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RESOURCE PACK

# Evidence Matters in Family Justice Wales second edition

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*Practice Briefing 2  
Evidence-informed  
practice and research*

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Dartington

# Evidence Matters in Family Justice

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## Evidence-informed practice and research

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Using research in court is just one aspect of evidence-informed practice – it can't simply be 'bolted on' in court, but should inform your work with families and children throughout. This practice briefing will help you:

- > Reflect on and improve your understanding of what we mean by evidence-based or evidence-informed practice.
- > Reflect on and improve your understanding of what we mean by research and the range of research that will be relevant.
- > Think about why it is important for social workers to use research and what this involves.
- > Think about how well your organisation supports research use.
- > Know where to look to find research.

## Key messages

- > An evidence-informed practitioner is reflective; listens to and accurately records the voices of children, young people and families; works with a focus on the outcomes and impact of the support they provide and how these will be monitored over time; asks challenging questions about practice and knows how to find and use research.
- > Having the skills and knowledge to critically appraise the methods and findings of research studies is key.
- > When using research in their court evidence, the social worker's role is to help the court reach a decision in the best interests of the child – not to convince the court of the validity of their own perspective.

## Using research in court and evidence-informed practice

Using research in court is something that would be very difficult to do well unless research has also influenced the assessment, planning and decision-making that lie behind an application to the court.

The 'retro-fitting' of research into court reports (for instance, cutting and pasting a paragraph about the impacts of domestic violence from one report into another, with no attention to the individual circumstances of the case)

does not constitute evidence-informed practice.

When a case reaches care proceedings, social workers are presenting recommendations that are likely to mean significant (and often permanent) change in the lives of children, young people and families. It is the responsibility of the local authority – and the social worker as its representative – to make recommendations on the basis of the best available evidence of what is likely to produce the best (or least harmful) outcome. Otherwise, our actions are nothing more than experiments in helping – even worse, we may actually do some significant harm. Meaning well is not enough.

## Evidence-informed practice

Draws together:

- > evidence from research
- > practice knowledge and experience
- > the views, experiences, values and preferences of individuals.

Research may provide information on:

- > the prevalence of something
- > the conditions or characteristics that give rise to it
- > who it affects and their experience of it
- > how it impacts on short, medium and long-term outcomes
- > effective interventions and for whom they do and don't 'work'.

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However, research never shows a uniform impact of a problem or an intervention – no social issue has a completely predictable impact and no intervention works for everyone. So the key to evidence-informed practice is the interaction of research evidence with practice expertise and with an understanding of each individual child or family. As Petr says:

*Social workers should not blindly apply or impose research findings to every individual client, but instead use their own experience, as well as the client's preferences to honour client self-determination. (Petr, 2009)*

In court, this appropriate interaction between research evidence, practice expertise and individual child and family circumstances is reflected in Sir Ernest Ryder's comments in the case S-F (A Child) [2017] Civ 964<sup>1</sup>, which is considered in AFA Cymru's Legal Bulletin (Autumn 2017)<sup>2</sup>:

