



Actively changing the policies,
behaviours, and beliefs that perpetuate
racism in Family Justice

The Racial Justice Family Network (RJFN):
A Theory of Change



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Summary

In March 2023, The Racial Justice (Family) Network (The Network), a coalition of organisations which are committed to the promotion and realisation of anti-racist practice in Family Justice, agreed that a working group/reflection group should be put together to study how the Network could evolve to become a formalised alliance. This report summarises the outcome of that working group and illustrates the Theory of Change model which has been designed to provide a comprehensive description and illustration of how and why a desired change is expected to manifest in the Family Justice system. This document should be understood to be a 'living and working document' which is expected to be extensively refined over the next five years.

Background

The Nuffield Family Justice Observatory (Nuffield FJO) has brought together a coalition of organisations which undertake work in the family justice system to develop and coordinate anti-racist initiatives. Up until now, the heart of the group has been Resolution, the Family Law Bar Association, and the Family Justice Quality Circle with a strong contribution from other individuals, the attendance of representatives from organisations such as the Association of Lawyers for Children (ALC), and other organisations which have provided regional balance. The need to expand the group so that it is more representative of the family justice community as a whole has been proposed. A simple summary of anti-racism is provided in Box 1.

Box1: Summary of anti-racism

According to Turé and Hamilton (1967), racism within family justice operates overtly and covertly at individual and institutional levels. Yet, despite this ongoing concern, Monteith et al., (2022) argue that racism is alarmingly under-scrutinised. For them, urgent action is needed to examine and challenge racial bias.

The Howard League for Penal Reform (2021) report, Making Black Lives Matter, (see also Johnson (2020) 'Bringing anti-racism into the Courtroom'), suggests that whilst a commitment to 'anti-racism' includes the process of actively identifying and opposing racism, the goal of it, to challenge racism and actively change the policies, behaviours, and beliefs that perpetuate racist ideas and actions has not been advanced in equal depth. As shown by Crenshaw (1988) and Kendi (2019) anti-racism must be rooted in action. It is for this reason that urgent action is needed to ensure that the family justice system at individual and institutional levels operates from an anti-racist perspective.

For Nuffield FJO, a commitment to anti-racism is of particular importance. The recognition and response to inequalities in family justice is one of [their five goals for 2022 to 2026](#). Last year, [in conjunction with Cafcass and academic partners, they undertook significant work on the available data in the system](#).

Many organisations associated with family justice responded with sorrow, horror, and anger to the death of George Floyd and the circumstances which surrounded this event in 2020 with the resultant Black Lives Matter protests that were held in so many countries. This response and a general impulse to make family justice more inclusive prompted a whole series of initiatives. This started with a series of public statements but has developed momentum as organisations look to bring about change.

Many organisations have sought to find out more about the composition of their memberships and the views of their members from Black, Asian, and other backgrounds. Examples of this are the [report of the Northern Circuit Race Working Group](#) the report of the Middle Temple Race Equality Inclusion and anti-racism working group and the [Race at the Bar Report](#) dated 2021. This has been done so as to lay the strongest foundations for any agreed programme of action.

[BASW](#), [CoramBAAF](#), [Resolution](#) and the [ALC](#) have prepared anti-racist statements or declarations and have made these documents available to the public. The [Association of Directors of Children's Services, Action Plans, the Law Society, and NAPO](#) are some organisations which have also prepared statements in respect of this issue. There is considerable interest in improving practice in the Family Court as addressed in the [Research in Practice paper](#) by Millie Kerr of Brighton and Hove City Council in 2022 and the training programmes which she had put together for the training of lay magistrates.

Some of the reports that have been published require considerable reflection and action from a significant number of actors in the system and will require a constituency for change to develop. An example of such a report is the [Racial Bias and the Bench: A response to the Judicial Diversity and Inclusion Strategy](#) (2020-2025), University of Manchester (2022). It is striking that this document evaluates racism in the Justice system as well as perceptions of the role of racial bias in the processes and/or outcomes of the justice system. The latter is corrosive of trust. If successful action were taken to combat discrimination/racism in the justice system, it is likely that this will increase the confidence of the children and families it is designed to protect and the public more widely.

