time, often where there is some iteration between research and practice.

- 19 An example of the former sort of cluster is the recent work on the division of finances after divorce, with a seminar on the principles that might govern so-called ancillary relief, followed by two further projects on the topic. The first, carried out by Mavis Maclean, John Eekelaar and Sarah Beinart at Oxford, examined the work of divorce lawyers more broadly, particularly their conduct in advising on financial settlements. The second was a study of the views of a small but representative sample of recently-divorcing couples, carried out by Jane Lewis and Sue Arthur of the National Centre for Social Research, with Mavis Maclean.

- 20 The second sort of cluster – where practice developments and research are successively funded over time – can be illustrated not just by the Nuffield Foundation's long engagement with mediation, but more recently by the grants made to the National Association of Child Contact Centres to establish a national organisation and policies, and the evaluative and descriptive work that Clare Furniss, of the Faculty of Law at Leeds University has been carrying out.

- 21 This method of developing clusters of work acknowledges that social change is complicated, and that social institutions and practices are a complex web of cause and effect. As Paul Barker wrote in the Nuffield Foundation's 50th Anniversary Report in 1992, 'the almost invariable rule [is] that in social reform, each new

*In social reform, each new solution produces the next set of problems. This is not an argument against reform, merely an argument for social realism*

*In its six years of grant-making, the CPFLJ programme has spent more than £4 million, and has made 85 new grants*

solution produces the next set of problems. This is not an argument against reform, merely an argument for social realism.’ Taking the long view allows some of these consequences – both intended and unintended – to be taken into account.

22 But this can only happen where there is both practical engagement and objective reflection on or evaluation of practice. While particular clusters of projects often include both practical projects and research or evaluation studies, fostering this mix is an explicit aim of the Child Protection and Family Law and Justice programme as a whole, as with all areas of the Foundation’s work.

23 Some figures may give a sense of how the CPFLJ Committee has interpreted this in deciding which applications to fund over its first six years. Overall, of the ‘new’ grants made by the Committee (that is, not including supplementary grants), just over two in five were for purely practical projects aimed at doing good. Just under half were research projects (but all with implications for practice or policy in the short or medium term). And nearly one in ten were evaluations of particular interventions, either of particular statutory arrangements or of innovations in the voluntary sector, so arguably with both a practical and research element.

24 In its six years of grant-making, the CPFLJ programme has spent more than £4 million, and has made 85 new grants. The average grant has been about £52,000 over the period. Practical projects have been somewhat smaller on average, though this is mainly owing to a small number of large research grants – all evaluations of particular interventions – where there were complex design issues. Taken together, this means that about 35% of the budget was spent on practical innovation, though this does *not* include practice evaluation, arguably an important component of practice development.

The rest of this report is devoted to a description of the clusters of work funded by the CPFLJ Committee, and some assessment of their outcomes where these are known.

## FAMILY LAW AND THE JUSTICE SYSTEM

### Mediation

25 The Nuffield Foundation has continued to support developments in family mediation, to ensure that it remains an option for those who could benefit from it. The Foundation has supported **National Family Mediation (NFM)** – and its predecessor organisations – with a series of grants for various forms of development support since the first grant in 1978. Grants were also made by the CPFLJ Committee to help **Family Mediation Scotland** carry out pilot work in all-

issue mediation (where mediators help couples sort out finances and issues other than children) and towards the starting-up costs of the **UK College of Family Mediators**, the accrediting body charged with setting standards for this work. The Government's announcement that it will not implement Part II of the Family Law Act means that information about mediation may not be as widely available to couples considering divorce as some had hoped. For that reason, as well as others, potential demand for mediation is uncertain. The CPFLJ Committee remains sympathetic to the need for a national body to promote good practice, and notes that NFM has prompted many of the debates – not least about the need for a non-adversarial approach where children are concerned – that have come to characterise much of the public policy and practice relating to divorce and separation. But funding for the core work of the national mediation bodies remains uncertain. We will remain alert to developments in this area.

*The Nuffield Foundation has continued to support developments in family mediation*

26 Meanwhile, there continue to be further innovations in using mediation and in understanding the circumstances in which it may be suitable. We made a grant to examine the potential usefulness of mediation in cases of international child abduction, which is described below. But we also made a grant to **Sonia Shah-Kazemi** of the University of Westminster School of Law for a wide-ranging study of the work of the **Muslim Shariah Law Council**. That research is the first to look at the use of mediation in an ethnic community that provides a particular form of institutional support for it, though in a very different framework from that governing civil divorce. The report describes the difficulties faced by some Muslim women when they divorce and, among other issues, looks at the need for faith-sensitive mediation and advice. The grant arose from contact made in one of the CPFLJ Committee's four Nuffield seminars held between 1997 and 2000.

27 The first CPFLJ seminar was a meeting on **ethnic minority issues in family law and child protection**. (See the box below.)

#### **Seminar on ethnic minority issues in family law and child protection**

This seminar, held in 1997, was planned because the CPFLJ Committee recognised the importance of doing work in this area, but had been disappointed by the quality of many of the applications it had considered on this topic. The seminar brought together interested researchers, policy-makers and practitioners to discuss methodological difficulties and the particular topics within family law and child protection where research on ethnic minority issues was important. Topics included adoption and fostering, placement of mixed parentage children, and laws about marriage and divorce. Some successful grant applications have arisen as a result – notably from Sonia Shah-Kazemi on family mediation in Muslim law, from Julia Brophy on the expert witnesses in care and related proceedings involving children of black, ethnic minority and mixed heritage, and from June Thoburn and Ashok Chand for a broad review of UK research on family support, child protection and child placement services for parents and children of minority ethnic origin.

## Divorce law, separation and finances following divorce

*The CPFLJ Committee remains interested in the broader issue of divorce law*

*While law and policy may not be driven by public attitudes, it is generally better when they take account of them in some way – at least to the extent of recognising them when they are adrift from actually existing rights*

- 28 The CPFLJ Committee remains interested in the broader issue of divorce law. The decision not to implement Part II of the Family Law Act means that there will be continuing discussion of this issue. There are bound to be pressures to implement reforms closer to those originally proposed by the Law Commission, supporting a more coherent framework in which the settling up of obligations to children and spouses is underscored as a legitimate aim.
- 29 Under the Foundation's Access to Justice programme of work, we will be sponsoring seminars on various issues arising from Professor Hazel Genn's *Paths to Justice* study, and 'whither divorce law' will be the subject of one of them. (See opposite page.)
- 30 In the meantime, the CPFLJ Committee has fostered a cluster of work about divorce and separation. A grant made in 1999 to Anne Barlow of the Department of Law at the University of Wales in Aberystwyth, Simon Duncan of the Department of Law at Bradford University, and Alison Park of the National Centre for Social Research will report in 2001 and 2002 on **the common law marriage myth and the need for legal realism**. That study is an examination of the extent to which the public believes that there is such a thing as 'common law marriage', what rights they think co-habitants who are not married have when relationships fail, and what rights they think co-habitants ought to have. It includes a representative sample of the population, as well as qualitative interviews with groups – cohabitants who are still together as well as those who have separated – whose views will be relevant. While law and policy may not be driven by public attitudes, it is generally better when they take account of them in some way – at least to the extent of recognising when, as seems likely, they are adrift from actually existing rights. Preliminary data already suggest that, at the very least, there is much confusion about the rights and obligations that are legally-enforceable when co-habitations involving children break down.
- 31 Other work in this area has centred on the work of lawyers. Professor Genn's study and others show that when couples divorce, the vast majority in England, Wales and Scotland will seek advice only from a lawyer. Though practice has largely shifted from the days when lawyers often took an overly-adversarial stand, there is still a need to understand how they work to represent their clients' interests while achieving settlements in the vast majority of cases. Mavis Maclean, then at the Centre for Socio-Legal Studies at the University of Oxford, and John Eekelaar of Pembroke College Oxford were funded to examine how divorce lawyers work. Their work was published in a book, *Family lawyers: the divorce work of solicitors* and launched at one of the CPFLJ Committee's Nuffield seminars held in September 2000. Their research showed that lawyers were often involved in efforts to promote settlements that took account of children's and partner's needs, and also has implications for debates about how to ensure that family lawyers have appropriate specialist experience and qualifications and for the provision of public funds through the Legal Services Commission.



### 'Paths to Justice' studies

Back in 1994, the Nuffield Foundation, with its long-standing interest in access to justice, began to wonder how much was known about the public's own experience of civil law and legal processes. We considered commissioning work on the 'public understanding of law', but a series of meetings with interested professionals and researchers convinced us that this would simply reveal what we already knew: that most people have very little knowledge about the law, and what they have is often inaccurate. Far more important were two questions: how often do people experience problems that might have a legal solution – conceptualised in the study as 'justiciable events' – and how do they set about solving them?

We commissioned two linked studies from Professor Hazel Genn of University College London, together with the National Centre for Social Research.

The first took place in England and Wales. With the help of an expert advisory group, the researchers turned the concept of 'justiciable events' into a concrete series of examples of problems which individuals might encounter in their everyday lives and which might have a legal solution. These included problems with goods and services, debts, housing, employment and, crucially for this Review, divorce and separation and problems with children. Over 4,000 people in England and Wales were screened, and over 1,000 of these were followed up with a detailed questionnaire.

The second study followed hard on the heels of the first. It was for a parallel study in Scotland. That study brought in as a co-author Professor Alan Paterson of Strathclyde University. The Scottish legal system is of course different from that in England and Wales, and both the questionnaires and the analyses needed to take proper account of this.

Findings from the two studies were published as *Paths to Justice: what people do and think about going to law* (Hart Publishing, 1999) and *Paths to Justice Scotland: what people in Scotland do and think about going to law* (Hart Publishing, 2001).

Both studies found little evidence of a rush to law, though they both suggested there were areas of unmet need for advice and help at early stages of disputes. One important finding was that most people sought advice about divorce or separation only from solicitors, and that they tended to do so at an early stage.

