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ECONOMIC AND SOCIAL RESEARCH COUNCIL
IMPACT REPORT

For awards ending on or after 1 November 2009

This Impact Report should be completed and submitted using the grant reference as the email subject to reportsofficer@esrc.ac.uk on or before the due date.

Completion of this Impact Report is mandatory. It will not be possible to edit this Impact Report at a later date, as it is designed to provide a statement of the impacts of your project to date 12 months after your grant ends.

Please note that the Impact Report will only be accepted if all sections have been completed in full. If a section does not apply to you, please enter ‘n/a’. Grant holders will not be eligible for further ESRC funding until the Report is accepted. (Please see Section 5 of the ESRC Research Funding Guide for details.)

Please refer to the Guidance notes when completing this Impact Report. In particular, the notes explain what the ESRC means by ‘impact’.

<table>
<thead>
<tr>
<th>Grant Reference</th>
<th>RES-062-23-1163</th>
</tr>
</thead>
<tbody>
<tr>
<td>Grant Title</td>
<td>Legal representation of parents in care proceedings: Problems and Strategies</td>
</tr>
<tr>
<td>Grant Start Date</td>
<td>1.06.2008</td>
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<tr>
<td>Grant End Date</td>
<td>31.05.2010</td>
</tr>
<tr>
<td>Total Amount Expended:</td>
<td>£244,007.16</td>
</tr>
<tr>
<td>Grant holding Institution</td>
<td>University of Bristol</td>
</tr>
<tr>
<td>Grant Holder</td>
<td>Julia Pearce</td>
</tr>
<tr>
<td>PI changed to Professor Judith Masson from 31.05.2010</td>
<td></td>
</tr>
<tr>
<td>Grant Holder's Contact Details</td>
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<td>Co-Investigators (as per project application):</td>
<td>Institution</td>
</tr>
<tr>
<td>Professor Judith Masson</td>
<td>University of Bristol</td>
</tr>
</tbody>
</table>
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1. SCIENTIFIC IMPACT

A Please summarise below the scientific impact(s) your project has had. [Max 250 words]

Provided an evidence-based account of the operation of a contested area of law (care proceedings) which can counter the distorted impression given by the exceptional cases reported in Law Reports and the popular press. This account highlights the importance of lawyer negotiation rather than judicial determination as the main means of decision-making in this area of family law. It also illustrates the limitations of the courts and the adversarial process in welfare-based decision-making. Identified a pervasive shared ethos amongst professionals in care proceedings that impacts on the approach lawyers and judges take to care cases and counters policies and procedures intended to reduce the time taken for decisions in children’s interests. Developed understanding of the notion of ‘court culture’ that is how and why different approaches to cases develop in courts applying the same law, and key factors which contribute to this. Extended the socio-legal knowledge base on the practice of public child law. This is particularly important given the dismantling of legal aid in other areas. The research provides an evidence base for the effect of public funding decisions on the types of work lawyers do, the ways they organise their practices and how they serve their clients. It identifies the various ways the instruction of experts is used to produce decisions which determine cases. Provided an exemplar for observation based research of legal representation in a highly sensitive area where public access to the courts is restricted.

B Please outline the findings and outputs from your project which have had the scientific impact(s) outlined in 1A. [Max 250 words]

Findings in the Research Report: Just Following Instructions? The representation of parents in care proceedings; the summary findings document (which was also summarised in the specialist family law press) and papers on (1) the business of representation under legal aid and (2) the use of expert evidence, given at International Conferences. A further paper has been prepared for an academic social work journal and will be the basis of a workshop at a conference for those working in the area of child abuse (lawyers, social workers and medical staff).

C Please outline how these impacts were achieved. [Max 250 words]

Wide dissemination of the research report and summary was achieved through direct email to contacts to academics/researchers who work in cognate areas in UK, Europe, North America and Australasia, providing links from which the report and summary could be downloaded. This information was further disseminated through the Society of Legal Scholars Family Law Network and specialist publications read by family law
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academics and family law teachers, Family Law and Family Law Week, both of which published the links. Socio-legal scholars were alerted to methods issues and findings relating to lawyers and litigation practice through an article in the SLSA Newsletter, a publications notice on the website including links to the document and papers on the ESRC Society Today website and uploading the report and summary on the Social Science Research Network website. Copies of the summary and/or the link to this were provided to attendees at the conferences taking place in 2011. Response to this resulted in unexpected invitations to present at an EU Daphne Project Seminar on violence against children in Heidelberg and to social work researchers in Lancaster. These will both result in further dissemination.