Additionally, much inspiration can be drawn from work outside of the family justice system. A particularly impressive example of this is the Practitioners guide on "[Achieving Racial Justice at Inquests](#)" published by Justice in association with Inquest (2024). This guide focuses on providing guidance for practitioners and coroners on raising and investigating issues of race and racism at inquests into deaths of Black and racialised people in state custody. However, it also provides a potential template for a similar piece of work in the Family Justice system.

A further example is the report by "Listen Up" (a Black-led organisation which aims to amplify the experiences of minoritised and marginalised children in child protection, policy, and research) for Barnados, "[Double Discrimination: Black Care experienced young adults navigating the criminal justice system.](#)" It is instructive to consider their explanation for their work, "Our position is clear, we believe that all children and young people should be afforded care, nurture, and the appropriate safeguarding for them to thrive in all aspects of their life. We believe for children and young people to reach their maximum potential we need individuals, organisations and institutions willing to identify, acknowledge and continuously challenge the bias, racism and wider forms of discrimination impacting these groups."

Broadening the Network

NUFFIELD FJO is keen to create a wider coalition and has, as a result, approached Local Authority partners ; Children and Family Court Advisory and Support Service; the Family Rights Group; the British Association of Social Workers; the Law Society; the Social Work Action Group; the Gypsy Roma Traveller Social Work Association; the Court of Protection Practitioners Association; the Official Solicitor; the International Child Abduction and Contact Unit; Reunite; NAGALRO (The Professional Association for Children's Guardians, Family Court Advisers and Independent Social Workers); and, the Child Abduction Lawyers Association (CALA). In addition, Nuffield FJO has

approached more individuals and groups such as CoramBAAF and the MOJ convened LFJB Chairs Group have received input regarding anti racist action planning.in order to broaden the potential geographical reach of this network.

Initiatives

The Network has been keen to encourage and learn from initiatives across the family justice system and increase the intensity with which they are pursued. To that end, it was agreed a proposal that the year 2024 should be declared to be the year of anti-racist practice in the Family Court/Family Justice System as a way of kick-starting the work of the Alliance. Some concerns about this proposal and the scope of the potential programme were expressed in discussions with the ALC. At the very least the initial proposal gives the impression of a time-limited piece of work throughout the family justice system in England and Wales that may raise expectations of change without the resources available to implement and to deliver the programme. Concerns were expressed about the issue of what resources are required to manifest these goals and whether the making of a 'Declaration' during one particular year (e.g., '2024') may be perceived as being transient/superficial.

On reflection, the Network concluded that a better idea was to obtain input from Working/Reflection Group to consider the sort of initiatives that the coalition might take forward in its first programme of action.

Theory of Change

On 21st June 2023, Dan Allen of Liverpool Hope University facilitated a Theory of Change (ToC) workshop with Beverley Barnett-Jones (Nuffield Family Justice Observatory), Lake Gledhill (Social Work Training Collective), South London Care Proceedings Project, and Camden Council, Millie Kerr and Lore Riedel, (Brighton & Hove City Council), and Denise Lester (McCormack's Law). The ToC was reviewed and amended by this group on 18th July 2023.

The ToC workshop illustrated the mid-level theory that described how The Network could work. The intention of the ToC workshop and subsequent mid-level theory discussions which were held was to develop a fuller view of the interventions, services, or information the coalition could offer and the changes that it intends to make. Developing a ToC to understand the aims and objectives of The Network enabled the group to better articulate what the coalition is trying to achieve and the reasons why it exists. This mid-level theory is shown in Box 2.

What differences does the Racial Justice (Family) Network seek to make?