*While many separating couples start with a presumption of a fifty-fifty split, this comes under pressure when children are involved and there is a need to trade off current property against the different financial prospects of mothers and fathers*

32 The extent to which lawyers have to educate their clients about what the law expects from financial settlements following divorce is one of the clear messages of the study. Of course, case law is always developing, as in the recent ruling in *White v. White*. But it seems clear that many men and women start the process of divorcing without any real understanding of what it will mean financially, and many have positive misconceptions that get in the way. The CPFLJ Committee has supported several projects on this topic. It commissioned the then **Family Policy Studies Centre (FPSC)** to organise a seminar on **the principles that might govern settling up of finances and property on divorce**. The procedures for ‘ancillary relief’ – the powers of the court to make orders for financial and property settlements attendant upon divorce – have seen changes in recent years, with reforms requiring judicial case management to combat delay or the accumulation of disproportionate costs. But in 1998 Government was considering suggestions that the principle governing settlements should be altered so that they more clearly tilted towards a default assumption of a fifty-fifty split. The seminar convened by FPSC allowed a wide range of views to be canvassed, including alternative formulations to introduce greater clarity and certainty without resorting to a formula that might not support children, or might not recognise the complex relationship between women’s work outside the home and childcare, and the potential vulnerability to which this exposed some women. The issue of pre-nuptial agreements was also discussed. An FPSC Briefing Paper was produced to summarise the issues.

33 These discussions suggested that we needed to understand more about how couples did actually come to make **financial arrangements after divorce and separation**, in the case of both married and co-habiting couples. **Jane Lewis** and **Sue Arthur** of the **National Centre for Social Research**, along with **Mavis Maclean** will complete a project on this topic in 2002. They are following up representative samples of the formerly-married from the *Paths to Justice* study, and of co-habitants from the **common law marriage myth** study to see just how they reach their arrangements. Early results suggest that while individuals often discuss ‘fault’, they have a more complex view of this than is often acknowledged. And while many start with a presumption of a fifty-fifty split, this too comes under pressure when children are involved and there is a need to trade off current accumulated property against the different incomes and financial prospects of mothers and fathers. One finding with a clear policy implication is that initial arrangements often tend to stick even when they are rather hastily arrived at or are inadequate. It will be interesting to see how co-habitants with children differ from those who are married.

34 A final cluster in this area of work has been two projects on child support. Since 1993, maintenance awards for children have not been the result of court orders but are awarded and policed by an administrative agency, the Child Support Agency. Grants made initially by the Nuffield Foundation in 1993 but then supplemented by the CPFLJ Committee to **Professor Gwynn Davis** of the Department of Law at Bristol University, **Professor Nick Wikeley** of the Department of Law at Southampton University and **Dr Richard Young** of the

University of Oxford led to the book *Child Support in Action*. The findings helped illuminate the many difficulties with the original child support arrangements, even as modified in 1995. As the new Government of 1997 made clear its intentions to reform the Child Support Act, the CPFLJ Committee approved a grant to the then **Family Policy Studies Centre** for a **wide-ranging review of child support**, including a history of how the original arrangements were arrived at, what lessons or evidence there was from other countries grappling with this issue, and then later, to convene discussions about and a briefing paper on the new government's proposals for reform. The report by **Helen Barnes, Patricia Day and Natalie Cronin**, *Trial and Error: a review of UK child support policy*, was a fascinating study of how *not* to implement legislative changes in an area as complex as family law, and was also useful in pointing up the range of systems used in other countries, the trade-off between simplicity and arrangements tailored to individual circumstances, and the need to provide incentives for couples to abide by the arrangements, requiring governments to take a more balanced view of cost-saving.

### Contact with children following divorce or separation

*One legitimate aim of public policy is to ensure that, when divorce and separation do occur, arrangements are made in the best interests of the child*

- 35 The CPFLJ Committee has made grants for several projects on arrangements for children following divorce or separation. Clearly one legitimate aim of public policy is to ensure that, when divorce and separation do occur, arrangements are made in the best interests of the child. This is far from easy.
- 36 In 1996, the CPFLJ Committee made a grant to **Professor Carol Smart** and **Dr Bren Neale** of the Centre for Research on Family, Kinship and Childhood at the University of Leeds for a **study of 'post-divorce' childhoods**. This meant talking to children themselves – from families where some shared parenting was clearly being undertaken as well as those where this was more difficult to achieve – to find out how they viewed matters. The aim was not to gather evidence on outcomes for children but to explore what views they expressed and what sorts of issues they found particularly difficult. The delicate balance between listening to children and not drawing them into all decisions or conflicts was also explored, as were problems that children might have in splitting their time exactly equally between parents. This led to a publication by **Bren Neale** and **Amanda Wade**, published by Young Voice, called *Parent problems: children's views when parents split up*. This is aimed at young people themselves, showing them a range of views and experiences. It is hoped that it may help young people and their parents better negotiate the pitfalls of family change. A second book, *Good to talk*, also published by Young Voice, appeared late in 2001; this is a summary of the research with some important reflections on how the system might be adapted to cope with the diversity of children's needs. Of course, disputes between parents over contact with their children continue to be a cause for concern. The CPFLJ Committee made a grant to **Carolyn Hamilton** of **The Children's Legal Centre** to fund a **specialist telephone advice line for parents and others who wanted to know about their legal rights in contact disputes**. The aim is also to produce a report

that shows what some of the sticking points are, examining how these might be better addressed before they escalate or become entrenched. One issue that needs further thought is how to ensure that children's needs and wishes are properly listened to when their parents are in dispute over contact.

37 One issue of concern is the lack of funding for specialist advice on these matters. The Children's Legal Centre's contact advice line receives referrals from those who telephone Parentline Plus, the government-funded general advice line aimed at parents, whenever specialist advice is thought to be needed. But governments have been slow to support this or a number of other specialist national telephone help-lines that serve both other providers of information and members of the general public, and are therefore both national and local resources. Such specialist help-lines are not always eligible for funding for legal services or for family support, even where they are acknowledged sources of specialist advice, or where they help solve problems before they turn into expensive legal actions. Developments of a 'joined up' nature would be helpful.

38 That contact disputes are on the increase – with the concomitant increase in unhappiness and social and monetary costs – is documented in work carried out by Professor Gwynn Davis and Professor Rebecca Bailey-Harris of the University of Bristol Department of Law. Their study of **applications by parents for Section 8 orders under the Children Act 1989** reveals the range of cases that may escalate into full-blown legal disputes, the tensions between parental autonomy and the welfare of the child in moving from settlements to adjudication, and the strengths and weaknesses of using the law to address disputes that may not fundamentally be amenable to *legal*, rather than social, settlement. A second grant was made to Dr Ann Buchanan, Joan Hunt and Harriet Bretherton at the Department of Applied Social Studies and Social Research at the University of Oxford for a study of **family perspectives on welfare reporting in contested applications for orders under Section 8 of the Children Act 1989**. The results support the assessment that many families where parents cannot agree arrangements for their children have complex needs not best met through legal proceedings. The research suggests that parents' distress tended to moderate over time, but that children's emotional and behavioural difficulties were linked to distress in the resident parent; it was less likely for boys than girls to attenuate once proceedings were over.

39 All this suggests that some families cannot solve the problems posed by contact by themselves. Not only are courts involved, but in many cases the only way that contact can be arranged is through a contact centre. These centres, staffed and run mainly by volunteers, provide an essential service if parents are to stay in contact – however limited or controlled – with children where, for instance, there have been high levels of conflict between parents. Often, despite these real problems, the children do need to be in touch with both parents. In 1996, the Foundation was approached by Eunice Halliday, then a volunteer, to make a very small grant so that she could attend a conference in Australia about practical developments there. That led to an application for a larger grant to put the **National Association of Child Contact Centres (NACCC)** (as it is now) on a properly-staffed footing, so

*Contact disputes are on the increase – with the concomitant increase in unhappiness and social and monetary costs*

that it could help local centres develop policies and good practice, and generally push for proper provision for the centres.

40 There have been three strands to the CPFLJ Committee's support for this work. The first has been two grants to NACCC to fund the director's salary; Eunice Halliday was appointed the first paid director in a wholly open selection process. This is yet another area where the Nuffield Foundation is willing to provide the pump-priming support and hopes that government will acknowledge the important service done by national voluntary family organisations. At a time when there is an active debate about the engagement of the voluntary sector and civil society more generally in providing for social welfare, the need for bodies that support the many local services who need back-up, training, and help in developing good practice should be better recognised.

41 The second strand has been a direct spin-off from support for NACCC. Sparked by a local volunteer, NACCC applied for a grant for a book that would explain to small children, aged three to eight, just what would happen at this place called a 'contact centre'. Sensitively written and illustrated, the book – called *Ben's story* – was deliberately designed so that it might be used by either parent, who could read it to their child and so also get some glimmer of just what the child might be feeling. The book was launched at the House of Commons in 1998.

42 The third element in our support for this work has been a grant for a **research description and evaluation of the work done by contact centres**: who attends them, what policies are in place, and what remains to be done. That study, by Clare Furniss of the Faculty of Law at the University of Leeds, examines the workings of contact centres, and the range of cases they should and do handle; it also identifies some mismatches between the practices of those who refer parents to contact centres and the services provided by the centres.

43 One of the most extreme reactions to disputes over children following divorce or separation is child abduction. Difficult enough to handle when it happens within a single country, it is doubly so when it involves abduction to another country. Unfortunately, in an age of increasing family breakdown and greater ease of travel, international abduction too seems to be increasing and better ways of dealing with it are required. An early grant to Reunite, the organisation to help those who have experienced child abduction, led to the production of a very useful handbook of the laws, institutions and contact points for abductions involving signatories to the Hague Convention. The CPFLJ Committee made three further grants to support work in this area.