D Please outline who the findings and outputs outlined above had an impact upon. This can include specific academics/researchers through to broader academic groups. [Max 250 words]

Academic family lawyers and those who teach family law, including teachers of social work students.
Socio-legal researchers with an interest in issues of legal aid, procedural justice, legal representation or family law.
Social work academics/researchers working in the area of child protection.

2. ECONOMIC AND SOCIETAL IMPACT

A Please summarise below the economic and societal impact(s) your project has had. [Max 250 words]

Raised awareness amongst lawyers and policy makers of:
- The skills and commitment of the lawyers who represent parents in care proceedings. Whilst the profession has made such claims the research has provided independent evidence of the work done to resolve disputes and support parents in these cases.
- The impact of lack of continuity in the representation of parents (and other parties) on progress of cases through the court system and the experience of the parents subject to the proceedings.

This information about the work done by lawyers provides an evidence base for determining level of remuneration.

Provided evidence of and explanations for current practice in the judicial case management of care proceedings
- Identified the factors which prevent judges undertaking their case management role effectively.
- Explained the high rates of use of expert evidence where objectively the court has sufficient information for its decisions. This provides the basis for greater control over such the commissioning of such evidence (with consequent cost
Please outline the findings and outputs from your project which have had the economic and societal impact(s) outlined in 2A. [Max 250 words]

A research report: Pearce et al (2011) Just following Instructions? The representation of parents in care proceedings has provided detailed findings of the research. Pen pictures of 16 case studies, outlining the family’s circumstances, the way the parent was represented and the court process in the parents’ case, together with a chart with the history of the proceedings provide an important resource for policy makers and practitioners who are unlikely to be able to access holistic accounts of care proceedings in other ways. The final chapter of the report raised questions for policy makers about the reform of lawyers’ remuneration and the care proceedings process, particularly case management.

Summary findings: a 4 page document providing key findings on the legal representatives, the task of representation and the process of care proceedings. These formed the basis of a presentation at the UWE/FLBA Bristol conference and the summaries in journal Family Law and Family Law Week.

A paper, ‘The use of experts in child care proceedings in England and Wales: benefits, costs and controls’ for an academic conference was made available to the Family Justice Review Team and a powerpoint based on this was presented to at the Sussex Family Justice Council Conference.

Presentations to the Conference of Local Family Justice Councils and the FLBA focused on findings relating to the parents’ experience of representation, particularly lack of continuity, and contested proceedings.

A separate presentation, focusing findings about court process and outcomes was prepared for the Essex Adoption Panel Conference.

Please outline how these impacts were achieved. [Max 250 words]

Engagement with the Family Justice Review providing evidence of practice from the research and attending seminars (by invitation).

Distribution of the report and summary to key personnel in the Family Justice System including the President of the Family Division, Family Course Directors at the Judicial Studies Board, the Chair of the Family Law Bar Association (FLBA), the Joint Chairs of the Association of Lawyers for Children (ALC) and key civil servants at the Ministry of Justice, Legal Services Commission, Department for Education and Cafcass. This resulted in an invitation to discuss the findings with the President of the Family Division so that
he could discuss these at his annual meeting with designated Family Judges, and invitations to present findings at the National conferences of the FLBA (May 2011) and ALC (November 2011).

Notification of the key findings and details for accessing the report and summary via the two main publications read by family lawyers - *Family Law* and *Family Law Week* - led to wider dissemination via the Cafcass & Cafcass Cymru Forum used by specialist social workers who appear in care proceedings.

Presentations were given at interdisciplinary practitioner/policy maker conferences as follows:

- Sussex Local Family Justice Council (November 2010)
- Essex Adoption Panel Conference (November 2010)
- UWE/FLBA Family Law Conference Bristol (March 2011)
- Conference for Local Family Justice Councils (April 2011).