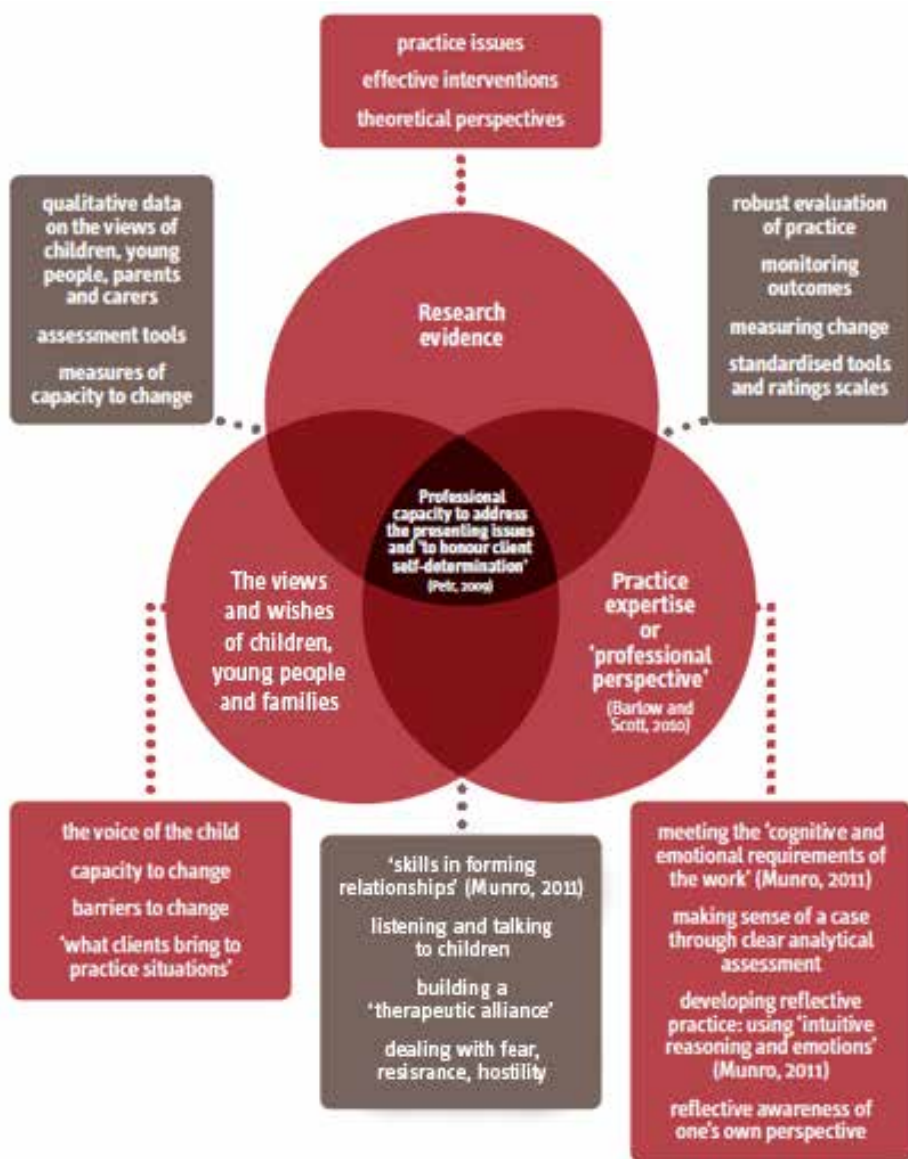
*The Court of Appeal reminds practitioners that 'in order to have weight, the proposition that adoption is in the best interests of the child concerned throughout his life and is preferable to long term fostering should be supported by a social work opinion derived from a welfare analysis relating to the child,' and, 'if appropriate, the*

*conclusions of empirically validated research material can be relied upon in support of the welfare analysis, for example: research into the feasibility and success of different types of long term placements by reference to the age, background, social or medical characteristics.'* (para 9)

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<sup>1</sup> [www.familylawweek.co.uk/site.aspx?i=ed178832](http://www.familylawweek.co.uk/site.aspx?i=ed178832)

<sup>2</sup> Association for Adoption and Fostering Cymru: [www.afacymru.org/index.php/en/professionals/legal-en/afa-cymru-legal-bulletins/267-autumn-2017-legal-bulletin](http://www.afacymru.org/index.php/en/professionals/legal-en/afa-cymru-legal-bulletins/267-autumn-2017-legal-bulletin)



Bowyer (2012), adapted from Barlow and Scott (2010)

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## Evidence-informed practice and research

### **TOOL 1**

Use this tool to log your developing knowledge and learning in relation to how research evidence is used in the family court. Review it regularly in supervision.

### **What do we mean by research?**

Research can be defined as ‘the results or findings of systematic, robust and trustworthy empirical enquiry’ (Becker et al, 2012). The research used in evidence-informed social work is likely to be multidisciplinary, drawing in particular on health, social care and education and on a wide range of methods – experimental and evaluative research, quantitative and qualitative research, research synthesis and individual studies.

### **TOOL 5**

Use this tool to help you search for research studies in online databases such as Social Care Online at [www.scie-socialcareonline.org.uk](http://www.scie-socialcareonline.org.uk) This is particularly helpful when there are no up-to-date literature reviews, for example.

It is important to draw on reviews of research rather than on individual studies. Although reviews use a range of different methods and may be more or less ‘systematic’, there will generally be more credibility and value in using

findings that are replicated across studies rather than those drawn from just one study, particularly if it is small-scale or idiosyncratic in any way.

### **Evaluating research**

Not all research is equal and you will quickly find gaps in the availability of high-quality, rigorous and robust studies. The concept of ‘best available evidence’ is a useful one in recognising this.

When thinking about how to use research in your practice, it will always be important to assess the quality of research. There are many frameworks that can help here, and the Critical Appraisal Skills Programme (CASP – see [www.casp-uk.net](http://www.casp-uk.net)) is an excellent place to start.