Box 2: Mid-level theory for the Racial Justice (Family) Network

The Racial Justice (Family) Network, a coalition of organisations driving anti-racist initiatives in Family Justice, facilitates events that seek to ensure that anti-racist practice and equality are embedded within the praxis of Family Justice and produces evidence on the extent to which the theory of anti-racism is being applied.

Working in partnership with those who have been impacted by racism, this Network, which includes: Children's Social Care; Children and Family Court Advisory and Support Service; the Family Rights Group; the British Association of Social Workers; the Law Society; the Social Work Action Group; the Gypsy Roma Traveller Social Work Association; the Court of Protection Practitioners Association; Official Solicitors; the International Child Abduction and Contact Unit; Reunite; NAGALRO (The Professional Association for Children's Guardians, Family Court Advisers

and Independent Social Workers); and, the Child Abduction Lawyers Association, The Network establishes a baseline understanding of anti-racism training and awareness within the sector.

By identifying and discussing current knowledge and skills, The Network works alongside those with lived experience of racism in Family Justice to facilitate nationwide ‘train the trainer’ events. Equipping key stakeholders and professional development leads with the strategies needed to assess, plan, implement, monitor and review anti-racism action plans, The Network supports organisations to examine their commitment to equality and anti-racist practice and increases the capacity for all those involved in Family Justice to consider the experience of court, and the evidence being presented, from an anti-racist perspective.

Drawing on the latest research and evidence-informed practice, The Network advances a comprehensive understanding of how racism is limiting the choices that are available to some families. It also equips the Family Justice system with the knowledge, values and skills needed to build on opportunities for transformative change. As a coalition that is committed to anti-racism, The Network continually shines a light on the scale and nature of racism, standing in solidarity with Black and global majority people in the evolution of a more equal approach to family justice.

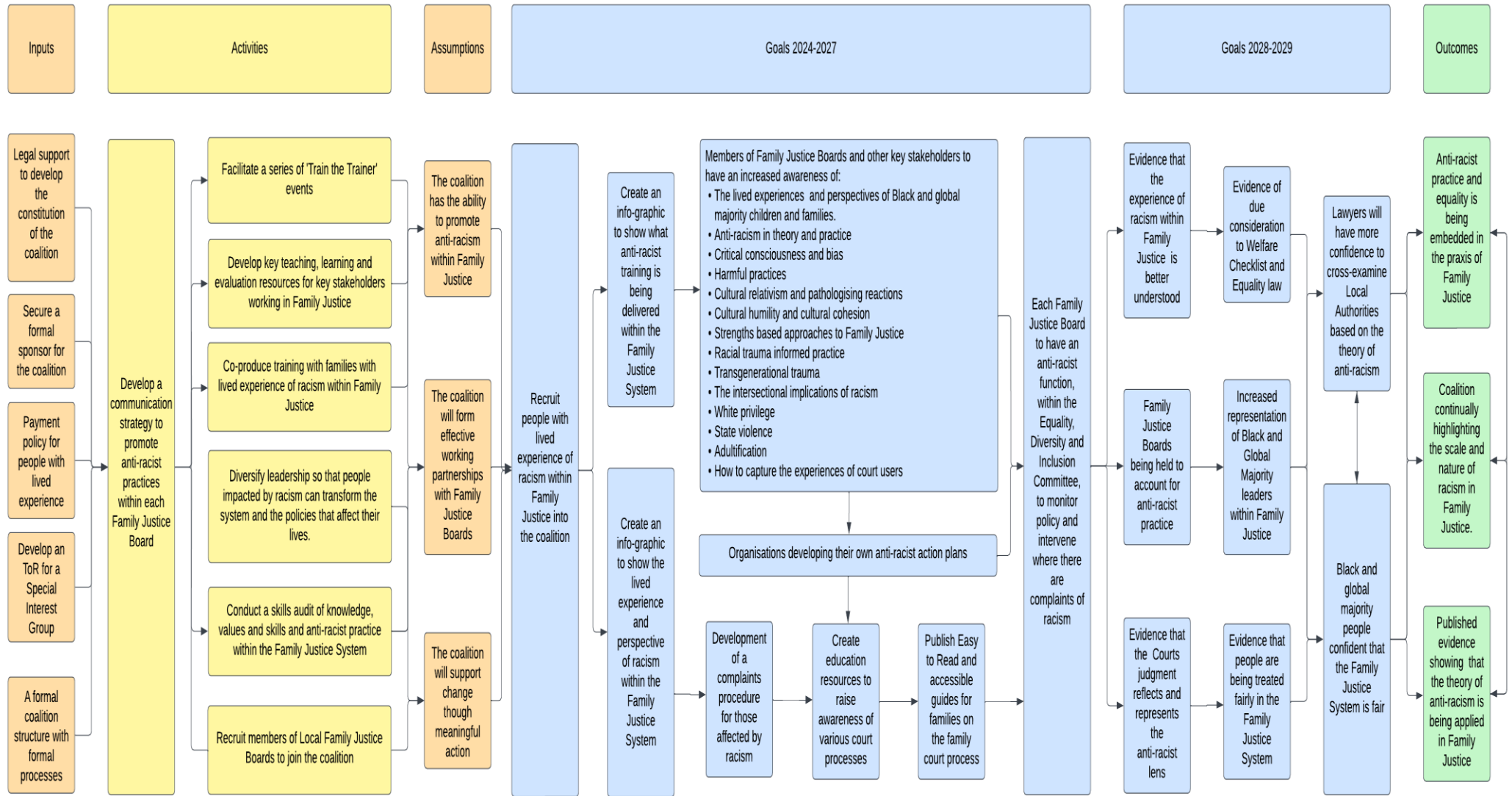
The mid-level theory which is shown in Box 1 is based on the ToC model that is shown below (please refer to Figure A). Information about the hypothesises of how The Network interacts with key stakeholders to produce outcomes is also set out below. The ToC includes a set of assumptions about the choices that The Network might make when travelling along each pathway toward the intended goal. Rather than including all possible connections and feedback loops, the diagram shows only those pathways which are currently theorised to be instrumental in bringing about the changes which are anticipated by the implementation of the coalition’s intended work.