I have also arranged with BASPCAN to present at an interdisciplinary conference on Care proceedings in June 2011.

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Please outline who the findings and outputs outlined above had an impact upon. This can be at a broad societal level through to specific individuals or groups. [Max 250 words]

The Review team currently conducting the Family Justice Review.

President of the Family Division, the Family Course Directors at the Judicial Studies Board and via them to Judges, magistrates and magistrates’ legal advisers who hear care proceedings.

The specialist professional associations who support lawyers working in this area of law, and via them their members, the solicitors and barristers who represent parents in care proceedings. Others who undertake work associated with care proceedings including local authority lawyers, social workers, children’s guardians and expert witnesses.

Members of the Justice Select Committee who have been conducting Inquiries into the operation of the Family Courts and the Legal Aid Reforms.

Interest in the work has also been expressed by the Northern Ireland Legal Services Commission who are planning work on remuneration and standards of work for care proceedings in Northern Ireland.
3. UNEXPECTED AND POTENTIAL FUTURE IMPACTS

A Unexpected Impacts

Please note which, if any, of the impacts that your research has had were unexpected at the outset of the research, explaining where possible why you think this was the case. [Max 250 words]

When the project was commenced there were no plans for a Family Justice Review. The Review was announced in November 2009 and began work in June 2010 after the endorsement of the Coalition Government. The limited timescale for the Review made it impossible to commission its own research, making the findings of this project particularly timely. In addition, the Review has provided a useful platform for the dissemination of the findings, raised the profile of the research and provided a means of influencing policy development.

B Potential Future Impacts

If you have a clear idea of the impact your research is likely to have in the future please detail these below. [Max 250 words]

The Final Report of the Family Justice Review is due in October 2011. The Review Team now have access to the Final report rather than incomplete drafts which were supplied before the interim report was published. There are a number of issues and points of detail which will be considered in that report for which the research is relevant. Particularly, the Interim Report took little account of the contribution of lawyers to the effective operation of the courts in care proceedings. The research has the potential to influence decisions about remuneration of lawyers undertaking this work both in England and Wales and in Northern Ireland.

4. IMPACT LIMITATIONS

A Limited scientific impact

Please state below any major scientific difficulties that have limited the scientific impact of your research. The statement should refer to an effect on impact rather than simply detail research difficulties. [Max 250 words]

No major scientific difficulties.
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B Limited economic and societal impact

ESRC recognises that some of the research it funds will not have an economic or societal impact in the short term. Please explain briefly below if this is the case for your project, and refer to your grant application where relevant. [Max 250 words]

n/a

C No impact to date

This project has had no impact to date

Please note that ESRC projects are evaluated on the basis of their scientific and/or economic and societal impact. Grant holders are expected to report any future impacts as they occur using the Impact Record, downloadable from the ESRC website.

If you have no impacts at this stage, please give reasons below. [Max 250 words]

n/a
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5. DECLARATIONS

Please read the statements below. Submitting this Impact Report to reportsofficer@esrc.ac.uk confirms your agreement.

i) This Impact Report is an accurate statement of the impacts of the research project to date. All co-investigators named in the proposal to ESRC or appointed subsequently have seen and approved the Report.

ii) Details of any subsequent impacts will be submitted via an Impact Record as they occur.

Thank you for completing this Impact Report. Your Impact Report will be considered along with your End of Award Report in the evaluation of your research.

You are now invited to complete the confidential Nominations form, which will assist with the evaluation of your project.
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NOMINATED OUTPUTS

Please nominate a maximum of two outputs from your research which you would like to be considered as part of the evaluation.

<table>
<thead>
<tr>
<th>Output type (eg journal article, book, newspaper article, conference proceedings)</th>
<th>Publication details (eg author name, date, title, publisher details)</th>
<th>Uploaded to ESRC website? (Yes/No)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Research Report</td>
<td>Pearce, J et al (2011) Just Following Instructions? School of Law University of Bristol</td>
<td>Yes</td>
</tr>
</tbody>
</table>

Please email your completed Impact Report with electronic copies of your nominated outputs to reportsofficer@esrc.ac.uk, using your grant reference number as the email subject.