Broadly accepted elements of quality, which will apply differently to different types of studies, are:

- > Whether the research objectives are clear.
- > Whether the methods are clearly described and are the right ones to address the objectives.
- > The size of the sample and whether it is systematically drawn.
- > The use of validated research instruments or other systematic approaches.
- > The use of appropriate analysis methods.
- > The credibility of the claims and

whether they are supported by the data.

- > Whether the research draws on existing research and theory.

Social research is underpinned by constantly evolving schools of thought and all research will have an explicit or implicit theoretical framework. The relationships between social theory and social research are complex but it is important to be alert to the theoretical frameworks underpinning research and their implications. Being able to evaluate research critically stimulates enquiry and raises important questions of values and ethics.

## **TOOL 16**

**This self-audit tool will help you assess how confident you feel about a specific piece of research. It can also be used to help you prepare for cross-examination.**

### **Using research in individual cases**

The cognitive processes involved in using research in individual cases are complex, rarely linear and given surprisingly little visibility in the literature on evidence-informed practice. There are various processes through which research might inform your work on an individual case:

- > Through local policies and services that may be informed by research – for example, decisions about whether the

threshold is met, or agency ‘norms’ for contact arrangements.

- > Through frameworks, protocols, assessments or other tools that are informed by research – such as checklists for assessing the seriousness of domestic violence or standardised assessment questionnaires or instruments.
- > Through the use of theory underpinned by research – for example, using normative child development pathways as a benchmark for assessing the development of an individual child you are working with.
- > Through a wider ‘research-mindedness’ informing your professional curiosity and your judgments throughout a case – for example, a background consciousness of the factors that make a kinship placement more or less likely to succeed, or the ways in which domestic violence impacts on children.
- > By looking for research to answer specific questions that arise in a case – for example, needing to know more about an issue you are less familiar with (such as fabricated illness or anorexia in an adult man, or about the particular risks involved when mental illness and substance misuse interact).

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In all these processes, you are also drawing on your practice-based knowledge and on what you observe and hear from the family – so you are moving between different cognitive processes and different sources of meaning and understanding.

### **TOOL 9**

**Use this tool to review recent judgments in your family court and consider what lessons can be learnt for future practice.**

### **TOOL 10**

**This tool will help you reflect on the quality of evidence in your court reports. It can also be used in mentoring, supervision and team discussion.**

### **TOOL 15**

**This tool will help social workers, managers and supervisors think about how to ensure social workers have access to relevant up-to-date research messages.**

It would be impossible, at the beginning of a case, to work your way through the literature identifying the key research findings on all the issues the case involves – so your embedded and sometimes almost unconscious knowledge of research is a fundamental aspect of evidence-informed practice. Nevertheless, the more you can make your use of research conscious and explicit, then the more confident you will

be and the better you can display this knowledge in court. This also means it is your skills in using research in analysis and weighing up evidence that are key (rather than specific research messages on particular issues).

## Thinking critically and asking questions

Using research is part of a wider process of critical thinking. Research will rarely point definitively to particular decisions or interventions, so it is most usefully used to ask questions of a case rather than with the expectation that it will supply definite answers.

In thinking about how research applies to a particular case you might use it to ask – and then think about the answers to – the following types of question:

- > What are the typical child development outcomes for a child of this age? Which does this child not seem to have reached?
- > What theories might help to explain what I'm seeing? What does that tell me about possible explanations and how I can usefully support the family?
- > What other possible explanations are there for what I'm seeing? What else do I need to consider so that I have a rounded understanding?
- > What are the risks for the child associated with their family circumstances? What impacts am



I trying to avoid and how would I know whether they are happening or not? What factors make this child particularly at risk?

- > What are the protective factors at work? What might make this child and family more resilient? How can I support that?
- > What outcomes should I be looking for? What needs to change in this family to secure those outcomes? What evidence is there of the likelihood of the family being able to change?
- > What approaches might be effective in helping this family? What are the likely barriers to the family being able to get and make use of the help they need? And how can I help them overcome those barriers?

## Applicability of research findings

### TOOL 18

**Use this tool to help you think about how applicable research findings are to your case.**

It is also important to consider the applicability of research findings to the case in hand. In essence, research messages are population-based generalisations drawn from a sample in which there is, inevitably, variation in whether and where particular findings occurred. Their use is therefore

probabilistic: they suggest what might happen in your case on the basis of what has happened in others.