The Network Workplan

The Network work plan is presented as a Theory of Change (ToC) that details the changes The Network will bring about, in what way, and for whom. The ToC also provides a basis for the potential evaluation of The Network in the future. For the next five (5) years, The Network will use evaluations and review meetings to monitor the work plan and to test the ToC. The initial ToC presented below (See Figure A) may therefore be refined as evidence is applied to it. A larger version of the ToC can be found in Appendix 1-3.

What is proposed is not intended as a substitute for the work of the members of the coalition for example in promoting equity in fitness to practice sanctions for social workers, deepening the knowledge of Children’s Guardians about adultification or promoting diversity at the Bar and amongst solicitors and legal executives who undertake work in this field. Rather, the work of the Network will be aimed at matters where we can affect change together – with a particular focus on bringing about beneficial change for the very children and families that should be at the heart of the system.

Figure A: Theory of Change for the Racial Justice (Family) Network



The ToC which was developed during the workshop identifies three specific outcomes statements for The Network. These outcome statements are set out in Table 1.

Table 1: The Racial Justice (Family) Network outcomes

The Racial Justice (Family) Network outcome statement
<ul style="list-style-type: none"> ● Anti-racist practice and equality being embedded in the praxis of the family justice system. ● Coalition continually highlighting the scale and nature of racism in the family justice system. ● Publish evidence showing that the theory of anti-racism is being applied in family justice.

The strength of the ToC diagram includes inputs and their associated outputs (i.e., activities), goals, outcomes/impact statements, mechanisms (activities), contextual information (inputs), and assumptions.