44 The first was another grant to Reunite itself for a **practical project to see if mediation could be used in some international child abduction cases**. The Director of Reunite, Denise Carter, is leading a small team. The underlying issue is that the international convention governing international child abduction, the Hague Convention, was drafted on the assumption that the abductor would generally be a non-resident father. In fact, many abductors are mothers living abroad who will

*In an age of increasing family breakdown and greater ease of travel, international abduction too seems to be increasing and better ways of dealing with it are required*

eventually gain residence or custody orders but who, for good reasons or ill, are desperate enough to short-circuit court procedures and, often, abduct their children by taking them back to their own home country. Reunite wants to explore whether there is some sub-set of child abduction cases that might use mediation to get parents to agree what should happen to the children without going to the unsettling and expensive process of court proceedings in two countries when the outcome may be rather predictable. This is a taxing and difficult area of work; those working on the project do not have a naïve belief that mediation would be the answer in many cases, but if it could help in only a few it would save much distress.

45 Two other projects were funded on this topic. The first grant was a contribution to a high-level conference of German and English judges to discuss particular problems arising in the different ways they implemented the Hague Convention. This conference was convened by **Professor Nigel Lowe** of the Cardiff Law School. Professor Lowe, with his then-colleague Alison Perry, had already been funded by the Nuffield Foundation's Small Grants in the Social Sciences Scheme for a small-descriptive **study of the profile of international child abduction cases handled in Britain**. This profile gathered for the first time such basic information as which countries were involved in disputes, whether mothers or fathers were the abductors, and so on. In 2000, **Professor Lowe** and **Professor William Duncan** of the Hague Secretariat sought a somewhat larger grant to collect **similar statistical information about all the Hague Convention signatory countries**. The need for quite basic information in order to inform discussions about reform of the Convention was apparent.

46 The box opposite is a summary of the Social Science Small Grants Scheme.

### Domestic violence

47 Mediation services, contact centres and other institutions are now generally more aware of the need to develop policy and practice for the appropriate handling of domestic violence. The CPFLJ Committee has made two grants on the use of the legal system to tackle domestic violence – one a research study and the second a practical project.

48 **Dr Carolyn Hoyle** and **Professor Andrew Sanders**, respectively of the University of Oxford Centre for Criminological Research and (now) of the University of Manchester, carried out a **study of the response by police to domestic violence: pro-arrest policies and victim choice**. They found that pro-arrest policies *alone* were not enough, but needed to be accompanied by a range of social interventions if they were to make a difference.

49 But legal interventions do provide some potential respite: the Family Law Act 1996 gave courts tougher powers, including powers to grant injunctions and non-molestation and occupation orders, and tougher enforcement procedures to deal

*Mediation services, contact centres and other institutions are now generally more aware of the need to develop policy and practice for the appropriate handling of domestic violence*

### The Nuffield Foundation's Social Science Small Grants Scheme

The Nuffield Foundation has long had a special scheme for Small Grants in the Social Sciences. Following a review in 1997, three explicit criteria were established for that Scheme. Grants were to be made for:

- the development of research capacity by funding those new to or at the beginning of their research careers;
- support for small self-contained research projects and pilot studies concerned with social well-being and research in areas of special interest to Trustees;
- support for other social science research of outstanding quality.

In 2001 and 2002, awards are normally up to £6,000 and can go up to £10,000 to meet research costs including research assistance, travel or other research expenses. Applications are subject to peer review. There is no closing date and applications are handled reasonably quickly and flexibly.

Obviously this gives us a means by which small projects in our areas of special interest can be supported, especially those involving newer researchers, or where the need is for a pilot study for what might be a larger project. Sometimes researchers will come back to the Nuffield Foundation with their applications for larger studies; sometimes, another funder is more appropriate.

Indeed, there is movement back and forth between the two, depending on time and the scale of what is being sought. So, for instance, Professor Lowe's first study of international abduction work started as a Small Grant. He then received a grant from the CPFLJ Committee for a larger cross-national study. Other researchers needed to carry out smaller projects: Dr Jonathan Dickens of the University of East Anglia received a grant for a study of the relationship between child care social workers and local authority solicitors. Other work is explicitly exploratory: Professor David Quinton is examining the possibility of carrying out follow-up work to a large Department of Health dataset to learn more about longer-term outcomes.

These grants are an example of how the Nuffield Foundation seeks to make its own procedures – in this case the different administrative machinery for handling academic small grants – as transparent and permeable as possible in the interest of getting good work done.

with domestic violence. To make these powers better understood and more widely available to non-specialist advisers and women themselves, the CPFLJ Committee gave a grant to **Rights of Women** to produce a *Domestic violence injunction handbook*. Celia Urbach and Rights of Women launched it in 2000, and it has also been translated into Bengali, Gujarati, Hindi and Urdu.

## Integrated family justice

- 50 General discussions about how the family justice system works as a system are somewhat less conspicuous now than they were a decade or so ago. This is partly because the idea that different disciplines and professions need to work together, sharing some common values and knowledge, is now taken for granted. The Children Act 1989 – and the discussions leading it up to it and the implementation work afterwards – are partly responsible.
- 51 The Nuffield Foundation's support for the important series of projects headed by Professors Mervyn Murch and Douglas Hooper also helped to create a climate in which questions about how family justice worked, or did not, as a system might be asked. Their work included discussions about how private and public law relating to families should be better integrated. These discussions were more than mere talking shops; they helped to create some of the shared values and the background of evidence on which the system is based. These discussions now continue as an accepted part of normal practice, including in such forums as the President's Multidisciplinary Conferences or the Dartington Seminars.
- 52 The CPFLJ Committee learned of the closure of the **National Council for Family Proceedings** in 2000 with real regret. The Nuffield Foundation had made two grants towards the Director's salary as a contribution to core costs while the Council was getting established. The Council did much useful work in bringing together practitioners from various disciplines and differing interests to promote common perspectives on the family justice system, commitment to and understanding of multi-disciplinary work and to provide shared training where that would be helpful. Its demise points to the difficulty faced by voluntary bodies with a multi-disciplinary focus on the family, as their interests are neither central to any one profession or group of practitioners, nor to any one government department. Yet without such bodies, some of the essential glue in the system is missing. Ultimately, the ability of the new Children and Family Court Advisory and Support Service (CAFCASS) to provide a single system helping families and children who are in trouble will depend too on the extent to which the multi-disciplinary work that the Council was formed to foment can be resurrected and institutionalised.
- 53 The CPFLJ Committee made one other, more modest, grant to help take this issue forward. In 1997 and 1998, discussions were well under way about how to merge the work of the family court welfare officers involved in private law disputes and that performed by guardians *ad litem*, appointed to represent children's interests in public law disputes. In 1998, **Joan Hunt** applied for a grant to talk to the small number of practitioners who had done both roles to see what views they had about the similarities and differences between them and to inform planning for the proposed CAFCASS. The research was carried out jointly with **James Lawson**, then of the **National Council for Family Proceedings**.



## CHILDREN AND FAMILIES IN NEED

- 54 In addition to family law, the second major strand of work of the CPFLJ Committee is concerned with children and families in need, including child protection work in a broad sense.

### Support for children and families

- 55 Over the years, the CPFLJ Committee has made a number of grants for practical projects to help children and families. Some of these were grants to help voluntary sector organisations that work with children or families to develop their own capacity. These include grants to the **Place 2 Be**, the then **National Stepfamily Association**, **Meet-a-Mum Association**, the **Children's Rights Office**, the **Children's Rights Officers' Association** (which helps local authority and voluntary sector children's advocates to work more effectively) and the **Grandparents' Federation**. In each of these cases, the grants enabled the organisation to fund a new post or to work in a more professional manner.

- 56 In other cases, the grants helped to establish a new service. One of these was developed following discussions at Family Policy Studies Centre seminars on the reform of Child Support. The **National Council for One-Parent Families**, which has long run a general telephone help-line, was given a grant to develop a **free-phone advice line for lone parents with financial problems**, including problems with child support payments. Two others had a more direct link with child protection. **Kidscape** was given a grant to develop its **national training programme**. An imaginative link between **Public Concern at Work**, the so-called 'whistle-blowers' charity', and the **National Council of Voluntary Child Care Organisations**, an umbrella group, led them to ask for funding to provide **information and training about whistle-blowing to those working in the voluntary child care sector**. A third modest grant was made to the **Children's Legal Centre** for a **study of children's refuges**. Here there was a need to bring together various organisations to explore the workings of refuges for runaway children, especially in relation to the rules governing the relation between them and the more stable arrangements needed if children are to be looked after. This is a rather practical way of investigating the workings of current statutory arrangements.

### Child protection: decision-making, assessment and preventive work

- 57 A significant number of grants were made for projects to help improve child protection policy, practice or procedure. These include grants for practical projects, research grants, and evaluation.
- 58 As in all the Nuffield Foundation's work, the CPFLJ Committee starts from the principle that child protection practitioners need to be aware of research evidence that could inform their practice. But how can busy practitioners find out about the evidence? And how can they judge what evidence is reliable, or which research is

*The CPFLJ Committee has made a number of grants for practical projects to help children and families*

more robust? **Research in Practice**, noting that social workers spend much time in cars, decided to develop a series of *Audiotapes for children and family workers aimed at promoting better links between research evidence and practice*. Topics covered include: family placement, residential care, anti-social behaviour in young people, transitions for care leavers, and child and adolescent mental health. Working with the **Policy Research Bureau**, they have also made a plan to carry out a modest before-and-after evaluation to see if there is any evidence that child care workers remember the evidence or have found it useful in their practice.

*Social workers specialising in child protection may benefit from further training on adult mental health if they are to intervene effectively*

59 Two other projects illustrate the CPFLJ Committee's interest in child protection work that takes a more preventative approach. In 1996, **Professor Michael Sheppard** of the Department of Social Policy and Social Work at the University of Plymouth was awarded a grant for **research on the practice of social workers in child and family care who were providing family support services to mothers with infants**. His question was whether child protection workers were actively seeking evidence of maternal depression (including ante-natal depression) and offering appropriate mental health support to mothers. His study suggests that social workers specialising in child protection may benefit from further training on adult mental health if they are to intervene effectively at early stages to prevent further problems. They need also to be clearer about which steps might support adult mental health and which are needed to protect children.

