

Seeing the whole system

Data, evidence & trust in family justice

Lunch-time seminar, 5th of May 2026
The Rees Centre, Dept. of Education,
Oxford University

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1. Why does the family justice system (FJS) require robust research evidence?

Highly **consequential** decisions for children and families – we need to know if and how, lives are improved by FJS actions and decisions

Escalating critique of the **closed** family courts [restrictions on open justice]

A chorus of broader questions of **legitimacy**

The Closed Family Courts Justice must be seen to be done

- “Open justice” is a **long-standing common law and constitutional principle** requiring courts to operate transparently so they can be scrutinised and trusted.
- In family law, however, the principle is qualified rather than abandoned, because courts must also protect children’s welfare and privacy—creating an **ongoing public, legal and academic debate about whether the current balance is justified.**



The 'Secret' Family Courts

The family courts depart too far from the principle of open justice because proceedings are closed (held in private with reporting restrictions)

'Secrecy' is not neutral—it shields institutions from accountability

Closed proceedings *can* hide mistakes, unreliable evidence, or poor professional conduct

In a closed system - avenues for challenge are insufficient

The language of 'secrecy' - powerful critique among activist organisations

A chorus of questions of legitimacy

- 1. Procedural fairness** (is due process followed?)
- 2. Substantive justice** (are decisions justified?)
- 3. Systemic bias** (gender, class, race, disability...) & **coloniality** (contested concepts and assumptions)
- 5. Long-term social consequences**

Judith Resnik – *public* institutions and democratic life

- Courts are not just dispute-resolution bodies—they are **public institutions that help constitute democratic life.**
- They do this by operating in, and helping create, the “**public sphere**”—a space where citizens can observe, understand, evaluate and consent to state power.
- Openness allows **accountability and democratic engagement**, while moves toward secrecy or privatization risk hollowing out these functions.
- The legitimacy of courts therefore depends not only on outcomes, but on **their continued role as publicly accessible sites of legal and political scrutiny.**

Where are we now?

Most critics – understand that the family courts must balance child welfare (and related privacy concerns) with principles of open justice

- Highly restricted media access (since 2009)
- Limited reporting
- Publication of anonymized judgements

Publication of anonymized judgements – welcome but selective. Instances of individual case analyses miss system-wide issues or biases. **Media reporting – has tended to dominate the debate**, although welcome movement on recognizing the need for research evidence



2. Given this context –
what are the implications
for researchers?



Relevant research questions

- We need to address questions of outcomes – in the short and longer-term
- We need to address questions of service organization and effectiveness

BUT in Addition

- We need to address broader legitimacy concerns – and be very aware, that our research will be **heard, understood and responded to**, in the context of these broader concerns

Addressing the full range of FJS questions requires a combination of different types of evidence

ESSENTIAL – in-depth, rich insights, collaborative, participatory, user voice

The recent history of FJS research is that published evidence is largely qualitative.

NEED TO RE-BALANCE enabling greater supply of system-wide and population-scale insights

- Why do individuals or communities mistrust services?
- Are certain communities systematically disengaged/excluded?

A combination
of data
sources...

Qualitative evidence can highlight:

E.G. Particularly negative or
positive court experiences

But without system-wide data,
we cannot know:

How common or generalised such
experiences are...

Population-scale evidence **anchors decision-**
making in representativeness – not just
salience