- **Inputs** are the activities which are associated with The Network. As the ToC is not a detailed description of the operation of the programmes, not all activities are represented. Instead, the ToC includes only those activities which have been clearly associated with the goal and outcome chains identified.
- **Activities** are what needs to happen to make The Network work in an effective manner.
- **Goals and outcomes** are logically consequent to activities. They are the outcomes that are expected to be observed during the operation of The Network, and which could, if required, be measured and assessed through a formal evaluation.
- **Mechanisms** describe the interaction between The Network, key stakeholders, and beneficiaries and the impact that this interaction will likely have upon the development and sustainability of anti-racism within family justice system. As such, the mechanism becomes critical to the success of The Network.

The contribution of The Network members during the ToC workshop helped to identify key mechanisms that have an impact on anti-racist practice. Mechanisms are difficult to observe/measure but could help to explain how the implementation of The Network leads to its outcomes. The interaction between The Network policy and practice itself is considered which includes but are not limited to individual beliefs, attitudes and decisions, and the resources and opportunities afforded to individuals, families and communities through an anti-racist family justice system. There are three mechanisms which may be associated with The Network.

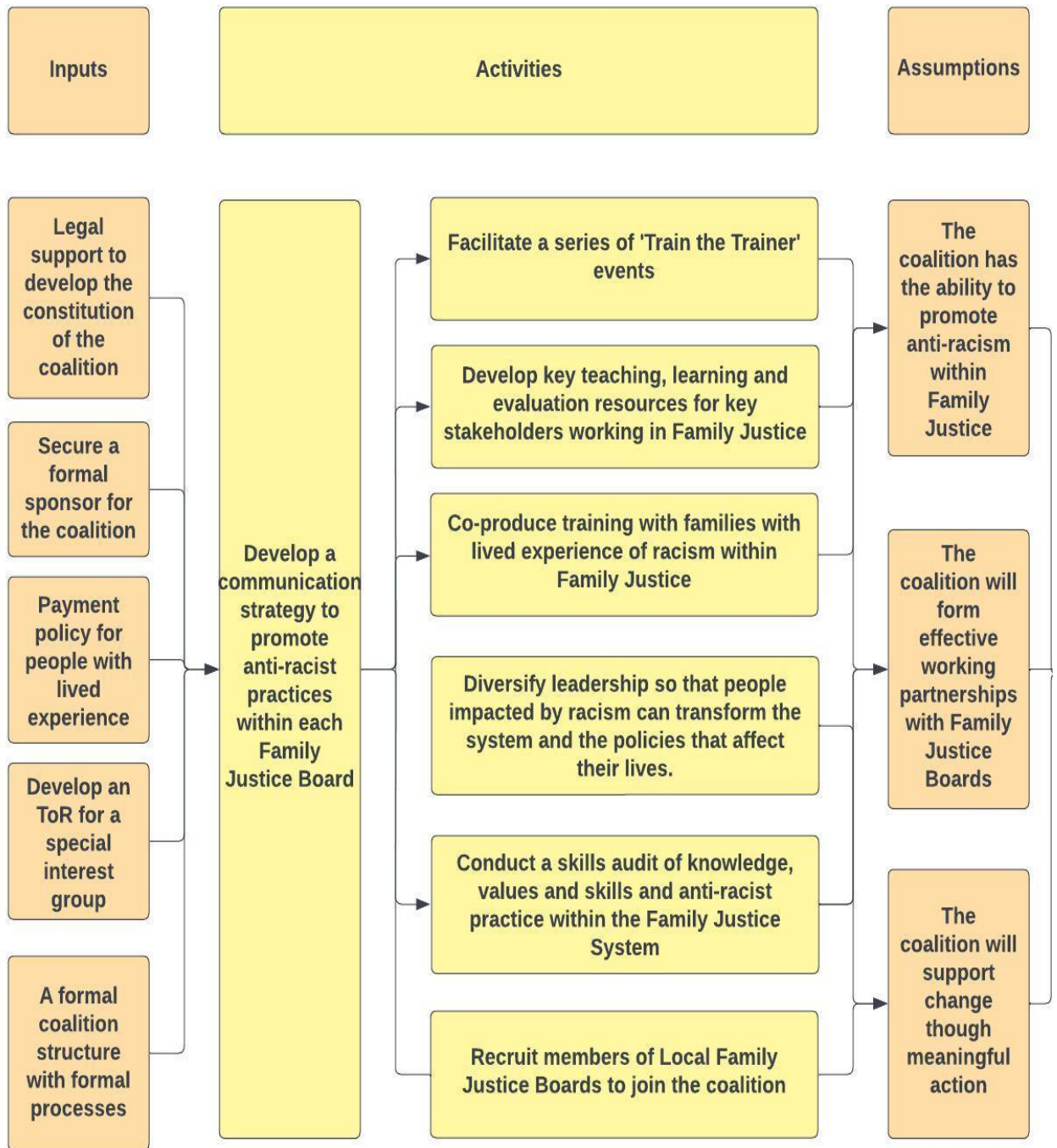
1. **Promoting the diversification of leadership within social work.** The Network believes that the first characteristic of anti-racist practice system must be to promote the diversification of leadership within the Family Justice System. The strategic roles that exist to protect children must ensure that there is equal representation of Black, and other racialised minoritised identities, including Romani and Traveller people' and global majority people within the structures that are designed to promote family Justice. For this to happen, The Network will:

- a. Establish a platform to build a multi-racial movement that can repair the social divisions caused by centuries of racism.
 - b. Enable the Family Justice community to stand together in solidarity with children and families in building an anti-racist and inclusive rights-based systems alongside other social justice movements.
2. Confront inequality through the recognition that anti-racism is a multi-disciplinary issue. Racism is intersectional as is the experience of it. We recognise that families and children are not only experiencing the harm of racism but the harms of social and income inequalities, gendered inequalities, health inequalities Working to build effective partnerships. The Network will engage children and families and encourage them to talk about issues that are affecting them. By seeking opportunities to listen to families and raise awareness of racism and non-inclusive practices in the family justice system. The Network aims to help raise awareness of the rights of families to care for children in safe and healthy environments within their family network when possible. This model of practice will move past a legal and political debate to incorporate the intersectional impact of racism and exclusion, to raise awareness of oppression and the various ways that racism is limiting the choices that are available to some individuals, families, and communities.
3. **Grassroots organising.** With the level of racism and non-inclusive practices that exist within the family justice system, grassroots organisation requires collective action as a starting point. The Network requires the participation of people who have lived experience of racism to engage and shape actions with the aim to transform the system and the policies that affect their lives.

In summary, The Network will:

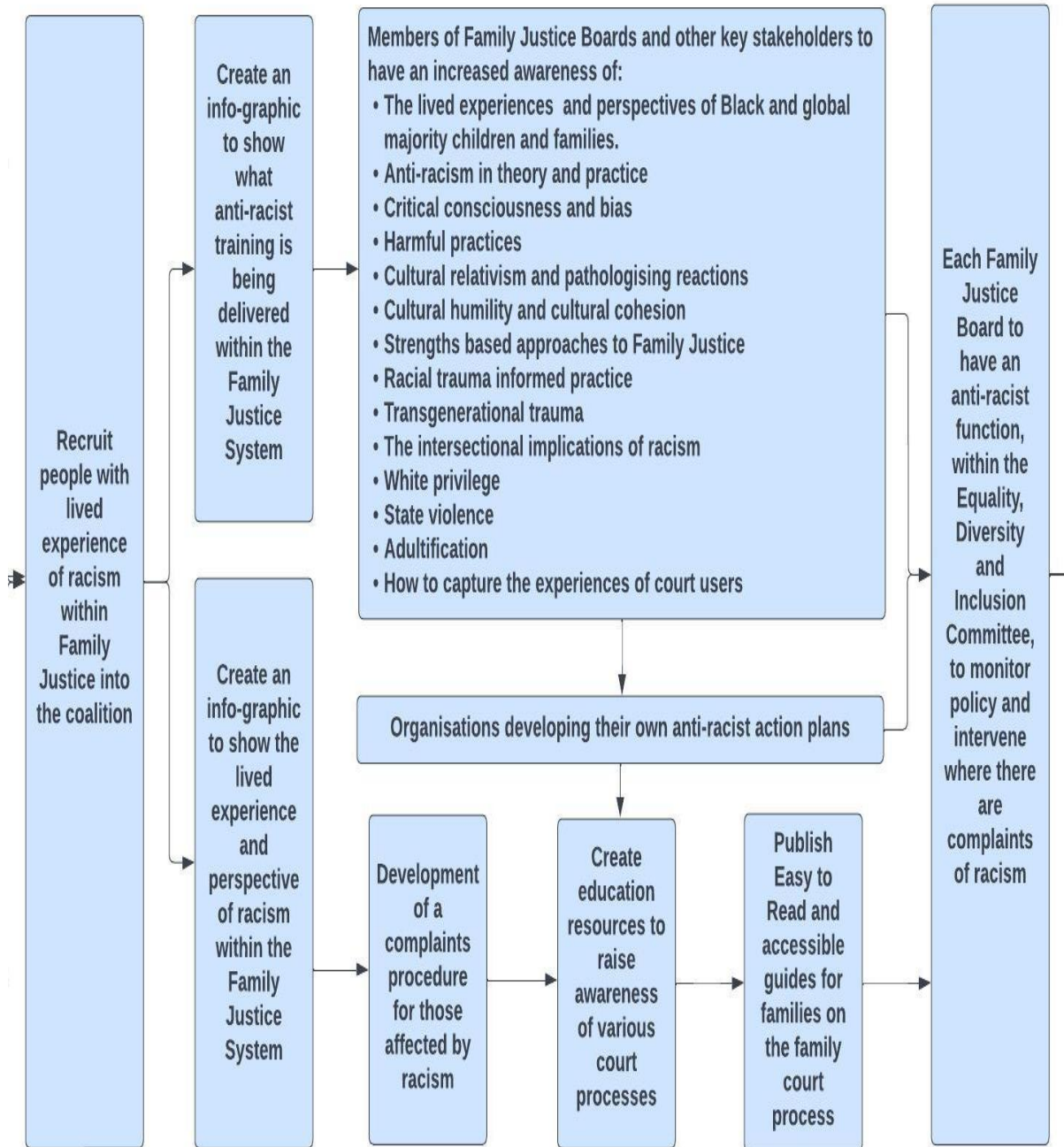