60 The second study is a much larger evaluation of a particular model of preventative practice. **Dr Jane Barlow, Dr Sarah Stewart-Brown, and Dr Claire Burns**, of the Health Services Research Unit at the University of Oxford, are carrying out a **trial of the effectiveness of an intensive home-visiting programme in preventing the maltreatment of infants in high-risk families**. The project starts with the identification of families where there is a high risk of child protection concerns being raised and randomly allocates them to receive either standard services in the year following the birth of their child or to receive a specially targeted year-long programme of support offered by health visitors. While the programme operates in a way different from the Government's Sure Start model, its focus on prevention is compatible with it. The local NHS Research and Development Board is supporting the costs of the intervention, while the Nuffield Foundation is funding the costs of the research, and the Department of Health is funding the costs of a cost-benefit analysis. In this case, the Nuffield Foundation's funding was essential in ensuring that a programme which some feared would cut across the volunteer-based interventions offered by Sure Start was given a chance. The concern is that, if intensive interventions are needed, they must be targeted if they are to be affordable. Findings will be available in 2003.

61 That grant was rare in that it used 'random allocation' to study the effects of a rather specific social care intervention. The CPFLJ Committee notes the power such studies can have, but only where there is an appropriately precise intervention. And of course such trials are only appropriate and ethical when there is 'clinical equipoise' – real uncertainty about whether the new treatment or intervention will do harm or good, or be better or worse than the standard

*The project demonstrates the importance of working in partnership when evaluations of social care interventions are planned, as well as the desirability of allowing a long time for setting them up!*

treatment. These circumstances arise relatively rarely in social care. The CPFLJ Committee has however funded a second evaluation of this type. It followed from Foundation grants made (before the CPFLJ Committee was set up) to the **Family Rights Group** and **Professor Peter Marsh** at the University of Sheffield. These examined the workings of ‘family group conferences’ in child protection work. This model, based on work in New Zealand, tries to bring together family members, including extended families, to see if they can develop an appropriate child protection plan providing family care. There is of course a tension between the desire to keep children with families wherever possible, and concerns that child protection concerns would not be adequately met. In 1998, **Louise Brown** of the University of Bath and Wiltshire Social Services Research and Development Partnership and **Dr Carol Lupton**, then of the Social Services Research and Information Unit at the University of Portsmouth, were given a grant to look at **the outcomes of a sample of families randomly allocated to work with social workers in traditional ways or to use a family group conference model**. They want to know whether family group conferences will make any differences to the outcomes for children.

62 This study took some time to set up. Concerns were raised, on the one hand, about whether there really was ‘clinical equipoise’ as there is a tendency to believe that any social intervention may be better than none, or that depriving families of an extra intervention might be unethical. These views are of course based on mistaken belief that social interventions are always harmless. A second set of concerns were about the need to ensure that effective child protection measures were in place before the trial was launched. Throughout, Wiltshire Social Services showed a commitment to support the project to ensure that there was evidence to improve its practice. Like the evaluation of the home-visiting trial, the project demonstrates the importance of working in partnership when evaluations of social care interventions are planned, as well as the desirability of allowing a long time for setting them up! Results are due in 2002.

63 The CPFLJ Committee made a larger number of research grants in the field of child protection that use more traditional methods. In 1995 the Committee made a grant to **Nigel Thomas** of University College of Swansea for a **study of children’s participation in decisions about care**. Mr Thomas wanted to examine how local authorities in Wales took account of children’s views when decisions were being made about them – for instance when it was being decided whether they need to go into care, what form of care might be appropriate and so on. He has since worked with various local authorities to try to promote better methods of working.

64 In 1997, the CPFLJ Committee made a grant to **Bridget Lindley** and **Dr Martin Richards** of the University of Cambridge to examine **the potential uses of advocacy for families with children who are the subject of child protection investigations**. While this study has illuminated important areas of good and bad practice in the use of advocates working with families to improve social work decision-making, it was not able to recruit enough comparison cases to fulfil the original aim of

exploring whether advocates made any differences to the plans adopted or to outcomes for children. It has however led to clarification of the features and functions of advocacy for parents in child protection cases and a discussion of how services might be developed in future. A second study that illuminated good and bad practice was the study carried out by **Marian Elgar** and **Ann Head** of the Centre for Socio-Legal Studies at Wolfson College Oxford and the Oxfordshire GALRO panel on **the plans for placement of sexually abused children**. This also helped a group of guardians to be more explicit in the gaps of the knowledge guiding professional practice.

*Description can of course be important in providing information to help better planning of more appropriate services*

**65** Description can of course be important in providing information to help better planning of more appropriate services. In 1999, the CPFLJ Committee made a large grant to **Dr Danya Glaser**, **Dr Jill Hodges** and **Dr Vivien Prior** of the Department of Psychological Medicine at Great Ormond Street. They are conducting a **follow-up study of cases handled by a child care consultation team**. They will examine the case load of a large unit at Great Ormond Street that handles children referred for childcare assessments to see what happens to the children. They are also compiling a proper profile of the kinds of cases handled, which will provide one piece of useful evidence in planning services. They will then look at outcomes in order to improve understanding of the relationship between their assessment, court decisions and the outcomes that result. Results will be available in 2002.

**66** We also fund descriptive studies when these can assess whether the assessment of risks to children is not working properly to safeguard children. This is one of the concerns that led **Professor Judith Harwin** and **Donald Forrester**, now of the Department of Social Work at Brunel University, to seek funds for a prospective study of how 100 families where there were **child protection concerns arising from parental alcohol or drug misuse** were assessed by social workers, and what the outcomes were one year later. One issue is the extent to which interventions in this complex area of work place the assessment of outcomes for children strongly at their centre.

**67** The CPFLJ Committee made two grants during this period to **Professor Judith Masson** and **Dr Maureen Winn Oakley** of the NSPCC Legal Research Unit at the University of Warwick. This team is carrying out two linked studies on the role of police in child protection work. The first was a **study of the use of police protection to detain children thought to be at risk of significant harm** and the second is **an analysis of the use of emergency protection orders**. In both these cases there is an explicit framework for comparing areas with different rates of using police protection or emergency protection orders, so the researchers can identify some of the processes involved and their consequences.

**68** This interest in the role of professionals other than social workers is illustrated too by a grant made to a multi-disciplinary team at the Cardiff Family Studies Centre at the University of Cardiff, headed by **Cathy Copley**, a lawyer. They are studying **legal and child protection issues when children have sustained sub-dural**

**haemorrhage.** This is based on a sample of all known cases of sub-dural haemorrhage in Wales, and is examining the social work and legal handling of them. While sub-dural haemorrhage can result from so-called ‘shaken baby’ syndrome, there is some medical controversy about the diagnosis and often too uncertainty about the appropriate forensic and child protection approach. The team is looking at cases to find out what actually happened and what outcomes – both medical and socio-legal – resulted. They will make recommendations for improving practice in 2002.

**69** Meanwhile, the CPFLJ Committee also made a grant to **Detective Chief Inspector Philip Wheeler** of the Serious Crime Group at the Metropolitan Police Service to carry out a **practical investigation of existing training and unmet need of police and social services in cases of suspected shaken baby syndrome.** DCI Wheeler is also on Ms Cobley’s advisory board. The hope is that this link will mean that appropriate training based on sound research evidence can be developed soon after the study reports.

**70** A final coupling of child protection grants is on the topic of expert witnesses in child protection cases. The first was a small grant to a team led by **Peter Harris**, then the Official Solicitor, and **Dr Eileen Vizard**, a child psychologist, to develop a **training programme for expert witnesses in child protection cases.** This was a very small pump-priming grant to encourage the Royal College of Psychiatrists to offer such training regularly. This seems to have paid off, as the course is now on offer two or three times a year.

**71** The second was for a secondary study of research evidence by **Dr Julia Brophy** and **Dr Ann Buchanan** of the Department of Applied Social Studies at Oxford on the topic of **expert witnesses in care and related proceedings involving children of black, ethnic minority and mixed heritage.** That study found differences in the way expert witnesses were used in proceedings involving parents of different backgrounds, and noted in particular the need for appropriate experts on adult mental health matters.

### Placement, planning and outcomes

**72** It is not surprising that the CPFLJ Committee has made a large number of grants for research and practice on adoption, fostering and permanent placements. While the majority of children for whom child protection concerns exist will stay with their birth families or go back to them after a short time away, a minority will need to find other permanent homes – and this always raises particular concerns and difficulties about how to ensure that these substitute families are the right ones. The Committee has funded a steady stream of projects on these difficult topics, many of them seeking to understand more about longer-term outcomes and therefore based on longitudinal studies. Throughout the Committee has taken account of complementary work funded by the Department of Health and others, but it has doubtless carved out a distinctive niche in this area.

*The CPFLJ Committee has made a large number of grants for research and practice on adoption, fostering and permanent placements*

*Early findings indicate a need for more support than adoptive and foster parents currently get*

**73** A good example of what is perhaps the broadest study funded by the Nuffield Foundation on this topic is **the six-year follow-up of children placed from care into permanent substitute families in middle childhood**. While many of the public still think of adoption and fostering as involving infants or young children, professionals know that in many cases children are much older before it is decided that a permanent substitute family is needed. By that time, many of the children will have emotional or behavioural difficulties and supporting attachment to a new family will be difficult. So adoptions at this age have relatively high break-down rates. **Alan Rushton** and **Cherilyn Dance** of The Maudsley Section of Social Work and Social Care at the Institute of Psychiatry are studying the longer-term outcomes of a random sample of children placed in permanent substitute families – either adoptive or long-term foster placements – to see what factors are likely to be important in determining outcomes. This is the second round of interviews in a long-term study which is likely to provide basic evidence of a sort often lacking. Their preliminary results show that long-term foster care arrangements were more likely to have ended than adoptions – but children placed for foster care were older, and the older the child at placement the less likely the arrangement is to last in any case. This issue is being explored further. Children who were not only rejected by their birth parents but singled out from their siblings for rejection were more likely to have a poor outcome. One important finding is that, while children’s behaviour problems may persist after placement, they were *not* the over-riding factor in placements ending, *unless* they were associated with over-activity. Parents’ perceptions of the child’s attachment to the family appear crucial to outcomes, and over-activity is associated with lower levels of perceived attachment. This continuing study will soon be looking at the families’ experience with support services, if any, and the children’s academic achievement. But the early findings indicate a need for more support than adoptive and foster parents currently get.