Contribution of administrative data research

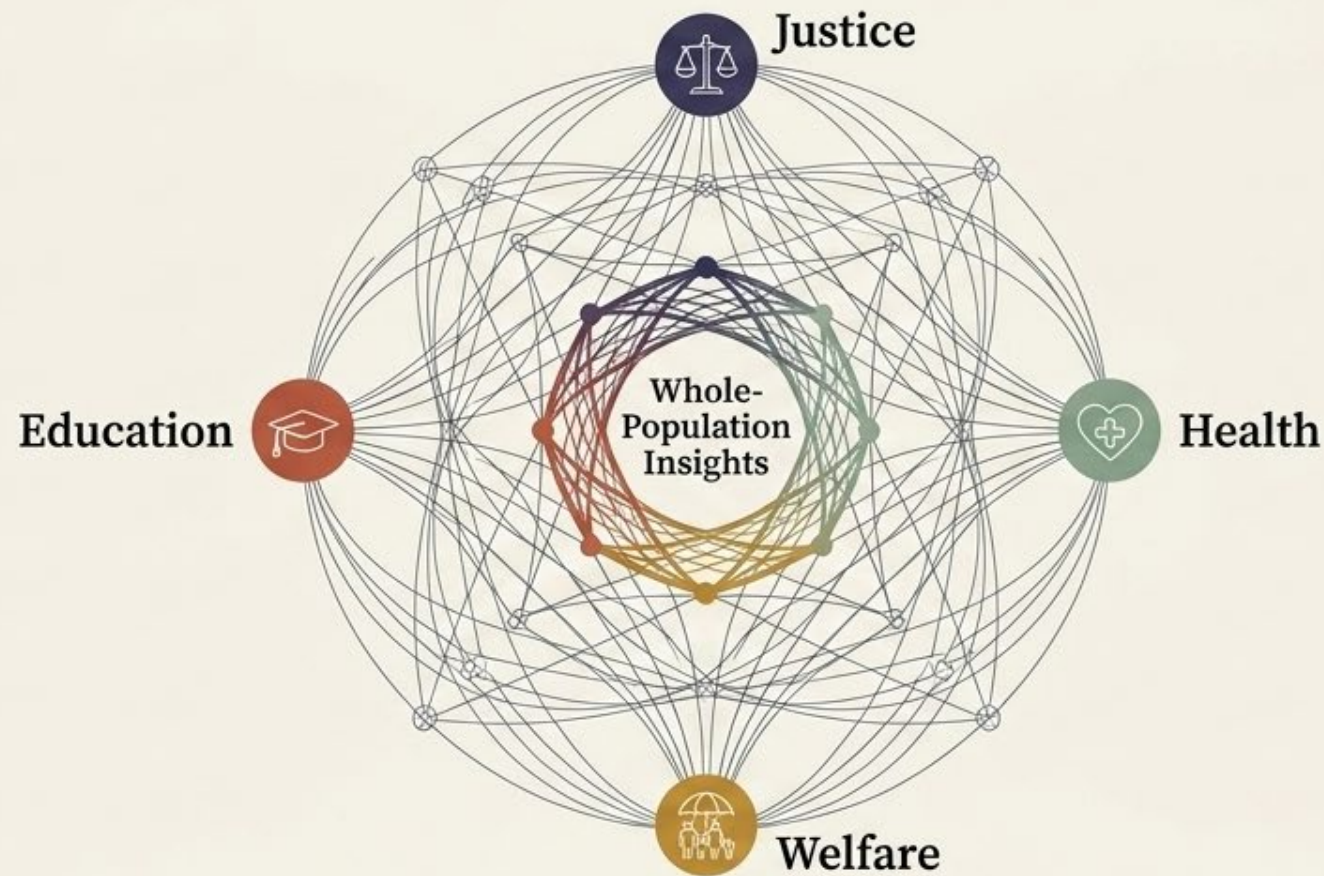
POPULATION-SCALE, SYSTEM-WIDE &
LONGITUDINAL

CAN CONSTRUCT RELATIONSHIPS,
HOUSEHOLDS, COMMUNITIES – ACROSS
GENERATIONS

MULTI-JURISDICTION

DIRECTLY ADDRESS QUESTIONS OF LEGITIMACY
– *AND RAISE NEW ONES*

Linking datasets across domains reveals the complete picture of family justice



Single datasets provide isolated snapshots. Linking these domains creates unprecedented visibility into the complex, intersecting life factors that bring families into the justice system.