### TOOL 8

**Use this tool to reflect on the nature of research messages and how they relate to your work in the family court. It can be used for self-reflection or in group training.**

This may seem challenging – and it is! But applying research findings in a simplistic and uncritical way to a case would just be a form of stereotyping, and would leave you open to challenge in court.

## Organisational support for evidence-informed practice

All social workers have an individual professional responsibility to keep abreast of research and to use it in their own work. However, organisational support for evidence-informed practice is also critical for its successful implementation.

### DIG DEEPER

**These Research in Practice publications can be used to help develop and embed organisational support for evidence-informed practice:**

- > *Using research: Tools to support evidence-informed practice (2014)*

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**will help social workers and their managers embed evidence-informed practice within their teams and organisation**

- > ***Organisational audit for evidence-informed practice (2012)* is an audit tool to benchmark how far evidence-informed practice is embedded and create an effective action plan for change**
- > ***Firm Foundations: A practical guide to organisational support for the use of research evidence (2006)***
- > ***Leading Evidence-Informed Practice (2007)* is a resource pack focusing on what it takes to lead more evidence-informed work.**

**Find them all at:** [www.rip.org.uk/resources/publications](http://www.rip.org.uk/resources/publications)

**Effective organisational support involves...**

**giving a strategic lead:**

- > Developing and communicating a vision for evidence-informed practice.
- > Providing strategic direction for how to get there.
- > Senior leaders modelling evidence-informed practice in their own work.
- > Making available the resources needed.

**setting expectations:**

- > Being clear to all staff about what's expected, including building evidence-informed practice into job descriptions, person specifications and competency frameworks.
- > Integrating evidence-informed practice into supervision, professional development and training.
- > Embedding use of research into work practices.
- > Using advanced practitioner roles to champion evidence-informed practice.

**encouraging learning from research:**

- > Developing a culture of learning in an organisation that asks questions of itself and looks to evidence in answering them.
- > Using research to experiment, innovate and evaluate.
- > Sharing professional knowledge, individually and within and across teams (team meetings are a key way of sharing research and how to use it).
- > Making links with local universities or other research centres and with regional, national and international research networks.

### improving access to research:

- > Supporting staff's direct access to online research resources.
- > Making available library resources and training, disseminating external resources and distilling research messages in internal resources.

### supporting local research and evaluation:

- > Using monitoring and administrative data, conducting research among local families, staff and partners, and reflecting on user feedback.
- > Applying messages from Child Practice Reviews undertaken regionally and nationally.

## DIG DEEPER

For examples of applying messages from Child Practice Reviews, see:

- > **North Wales Safeguarding Board's Safeguarding *Disabled Children Policy* (2017)**<sup>3</sup>
- > **North Wales Safeguarding Children Board's *Multi Agency Pre Birth Pathway* (2016)**<sup>4</sup>

## DIG DEEPER

- > **CASCADE: Children's Social Care Research and Development Centre in Cardiff brings children's social care researchers together to promote evidence and support services to improve outcomes for children and families in Wales. See their research and briefings at: <http://sites.cardiff.ac.uk/cascade/>.**
- > **For examples of how local practice messages can be drawn from national sources, see:**
  - **CSSIW's (2016) *National review of care planning for children and young people subject to PLO pre-proceedings*.**<sup>5</sup>
  - **Wijedasa and Selwyn's J (2014) *Beyond the adoption order: An investigation of adoption disruption in Wales*.**<sup>6</sup>
  - **Public Health Wales has published a series of reports as part of the Welsh Adverse Childhood Experiences (ACE) Study looking at the prevalence of ACEs in the Welsh adult population and their impact on health and wellbeing across the life course. Go to: [www.wales.nhs.uk/sitesplus/888/page/88504](http://www.wales.nhs.uk/sitesplus/888/page/88504)**

<sup>3</sup> [www.northwalesafeguardingboard.wales/wp-content/uploads/2015/03/NWSB-Safeguarding-Disabled-Children-Policy.pdf](http://www.northwalesafeguardingboard.wales/wp-content/uploads/2015/03/NWSB-Safeguarding-Disabled-Children-Policy.pdf)

<sup>4</sup> [www.northwalesafeguardingboard.wales/wp-content/uploads/2016/11/160909-Multi-Agency-Pre-Birth-Pathway-V1.0.docx](http://www.northwalesafeguardingboard.wales/wp-content/uploads/2016/11/160909-Multi-Agency-Pre-Birth-Pathway-V1.0.docx)

<sup>5</sup> <http://careinspectorate.wales/docs/cssiw/report/161221careplanen.pdf>

<sup>6</sup> <http://gov.wales/docs/dhss/publications/140603adoptionen.pdf>

# Evidence Matters in Family Justice

## Evidence-informed practice and research



### Focus on practice

#### Weekly practice meetings with the local authority solicitor

In the early years of the family justice reform programme many local authorities initiated regular practice meetings between social work practitioners, managers and legal teams to discuss issues arising in relation to cases before the court, those in pre-proceedings or those likely to enter the system.