**74** Indeed, the new Adoption Bill should pave the way to clearer entitlement of adoptive families to post-adoption help and support in caring for children. The CPFLJ Committee has recently made a second grant to **Alan Rushton** and **Cherilyn Dance** for a **study to collect systematic information about post-adoption support programmes**, to prepare an analytic typology and look at empirical evidence about the link between different types of interventions and outcomes for children. This may be a prelude to more systematic study of what sorts of interventions are most effective in improving outcomes for families and children.

**75** In contrast is an evaluation of a very specific intervention in adoption planning. As it is examining the workings and consequences of a policy in which there is great interest, there is likely to be a great demand for the findings. In 1998, the CPFLJ Committee made a large grant to **Dr Elizabeth Monck** at the Thomas Coram Research Unit at the Institute of Education for a **study of concurrent planning in adoption for looked-after children**. ‘Concurrent planning’ is a way of working jointly with birth families and prospective adopters in order, it is hoped, to reduce delays that can be so detrimental for children. The aim is to work with clear timetables and targets with birth families in cases where there are child

protection concerns while simultaneously fostering contact with prospective adopters who are temporarily looking after the child. All parties know the timetable and that any initial placement is only temporary; it will only become permanent if rehabilitation with the birth family is judged to be too risky. While this way of working might reduce drift, it does depend on a complex set of social circumstances, including finding prospective new families who can adapt to the uncertainty. Aware that enthusiasm for it might be out-stripping the evidence, the CPFLJ Committee funded Dr Monck to compare the workings of concurrent planning with a matched sample of children where more traditional planning took place. Interim findings suggest that the study, initially conceived as being about outcomes, may in fact yield more evidence about the difficulties of setting up the right conditions for concurrent planning, but results will not be available until 2002.

*Nowadays adoption may best be thought of as a triangle involving birth families, adoptive families and children*

**76** In the meantime, there continues to be a need for work that addresses the fact that nowadays adoption may best be thought of as a triangle involving birth families, adoptive families and children. The CPFLJ Committee has gone to the lengths of producing special guidelines for applicants who wish to study contact in adoption, as it believes that in this area it is both especially important and especially difficult to start from an objective position about the likely variability in what might best serve the needs of the child. The Committee made a grant to the **Family Rights Group** for producing a **model of good practice and a guide for birth parents**, both entitled *Adoption: getting it right for children*. While these stress the importance and desirability of working with birth parents, they take a sophisticated view about what this may mean and aim to help practitioners and families consider what ‘getting it right’ might mean in each individual case.

**77** Two research studies on the topic take a similar approach, looking at variability rather than assuming that one size fits all. The first was a grant to **Dr Carole Smith** and **Janette Logan** of the Department of Social Work at the University of Manchester for a **study of experiences of open adoption**. This phrase, which is perhaps rather less used nowadays, may obscure the various kinds of contact or ‘open-ness’ that might be desirable between adopted children and their birth families, depending on circumstances. A ‘one size fits all’ model is rarely helpful.

**78** A second study of post-adoption contact is only just beginning in 2001. **Dr Elsbeth Neil** and **Professor June Thoburn** of the Centre for Research on the Child and Family at the University of East Anglia started a **longitudinal study of contact with adult birth relatives after adoption of children aged under four at placement** in 2001. The research starts with a cohort of children placed for adoption at a relatively young age. The first round of that study found that arrangements for contact are more a product of the policies of the agencies involved than of the characteristics of the children or birth families. The research will compare cases where there was a plan for direct contact between the children and the birth relatives and a broadly-matched sample who have indirect contact with birth relatives. While this study may provide only pointers towards answers

about the longer-term consequences of contact, the researchers will also compare their findings with those of other samples to see if any more general lessons can be learned.

79 Other studies funded by the CPFLJ Committee look more directly at the longer-term needs of birth families. Professor Audrey Mullender now at the Department of Applied Social Studies at the University of Warwick has received two grants to look at **the experiences of birth relatives (particularly mothers) and birth siblings who have used the Adoption Contact Register**. This is a register that can be used by birth relatives who have no contact with the adopted person, the vast majority of whom will have been voluntarily placed for adoption as babies in the days when that was the standard route for adoption. Whereas at age 18, adopted people have a right to have all available contact information about their birth families, birth families do not have such a right, and instead can place information and contact details on a register that adopted people may use if they are searching for birth relatives. The study suggests that a little publicity – simply acknowledging the existence of the register for those who want to know – could go a long way in increasing the chance to make contact for those who wish it.

*For most adoptive families of children placed as babies, re-establishment of contact with birth relatives is not a threat to the closeness of bonds with their adopted children*

80 In 1996 the Nuffield Foundation made a grant to Julia Feast for a study of *Adopted people: the search for identity and reunion*. Working in the Children's Society's Post-Adoption and Care Project, she had access to a sample of adopted people who were seeking contact with birth relatives. She also had a smaller number of birth relatives – both parents and siblings – who had contacted her seeking news of the adopted person. She could therefore compare the experiences and outcomes where adopted people had searched for contact and those where they had not. Wherever possible evidence was collected from both birth families and adopted people. The book that resulted, co-authored with Professor David Howe of the University of East Anglia, is a fascinating study. It reveals the different things that people are looking for, ranging from information about medical history, reassurance about the circumstances of their adoption and why they were sent away, and those seeking closer emotional contact. It explodes some myths – that all adopted people have a need to seek a reunion with their birth relatives – and provides reassurance that for most adoptive families of children placed as babies, re-establishment of contact with birth relatives is not a threat to the closeness of bonds with their adopted children. Indeed, to some extent, cause and effect may run the other way, as adopted people who had less happy adoption experiences were somewhat more likely to seek close emotional ties with birth relatives in the first place. The CPFLJ Committee has made a second grant to Julia Feast for a study of the viewpoints of and consequences for adoptive families. These issues may have relevance too to the debate that is only now properly beginning about children who are born as a result of assisted fertility treatment (using sperm donors or *in vitro* fertilisation with an egg donor or a surrogate).

81 These studies demonstrate just why adoption is so complex and arouses so many strong feelings. And it is much in the news in 2001, as Parliament considers new adoption legislation. There is still useful evidence to be collected to inform



some of the discussions that will follow. The CPFLJ Committee made a grant to the **Family Policy Studies Centre for an international comparison of adoption and looked-after children**. The hope is that this will bring together people to look at how other countries handle the context in which adoption is about the needs of vulnerable children. A second grant that may inform current policy and regulation was made to **Dr Lorraine Wallis and Sue Seabrook** of the East Midlands Children's Resource Team of the Children's Society for **a study of people who choose not to pursue their enquiry into adoption**. This will look at why so many prospective adopters drop out and whether anything can or should be done to encourage more of those who make initial enquiries to persevere.

**82** The CPFLJ Committee notes that permanent placements can be achieved in more than one way. **Gillian Schofield** and **Professor June Thoburn** of the Centre for Research on the Child and Family at the University of East Anglia are carrying out **a longitudinal study of long-term foster care**. They are examining a cohort of children who were placed in foster care that was, from the beginning, meant to provide a permanent substitute home. The aim is to see whether, and under what conditions, this might be a more appropriate form of permanent care. They have reported on the first round of their study; during this next stage, the Committee has encouraged them to work with other researchers with longer-term studies of permanent placements to make some tentative comparisons. **Ms Schofield** has also collected some evidence about the specific problems in existing residence orders to inform the Parliamentary debate on the new guardianship orders that are proposed to give foster parents and others greater clarity about decision-making for fostered children.

*The CPFLJ Committee has a general interest in vulnerable children that is far broader than a narrow child protection framework*

#### Other grants with a bearing on vulnerable children

**83** The CPFLJ Committee has a general interest in vulnerable children that is far broader than a narrow child protection framework. Indeed, it hopes to expand this area of its work over the next few years. In the meantime, it has made five grants in this broad area on very different topics. In 1995 it made a grant to **Justice** on how the legal system might most appropriately handle **children who murder**. That year, the CPFLJ Committee also made a grant to **Joyce Plotnikoff and Richard Woolfson** for a feasibility study into the making of **a video demonstrating good practice at court for child witnesses**. The video itself, launched in 1997, was funded by a large consortium and has been widely disseminated to improve practice in courts, and by police and the legal profession. In 1996, it made a grant to **Professor Louise Ackers**, now at the University of Lancaster, for **a study of children whose families have migrated within the European Union**. Her findings that their vulnerability depended largely on the circumstances of their family and their migration was perhaps unsurprising. In 1999, **Dr Jenny Kuper** of the Department of Law at the London School of Economics was awarded **a grant for a study of the training of military and related personnel on the treatment of children in armed conflict** which has a more practical aim. With an increasing number of children drawn into armed conflict, often as combatants themselves, it is important

that other armed forces have policies in place to deal with this. The longer-term aim is to help improve the training given to soldiers before they enter situations where there are large numbers of children with very great needs. In 2000, the CPFLJ Committee made a grant to **Professor Audrey Mullender** and **Dr Anita Pavlovic** of the University of Warwick for a **study of the abandonment of children under two**. This is explicitly a small and rather descriptive study of what is known about the circumstances around abandonment, what may make abandonment more likely and how abandoned children – who start life with no family history at all – are handled and what they may feel about it.