3. Best Practice in the use of Administrative Data

1. Interdisciplinary

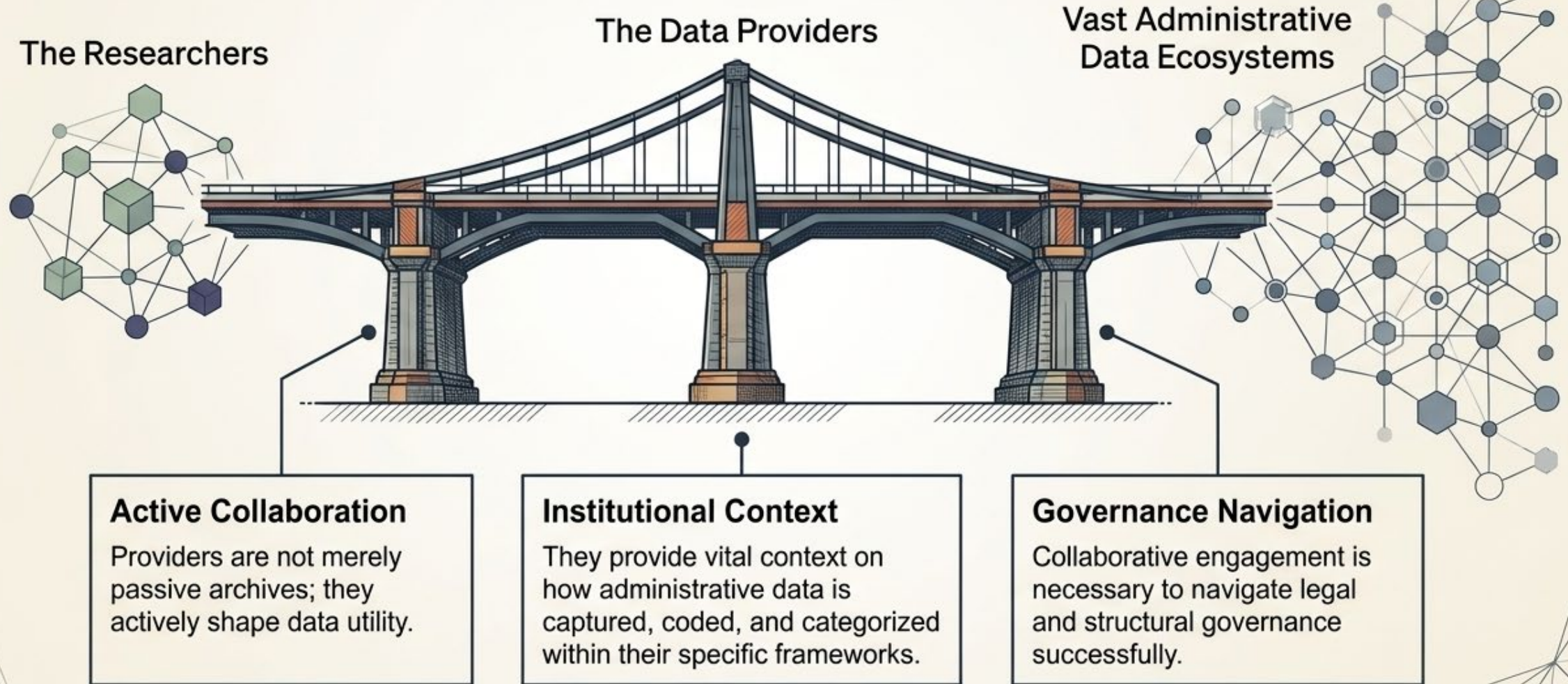
2. Theoretically informed

3. Close partnerships with data owners

4. Collaboration with professional colleagues & with Lived Experience

5. Combination of data sources including qualitative

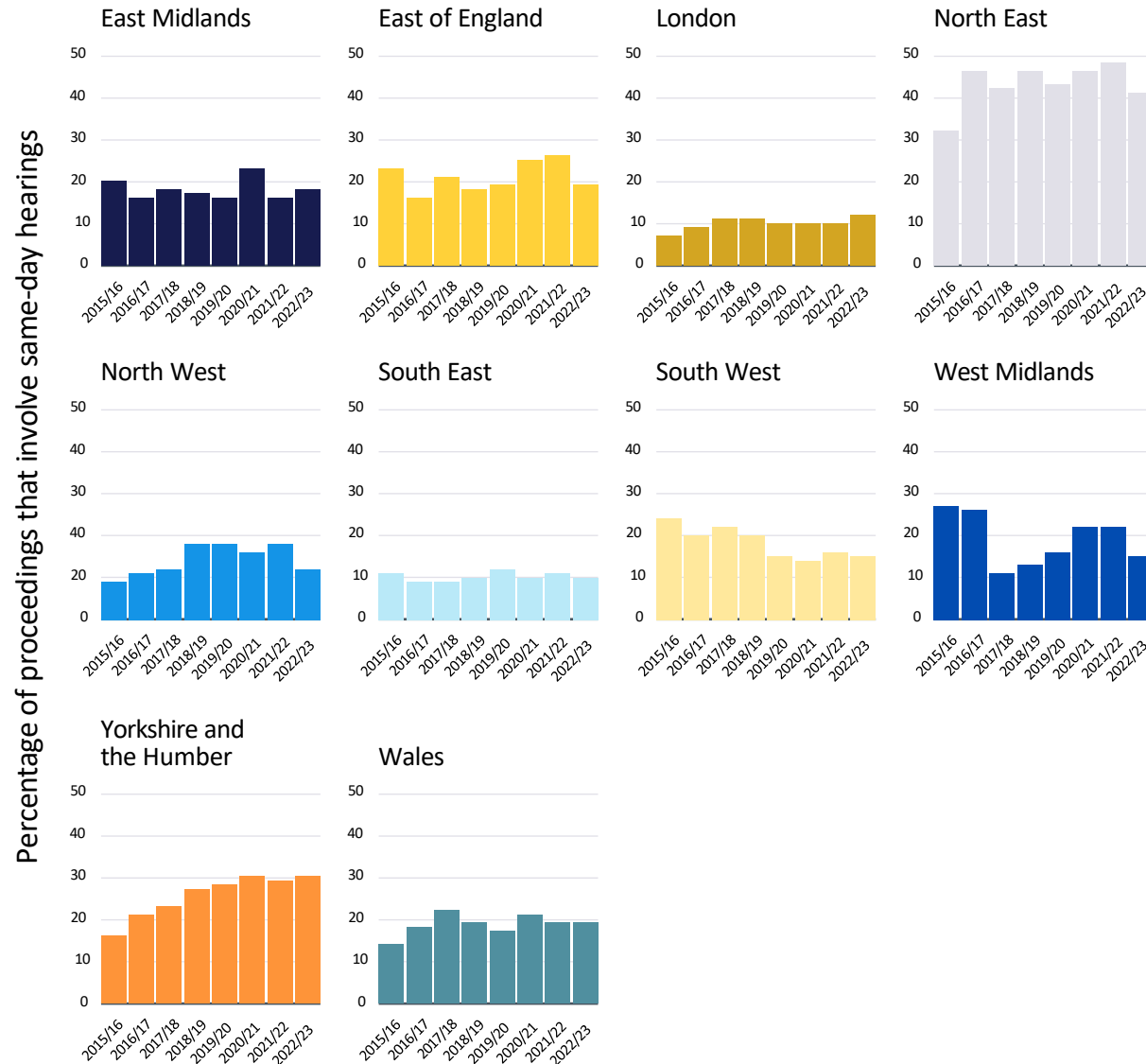
Data providers act as essential gatekeepers and collaborative partners



4. Born into Care

- The Born into Care research series (funded by the Nuffield Foundation and Australian Research Council) **established care proceedings at birth as a distinct field of inquiry nationally, and internationally.**
- Provided the first statistical profiling of care proceedings at birth & addressed questions of legal rights regarding respondent mothers in the immediate post-partum period.
- **Combined robust longitudinal & linked data analysis of parents and infants in care proceedings with in-depth collaborative analysis** of frontline practice
- A key feature of the programme - **the redistribution of authority and voice** in the production and translation of actionable findings.

Regional variations in the use of same-day hearings



There is **considerable regional variation** in the use of **same-day hearings** when care cases are issued on an urgent basis for babies.

London and the South East have the lowest proportion of same day hearings for newborn babies – around 1 in 10 care proceedings concerning newborn babies..

The North East has the largest percentage of same- day hearings (around 40% in 2022/23), but there have also been increases in same-day hearings in Yorkshire and the Humber.



Impact of combined qualitative and quantitative evidence

The Judiciary introduces:

New-born Baby Protocol to be implemented across the family courts to reduce the number of 'same day' hearings at birth....
(2026)

Book Launch

10th of June online

5pm – 6.30pm

Sign up (Pending)

<https://www.lancaster.ac.uk/centre-for-child-and-family-justice-research/>

References

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