1. Actively promote anti-racism and inclusive practices within the Family Justice system.
2. Work in allied partnership with families and children of lived experience of racism to ensure the network is grounded and its work is impacting people's real lives.
3. Form effective working partnerships with Family Justice Boards and engage key stakeholders to establish a platform for social action and policy change.
4. Support change through meaningful action.
5. Produce a skills audit tool to ensure that the family justice system operates from an anti-racist perspective.
6. Create a series of educational and training resources to raise awareness of the various court processes, including 'Easy to Read' and accessible guides for families.
7. Provide support or offer guidance to enable Family Justice Boards to develop their own action plans and anti-racist/inclusion committees to monitor policy and intervene where there are complaints of racism.
8. Provide evidence so that the experiences of racism [by those children and families] within family justice is better understood, such as giving case-study examples of how judgments being made in court reflect and represent the anti-racist initiatives.
9. Enable the Family Justice community to stand in solidarity with Black, and other racialised minoritised identities, including Romani and Traveller people' from ethnic minorities and global majority peoples to advance the tenets of anti-racist practice.
10. Encourage all those people involved in the family justice system to defend the rights of Black, and other racialised minoritised identities, including Romani and Traveller people', and global majority people to live in safe and healthy environments.

Appendix 1 – Inputs, Activities, and Assumptions



Appendix 2 – Goals 2024-2027

Goals 2024-2027



Appendix 3 – Goals 2028-2029 and Outcomes