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## CONCLUSIONS AND IMPLICATIONS

*The grant programme described here has undoubtedly been a success, mainly due to the insight, energy and commitment of the grant-holders*

**84** The grant programme funded by the CPFLJ Committee and described here has undoubtedly been a success. A number of the projects funded have been important in their own right. Some have had an influence on national policy, sometimes by encouraging a longer, rather than a shorter, view. Some have influenced thinking about practice. Some have changed practice directly, or resulted in new or improved services for children or families. That they have done so is mainly due to the insight, energy and commitment of the grant-holders, all of whom are, in their own ways, working in order to make a difference.

**85** Making grants has not been the only activity undertaken by the CPFLJ Committee. It has also been pleased to sponsor or itself hold occasional meetings or seminars on important or timely topics. These started in 1997 and have included meetings on: ethnic minority issues in family law and child protection; reform of child support legislation; principles governing ancillary relief; the work of solicitors in divorce; and the adoption of looked-after children. In each of these cases, the strengths of the Nuffield Foundation – its independence, its wide range of contacts with policy-makers, researchers and practitioners, its links with those in a variety of disciplines including law, social science, psychiatry and social work, and its commitment to reasoned debate and discussion – have been harnessed. We believe that these have provided a forum for deliberation and consideration, enabling people to exchange views and hear evidence outside normal channels. Each of these meetings has been or grown out of individual projects and the need for any event is judged on its own merits, though they have tended to happen about once each year.

**86** But aside from individual activities, the programme has been a success in another way too. Taken together, the programme adds up to more than the sum of its parts, as grants on related topics have been funded. Of course much of this is

clear only in retrospect. The CPFLJ Committee has not constructed programmes in advance, though it retains the freedom to do so. Nevertheless, the *clustering* of projects funded by the Committee is not accidental. It arises from the engagement of the Committee's work with evolving policy and practice. It reflects the concentration of scientific and practical interest on problems that need to be solved. And it results from the fact that new practice begets new problems, and new research is often the way that the consequences of practical change – good and bad, intended and unintended – come to light.

*The clusters of grants funded have contributed to the accumulation of evidence and the improvement of practice, ultimately leading to improved debate and decision-making about complex issues*

87 The period since the CPFLJ Committee was set up has thus seen the development of a number of clusters of grants where the work has had real impact. That impact has been felt in areas as diverse as adoption and fostering, finances following divorce and separation and child support arrangements, child contact centres, and international child abduction. The clusters of grants funded have contributed to the accumulation of evidence and the improvement of practice, ultimately leading to improved debate and decision-making about complex issues.

88 Sometimes – as with our work on settling up finances after divorce – these are clusters of work on a single topic reporting at similar times. Sometimes these are clusters of grants made over a longer period of time that have been envisaged from early on as a cluster, and in which links between the different grants are encouraged – as with the projects we and others have funded on adoption and fostering of ‘looked after’ children. Sometimes these clusters arise more serendipitously: the evaluation of the outcomes of Family Group Conferences arose from discussions between the grant-holders and the Nuffield Foundation when they learned of our funding of early descriptive work on FGCs. And sometimes these clusters are based on an iteration between research and practice, as with much of the work on family mediation or more recently the grants made to support both practice and research related to Child Contact Centres, or international child abduction.

89 The period before the CPFLJ Committee was set up saw a relatively limited number of clusters of work, chief among them on family mediation and the interdisciplinary workings of the family justice system. Both these interests continue, because the Committee too has taken a longer-term view. Because the importance of inter-disciplinary work is now widely shared, taking it forward now means examining particular issues and seeing how well the different professions and viewpoints work together. Cathy Copley's multi-disciplinary team looking at how infants with sub-dural haemorrhage are diagnosed and treated is one example. And while family mediation is not used by most divorcing couples, who can doubt that it played an important part in helping to move the whole culture of divorce lawyering towards being less about antagonism and more about reaching a shared understanding of the norms governing settlements for children?

90 The CPFLJ Committee has also expressed a new interest in rigorous, larger evaluations of social care interventions where these are genuinely well designed. In areas where it has expertise, it is important for the Committee to take the risks that large grants of this type can bring; of course, large grants (over £100,000)

require the approval of Trustees as well. The grants made for the study of concurrent planning adoption; of family group conferences; and of the health visitor interventions in families where children are at high risk of being placed on the child protection register are all examples of grants of these types.

91 However, the CPFLJ Committee recognises that its own procedures and principles mean that some things work better than others. Engagement with policy and practice debates, and methodological rigour, are well catered for. Sticking with issues over time, regular contact with the policy and practice community, and a membership committed to bringing tough-minded evidence to bear on policy ensure that this is the case. It is true too that the general climate has changed, as we are all believers in ‘evidence-based practice’ now, at least at a rhetorical level. In this field, others – including in particular the Department of Health and Barnardo’s – have done much not only to provide and pull together evidence but to ensure that practitioners are increasingly aware of what practice is supported by robust evidence and what is not. The Foundation too has played its part, and the CPFLJ Committee is dedicated to ensuring that rigorous and reliable evidence is available to inform policy and practice. Of course, that is not to say that evidence is or indeed should be the only determinant of policy – in social policy neither evidence nor policy choice can or should be value-free.

*Evidence should not be the only determinant of policy – in social policy neither evidence nor policy choice can or should be value-free*

92 But our review of the programme of grants has revealed areas that continue to present challenges too. Dissemination remains a continuing balancing act, albeit one that affects the grants of the Nuffield Foundation generally and not just those made by the CPFLJ Committee. There is a tension between husbanding resources and helping applicants disseminate their work. This is perhaps less of a problem where the main audience is a national one of policy makers or a limited number of practitioners or academics. Here a one-off conference or publication can reach a large proportion of the intended audience.

*Dissemination remains a continuing balancing act*

93 But where it is important that the results of a particular piece of research or news of a practical innovation reach a larger and more diffuse audience of practitioners – for instance, where the aim is to bring about long-term change in the daily working practices or viewpoints of a particular group – then there are difficulties about having ‘organic clusters’ of work. In essence, it is harder to plan and resource properly a longer-term plan of attack when grants report at varying times over a number of months or years. We ask grant-holders to consider this matter in their applications. And the CPFLJ Committee works actively where possible to ensure that dissemination is considered separately for each grant, and to ensure that an appropriate plan is developed for each grant or cluster of them. But there are limits to the resources – particularly the staff resources – available. We often put grant-holders in touch with other umbrella groups or intermediary bodies (like Research in Practice, or the National Council of Voluntary Child Care Organisations,) and provide funds for an agreed programme of work. Outcomes may therefore vary partly owing to the energy and enthusiasm of the grant-holder rather than because of the importance of the work or the rigour of the research. There is no single right answer here but, while we do not believe in a single model

of dissemination, we recognise continuing tension. One solution might be if intermediary bodies that can engage the continuing attention of practitioners were better funded and equipped to disseminate research results.

94 The CPFLJ Committee has also learned some lessons along the way. It has always worked with an explicit understanding that making (or not making) grants entails some risks. Indeed, one of the advantages of a privately-endowed trust is that it can take risks that publicly accountable bodies cannot do. One risk is that a project will not be completed. We have had only one example of this. A few projects have been completed less well – less rigorously or less objectively – than we might have liked. A risk the CPFLJ Committee worries about a lot at the time of grant-making is that a particular project will not be do-able, and much effort is spent in scrutinising the prospects that the proposed work itself is feasible. For instance, one funded project depended on getting permission to examine court files that was not in the end given, and so the grant itself could not start.

95 A final risk the CPFLJ Committee considers carefully is that a project – done well or badly – could actively cause harm. This is inevitably a matter of judgement but one which the Committee believes should be more explicitly considered by applicants too. For this and other reasons, discussions have begun within the Committee and the Nuffield Foundation as a whole about the need for ethical scrutiny independent of the research team that should be required by funders of research on human subjects, and not only in the case of medical research. The Foundation is considering stimulating work on how best to that ensure that non-medical social research does have some greater independent ethical scrutiny than is generally the case at present. This is of course particularly important where vulnerable subjects – children or families in difficulty – are concerned.

96 Two other lessons learnt are perhaps not a product of empirical enquiry but rather a result of observation and deliberation within the CPFLJ Committee about which grants have exceeded expectations and which have perhaps done less well than it had hoped.

97 First, whereas it is important to involve practitioners in defining important questions for which research evidence would be useful, it is less clear that practitioners can make the move into carrying out research themselves without the significant and committed involvement of researchers or research advisers. One feature that made the study of adoption search and reunion so successful was the committed partnership between a team of practitioners led by Julia Feast at the Children's Society and Professor David Howe of the University of East Anglia. This partnership kept both data collection and analysis focussed on a clear set of analytic questions, and meant that the team was prepared to be objective – and even surprised – when findings did not always confirm practice lore. Some other projects where practitioners have been the lead researcher have produced useful results, but have perhaps achieved less in the way of influential *research* findings than the CPFLJ Committee initially hoped.

*A final risk the CPFLJ Committee considers carefully is that a project – done well or badly – could actively cause harm*

98 A second observation is that, where new voluntary bodies are being set up, or significant new activities within existing bodies, the CPFLJ Committee's normal grant period of, say, three years for pump-priming, is not always enough. In practice the Committee tends to recognise this by accepting a repeat application *if* a strong enough case can be made that the organisation is making strides and working towards stable funding or bedded-down practice. In a few cases the CPFLJ Committee, like the Foundation in other areas, has stuck with bodies for longer periods. But the slippery slope between providing core funding and giving pump-priming of sufficient length remains a matter where delicate judgements are made. Three years seems about right to consider whether a further tranche of funding will make a difference. Other funders too acknowledge these difficulties, though they may handle them in different ways.