The meetings were initiated as part of a wider drive to improve practice and, in particular, to inform and consolidate practitioners' understanding of court thresholds.

Practitioners discuss threshold issues and get advice on whether a case needs to enter pre-proceedings, or indeed whether emergency action may be necessary. The meetings provide a forum for feeding back messages from the court about questions of case management or the quality of social work reports, for example.

In Pembrokeshire, meetings were effective in tackling the potential for delay in cases of neglect. The meetings helped practitioners 'map back' on to what's been done and establish whether a case meets the threshold for proceedings. Improvements in case management did initially lead to an increase in

proceedings as the local authority was able to demonstrate from its sustained work with families that there had been no change in parenting in some long-term neglect cases.

The group was used to take practitioners through their analysis. While this can be uncomfortable at times, it provides a safe place for practitioners to prepare for court and for weaknesses to be picked up and worked on. The meetings are particularly valuable for newly qualified social workers, helping them get up to speed on court thresholds, improve their analysis and ensure they present relevant evidence accurately and concisely.

Although the meetings involved a significant commitment of staff time – one afternoon each week for all children's social care managers and one local authority solicitor – they led to improvements in practice and shared ownership of decisions across the management team. They helped identify frontline practitioners' additional training needs and learning gathered at the meetings informed commissioning and service structuring.



## Focus on practice

### Judge-led inter-professional forums

One aspiration of the Local Family Justice Board network was to develop inter-professional forums to enable shared learning between professionals in the family court. In reality, these initiatives have been variable across Wales and England. Greater Manchester is a strong example of an LFJB that continues to support interprofessional debate and learning, holding local conferences on key areas of interest for family court professionals, regular forums for judges and local authority leaders and engages actively with national and local research initiatives.

## Key resources

- > **CASCADE: Children's Social Care Research and Development Centre in Cardiff:**  
<http://sites.cardiff.ac.uk/cascade/>
- > **Research in Practice:**  
[www.rip.org.uk/resources/publications/](http://www.rip.org.uk/resources/publications/)
- > **SCIE:**  
[www.scie.org.uk/children](http://www.scie.org.uk/children)
- > **EPPI-Centre research reviews:**  
<https://eppi.ioe.ac.uk/cms/Default.aspx?tabid=56>
- > **NSPCC:**  
[www.nspcc.org.uk](http://www.nspcc.org.uk)
- > **CoramBAAF:**  
<https://corambaaf.org.uk/books>
- > **The Association for Fostering and Adoption Cymru (AFA Cymru) Legal Bulletins:**  
[www.afacymru.org/index.php/en/professionals/legal-en/afa-cymru-legal-bulletins](http://www.afacymru.org/index.php/en/professionals/legal-en/afa-cymru-legal-bulletins)
- > **Social care guidance from the National Institute of Health and Care Excellence (NICE):**  
[www.nice.org.uk/guidance/published?type=sc](http://www.nice.org.uk/guidance/published?type=sc)
- > **Cochrane Library:**  
[www.cochranelibrary.com](http://www.cochranelibrary.com)
- > **The Campbell Collaboration Library of Systematic Reviews:**  
[www.campbellcollaboration.org/campbell-systematic-reviews](http://www.campbellcollaboration.org/campbell-systematic-reviews)

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## Evidence-informed practice and research

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**Key open-access searchable databases include:**

- > **NICE Evidence Services, including social care evidence and best practice:**  
[www.evidence.nhs.uk](http://www.evidence.nhs.uk)
- > **MEDLINE:**  
[www.ncbi.nlm.nih.gov/pubmed](http://www.ncbi.nlm.nih.gov/pubmed)
- > **Social Care Online:**  
[www.scie-socialcareonline.org.uk](http://www.scie-socialcareonline.org.uk)
- > **NSPCC Library:**  
<https://learning.nspcc.org.uk/services/library-catalogue/>

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Original text Lewis J (2012).

Updated and adapted for Wales by Doughty J (Cardiff Law School) and James A (Care Council for Wales) (2013).

Current text updated by Doughty J and Davies N (2018).

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