99 Finally, there remain gaps or areas for further development: subjects on which the CPFLJ Committee would like to have done more or made more grants. Often we did not do so because no applications were submitted. We do not work only in responsive mode, as the Committee itself sometimes stimulates or even initiates work. But sometimes our efforts to stimulate applications do not yield results: no one seems interested, or applications of sufficient quality are not submitted. (It is important to note that, even where we stimulate a proposal, applications still undergo peer-review and considered deliberation by the Committee.) This presents problems which might be met by seeking a full public tender, but for a variety of reasons the Committee has not taken this route.

100 Areas where the CPFLJ Committee is particularly keen to see further developments include the following.

- **Research on ethnic minority issues in child protection and family law,** where it has been hard to find methodological and subject expertise in the same team.
- **Parenting assessment:** what might we learn from bringing together private and public law practice on assessment of 'good enough' parenting, and what evidence is there to support current practice? The CPFLJ Committee is planning a seminar on this issue in 2002.
- **How fruitfully to extend our concept of 'children in need' to other categories of vulnerable children:** refugees and unaccompanied minors; younger children at risk caught up in the criminal justice system; children with mental health needs?
- **How to provide evidence or practical help that will improve what is sure to be a renewed debate about divorce law reform.** The issue here is less fault or no fault, or lawyers versus mediators, or making divorce easier or harder. It is about recognising that divorce is indeed a process over time that needs to take account of the obligations to children and partners before a marriage can be said to be over.

*There remain gaps or areas for further development: subjects on which the CPFLJ Committee would like to have done more or made more grants*

- **More long-term prospective studies and evaluations of specific or targetted interventions** that genuinely start from a recognition that we sometimes don't know what works. In these cases, the CPFLJ Committee considers the importance of the problem, the evidence for the particular intervention, and the rigour of the methodology all to be important. We do not however fund research on medical or clinical therapeutic interventions, as the scale required is simply too large for the funds available. But we are prepared to make large grants where this can be justified. Longer-term follow up studies of outcomes are also needed.
- **More pilot studies or trials of practical interventions**, including allowing a significant period for practice to bed down, as well as rigorous evaluation of results. This is of course not always possible or necessary.
- **More work on protective factors**, in addition to the work on risk. This may be intrinsically difficult, but particularly in looking at children, the CPFLJ Committee believes that we need to take account of developmental potential, resilience and how to better to protect the vulnerable or those at risk by building on their own or their families' strengths and capacities. This may be particularly important when looking at transitions like leaving care.
- **How to draw evidence across different fields of interest.** For instance, the CPFLF Committee believes that much can be learned by looking at how the benefits of contact for children are handled in adoption, fostering and divorce, or by comparing the lessons that adoption search and reunion might have for the increasing numbers of children born as a result of assisted reproduction.
- **How better to learn lessons from other jurisdictions, be they other common law legal systems or European countries.** The CPFLJ Committee recognises that simply importing a methodology or way of working from one country or social setting or legal system to another is almost doomed to fail. Instead, as with the work on child support, it is often helpful to learn how other countries' social arrangements work in the context of a deeper comparative understanding of the underpinning values and institutional frameworks.

101 Finally, the CPFLJ Committee particularly desires over the coming years to see more work done that addresses the potential importance of schools and education in reaching out to vulnerable children and increasing their resources and resilience. The Nuffield Foundation of course has a long-standing interest in education going back to its earliest days. While much of that work has been in science and science education, the Foundation's interests are much wider than this. The recent initiatives by government to address the education of looked-after children are a start, but schools are in a unique position to do more, as the only truly universal social setting for all our children. The CPFLJ Committee hopes that we can add real value here.

102 These areas for future development will require much more work. But while it is perhaps natural for the CPFLJ Committee to reflect on what has yet to be done, and ways in which it could do more, it is a source of some satisfaction that in other ‘minute particulars’, it has enabled grant-holders to achieve so much.

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*He who would do good to another must do it in Minute Particulars:  
General Good is the plea of the scoundrel, hypocrite, and flatterer,  
For Art and Science cannot exist but in minutely organised Particulars.*

WILLIAM BLAKE, JERUSALEM, CHAPTER 3.

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# CHILD PROTECTION AND FAMILY LAW AND JUSTICE PROGRAMME

## GRANTS 1994-2001

Ms Louise *Ackers*, Centre for the Study of Law in Europe, University of Leeds:  
**Children, citizenship and internal migration in the European Union**

£40,788 1996 p 33

Ms Anne *Barlow*, Mr Simon Duncan, Ms Alison Park, Department of Law,  
University of Wales, Aberystwyth: **A study of family restructuring, the common law  
marriage myth, and the need for legal realism**

£84,490 1999 p 16

Dr Jane *Barlow*, Dr Sarah Stewart-Brown, Dr Claire Burns, Health Services Research  
Unit, University of Oxford: **Trial of the effectiveness of a home-visiting programme in  
improving parenting and preventing the maltreatment of infants in high-risk families**

£149,621 2000 p 26

Professor Tim *Booth*, Ms Wendy Booth, Department of Sociological Studies,  
University of Sheffield: **A study of parents with learning difficulties, child protection  
and the courts**

£90,686 2001

*British Agencies for Adoption and Fostering*, Ms Felicity Collier: **Legal research and  
collation of views in connection with the Adoption Bill**

£10,000 2001

Dr Julia *Brophy*, Dr Ann Buchanan, Department of Applied Social Studies and  
Research, University of Oxford: **A study of black, minority ethnic and children of  
mixed parentage in care and related proceedings**

£17,472 1999 pp 15, 29

Ms Louise *Brown* and Dr Carol Lupton, University of Bath and Wiltshire Social  
Services Research and Development Partnership and SSRIU, University of  
Portsmouth: **An investigation of family group conferences in child protection**

£74,747 1998 p 27

Dr Ann *Buchanan*, Ms Joan Hunt, Ms Harriet Bretherton, Department of Applied  
Social Studies and Social Research, University of Oxford: **A study of family  
perspectives on welfare reporting in contested applications for orders under section 8  
of The Children Act 1989**

£75,662 1998 p 20

<i>Children's Legal Centre</i> , Ms Carolyn Hamilton: <b>Children's Legal Centre Contact Dispute Advice Line</b>	£48,726	1997	p 19
<i>Children's Legal Centre</i> , Ms Carolyn Hamilton: <b>A study of children's refugees</b>	£9,160	2000	p 25
<i>Children's Rights Development Unit</i> , Ms Gerison Lansdowne and Mr Peter Newell: <b>Support for examination of a Children's Rights Ombudsman</b>	£62,000	1995	
<i>Children's Rights Office</i> , Ms Gerison Lansdown: <b>For the salary of the Director of the Children's Rights Office</b>	£50,250	1997	p 25
<i>Children's Rights Officers' Association</i> , Ms Carolyne Willow: <b>Appointment of a development worker to improve children's advocacy services</b>	£38,553	1998	p 25
<i>Choices in Childcare</i> , Ms C Burnell: <b>Evaluation of the effectiveness of existing computer database programmes used by children's information services</b>	£3,500	1995	
Ms Cathy Cobby, Ms Alison Kemp, Professor Jo Sibert, Professor Mervyn Murch, Ms Jean Price, Cardiff Family Studies Centre, Cardiff University: <b>A study of the legal and child protection issues when children have sustained sub-dural haemorrhage</b>	£76,423	1999	pp 28f, 35
Mr Gwynn Davis and Professor Rebecca Bailey-Harris, University of Bristol Department of Law: <b>A study of applications by parent for Section 8 orders under the Children Act 1989</b>	£53,603	1995	p 20
Ms Marian Elgar and Ms Ann Head, Centre for Socio-Legal Studies, Wolfson College: <b>A study from court process to care plan of placements for sexually abused children</b>	£29,300	1995	p 28
<i>Family Mediation Scotland</i> , Ms S Matheson: <b>All issue mediation pilot project for Scotland</b>	£19,000	1995	p 14f
<i>Family Mediation Scotland</i> , Ms S Matheson: <b>Contribution towards costs of the UK College of Family Mediators</b>	£11,000	1995	p 15
<i>Family Policy Studies Centre</i> , Ms Ceridwen Roberts, Ms Helen Barnes: <b>A review of child support policy</b>	£57,000	1996	p 19

- Family Policy Studies Centre*, Ms Ceridwen Roberts: **Funding for the development of research and policy capacity** £74,371 1998
- Family Policy Studies Centre*, Ms Ceridwen Roberts: **Funding for a seminar and the publication of a briefing paper, commissioned by the Nuffield Foundation, on current proposals to alter property arrangements on marriage and divorce** £24,433 1998 p 18
- Family Policy Studies Centre*, Ms Ceridwen Roberts, Ms Helen Barnes: **An assessment of the implications of current proposals for reform of the CSA for low-income families** £19,850 1999
- Family Policy Studies Centre*, Ms Ceridwen Roberts, Dr Andrea Warman: **An international comparison of adoption and looked after children** £52,414 2000 p 33
- Family Rights Group*, Ms Mary Ryan: **A project on adoption: getting it right for children** £61,666 1995 p 31
- Family Rights Group*, Mr Dave Edwards: **A project to develop new strategies and services for the Family Rights Group** £75,000 1998
- Ms Julia *Feast*, The Children's Society: **Adopted people and the search for identity and reunion: a comparative study to explore adopted people's motives for searching, and outcomes** £56,995 1996 p 32
- Ms Julia *Feast*, The Children's Society: **A comparative study of adopted people and the search for identity and reunion: birth and adoptive parents' perspectives** £48,405 1999 p 32
- Ms Julia *Feast*, The Children's Society: **Adopted people and the search for identity and reunion: training video** £13,307 2001
- Ms Clare *Furniss*, Faculty of Law, University of Leeds: **Family contact centres and parents in conflict** £39,000 1997 p 21
- Mr Bernard *Gallagher*, Centre for Applied Childhood Studies, University of Huddersfield: **A study to improve practice and policy in respect of international and Internet cases of child sexual abuse and exploitation** £31,574 2001
- Dr Bill *Gillham*, University of Strathclyde Department of Psychology: **Cases of infant death in Glasgow 1989–1994: an epidemiological analysis in relation to indices of social disadvantage and cases of registered child abuse and neglect** £24,786 1995

- Dr Danya *Glaser*, Dr Jill Hodges, Dr Vivien Prior, Department of Psychological Medicine at Great Ormond Street: **A follow-up study of a child care consultation team** £151,706 1999 p 28
- Grandparent's Federation*, Ms Noreen Tingle: **Support for a development director for the Grandparent's Federation** £76,000 1998 p 25
- Dr Ann *Hagell*, Policy Research Bureau: **An evaluation of an innovative audio tape method of keeping social care staff up to date with the latest research findings** £10,000 2000
- Mr P M *Harris*, Official Solicitor to the Supreme Court, Dr Eileen Vizard, Consultant Child and Adolescent Psychiatrist, Woodside Hospital, London: **Training for expert witnesses in child protection cases** £5,000 1998 p 29
- Professor Judith *Harwin*, School of Cultural and Community Studies: **A study of parental substance misuse and child welfare** £75,000 1998 p 28
- Dr Carolyn *Hoyle*, Mr A Sanders, Centre for Criminological Research, University of Oxford: **The response by the police to domestic violence: pro-arrest policies and victim choice** £27,850 1996 p 23
- Ms Joan *Hunt*, Mr James Lawson, Centre for Socio-Legal Studies, University of Oxford: **A study of proposals to integrate support services for family courts – interviews with practitioners with experience of court welfare and guardian *ad litem* work** £10,658 1998 p 24
- Kidscape*, Dr Michele Elliott: **Kidscape national training programme** £45,000 1996 p 25
- Dr J R *Kuper*, Department of Law, London School of Economics and Political Science: **A study of training of military and related personnel on the treatment of children in armed conflict** £80,148 1999 p 33f
- Ms Jane *Lewis* and Ms Mavis Maclean, Social and Community Planning Research: **A follow-up study of financial arrangements after divorce and separation** £52,861 1999 pp 13, 18
- Ms Bridget *Lindley*, Dr Martin Richards, Centre for Family Research, University of Cambridge: **Can advocacy for families with children who are the subject of child protection investigations reduce the risk of children entering the care system?** £74,989 1997 p 27

- Professor Nigel *Lowe*, Cardiff Law School, University of Wales College of Cardiff:  
**The Anglo-German Judicial Conference on International Child Abduction**  
£5000 1996 p 22
- Professor Nigel *Lowe*, Professor William Duncan, Cardiff Law School, Cardiff  
University: **The Hague Abduction Convention Statistical Template Project**  
£34,133 2000 p 22
- Ms Mavis *Maclean*, Mr John Eekelaar, Centre for Socio-Legal Studies, University of  
Oxford: **The work of solicitors for divorce clients** £66,082 1997 pp 13, 16
- Professor Judith *Masson*, Dr Maureen Winn Oakley, Legal Research Institute,  
University of Warwick: **A study of the use of police protection to detain children  
thought to be suffering from or at risk of significant harm**  
£46,079 1998 p 28
- Professor Judith *Masson*, Dr Maureen Winn Oakley, School of Law, University of  
Warwick: **An analysis of the use of emergency protection orders**  
£80,254 2000 p 28
- Meet-a-Mum Association*, Mrs P Lovering: **appointment of full-time national  
co-ordinator** £36,749 1995 p 25
- Dr Elizabeth *Monck*, Thomas Coram Research Unit: **A study of concurrent planning  
for looked-after children under the age of nine** £134,495 1998 pp 30f
- Ms Audrey *Mullender*, University of Durham Centre for Applied Social Sciences:  
**A study of birth relatives use of the adoption register** £37,506 1995 p 32
- Professor Audrey *Mullender*, Department of Applied Social Studies, University of  
Warwick: **Birth siblings on the Adoption Contact Register: a follow-up telephone  
survey** £14,962 1996 p 32
- Professor Audrey *Mullender*, Dr Anita Pavlovic, Department of Social Policy and  
Social Work, University of Warwick: **A study of cases of the abandonment of children  
under two** £50,456 2000 p 34
- National Association of Child Contact Centres*, Ms Eunice Halliday: **Appointment of  
a Director** £75,000 1997 p 21

<i>National Association of Child Contact Centres</i> , Ms Eunice Halliday: <b>A project to develop protocols and monitoring for liaison between contact centres and referring agencies</b>	£57,698	2000	
<i>National Council for Family Proceedings</i> , Mr James Lawson: <b>The development of an inter-disciplinary course in family court work</b>	£13,436	1994	
<i>National Council for Family Proceedings</i> , Mr James Lawson: <b>Appointment of a full-time Director</b>	£30,000	1996	p 24
<i>National Council for One-Parent Families</i> , Mr Andy Keen Downs: <b>The development of a free-phone advice line for lone parents with financial problems</b>	£75,000	1999	p 25
<i>National Family Mediation</i> , Mrs Thelma Fisher: <b>Contribution towards the salary costs of the Director</b>	£64,000	1995	
<i>National Family Mediation</i> , Mrs Thelma Fisher: <b>The establishment of a new Compact between NFM affiliated services and the national body</b>	£86,000	1999	
<i>National Stepfamily Association</i> , Mrs Erica De'Ath: <b>Information on research and practice: separated parents and stepfamilies</b>	£25,428	1995	p 25
<i>National Stepfamily Association</i> , Dr Dorit Braun: <b>A pilot project to establish a methodology to analyse calls made to the Stepfamily Telephone Counsel</b>	£9,673	1998	p 25
Ms Elsbeth Neil, Professor June Thoburn, Centre for Research on the Child and Family, University of East Anglia: <b>A longitudinal study of contact with adult birth relatives after adoption of children aged under four at placement</b>	£86,441	2000	p 31f
NEWPIN, Ms Anne Jenkins: <b>Towards the salaries of a centre co-ordinator and a play therapist</b>	£90,000	1994	
<i>The Place 2 Be</i> , Ms Benita Refson: <b>Appointment of administrative manager</b>	£20,000	1995	p 25
Ms Joyce Plotnikoff, Michael Sieff Foundation: <b>Feasibility study into the making of a video demonstrating good practice at court when children are witnesses</b>	£10,000	1994	p 33

- Public Concern at Work* and National Council for Voluntary Child Care Organisations, Mr Guy Dehn, Ms Erica De'Ath: **A project to provide information and training in the voluntary childcare sector about whistle-blowing issues**  
£50,000 2000 p 25
- Research in Practice*, Ms Celia Atherton and Ms Mary Williamson: **Using audiotapes to promote better links between research and practice in children's and families' work**  
£23,800 1998 p 25f
- Reunite* The National Council for Abducted Children, Ms Denise Carter: **Development and testing of a model of mediation in international parental child abduction**  
£86,936 1999 p 21f
- Rights of Women: Guide to the new domestic violence law*  
£10,392 1995 p 23
- Rights of Women*, Ms Ranjit Kaur: **Translation of Domestic Violence DIY Injunction Handbook into four Asian languages**  
£9,988 2001 p 23
- Mr Alan *Rushton*, Ms Cherilyn Dance, The Maudsley Section of Social Work and Social Care, Institute of Psychiatry: **Six-year follow up of children placed from care into permanent substitute families in middle childhood**  
£51,690 1997 p 30
- Dr Alan *Rushton*, Ms Cherilyn Dance, The Maudsley Section of Social Work and Social Care, Institute of Psychiatry: **A review of developments in supporting late adoptive placements**  
£34,180 2001 p 30
- Ms Gillian *Schofield*, Professor June Thoburn, Centre for Research on the Child and Family, University of East Anglia: **Long-term foster care**  
£52,257 1997 p 31
- Ms Gillian *Schofield*, Centre for Research on the Child and Family, University of East Anglia: **A study of long-term foster care as a resource for children in need of care and protection**  
£83,883 2000 p 33
- Ms Julie *Selwyn*, School for Policy Studies, University of Bristol: **The publication of a working report 'International Overview of Adoption: Policy and Practice'**  
£5,313 2001
- Ms Sonia *Shah-Kazemi*, School of Law, University of Westminster: **Minority Muslim community mediation**  
£38,674 1997 p 15

- Dr Christine *Sheppard*, Dr Carol Lupton, Social Services Research and Information Unit, University of Portsmouth: **Evaluation of an innovatory home-school support project** £31,086 1996
- Professor Michael *Sheppard*, Department of Social Policy and Social Work, University of Plymouth: **Work with families containing depressed mothers: the practice strategies of social workers in child** £59,783 1996 p 26
- Professor Carol *Smart*, Dr Bren Neale, Centre for Research on Family, Kinship and Childhood, University of Leeds: **Post-divorce childhoods: perspectives from children** £69,407 1996 p 19
- Dr Carole *Smith*, Ms Janette Logan, Department of Social Policy and Social Work, University of Manchester: **Experiences of open adoption** £39,550 1997 p 31
- Professor June *Thoburn*, Mr Ashok Chand, Centre for Research on the Child and Family, University of East Anglia: **A review of research literature on family support, child protection and child placement services for parents and children of minority ethnic origin** £43,171 2001 p 15
- Mr Nigel *Thomas*, University College of Swansea Department of Social Policy and Applied Social Studies: **A study of children's participation in decisions about care** £53,406 1995 p 27
- Dr Lorraine *Wallis*, Ms Sue Seabrook, East Midlands Children's Resource Team, The Children's Society: **A study of people who choose not to pursue their enquiry into adoption** £34,930 2000 p 33
- Detective Chief Inspector Philip *Wheeler*, Serious Crime Group, Metropolitan Police: **Shaken baby syndrome: an investigation of knowledge and training needs of police and social services investigators** £21,000 2000 p 29

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