



Reviewing the scope and priorities of our research in Justice

December 2021

Reviewing the scope and priorities of our research in Justice

The Nuffield Foundation is looking to expand the scale and ambition of our work on Justice, with a particular focus on how users of the system experience it. Our objective is to produce evidence that will improve the justice system and the outcomes for people involved with it.

Having reviewed our Justice programme, we have refreshed our funding priorities and are keen to encourage research applications from a broader range of perspectives and expertise. We are looking for proposals for impactful research that take an interdisciplinary approach where possible, that will address the challenges to and within the justice system and focus on the system's vital role in everyday life.

Background

The Nuffield Foundation has a long history of supporting work on the application of law and the administration of justice, from supporting the legal advice charity Legal Action Group in the 1970s, to funding a variety of major research projects on justice topics in the decades since then, including the creation of [Nuffield Family Justice Observatory](#) in 2018.

Justice is at the centre of our mission to advance social well-being and to understand the foundations and pathways of a just and inclusive society. Our [2017-2022 Strategy](#) set out how—together with Education and Welfare—Justice is one of the core domains that we believe underpins a well-functioning society. A fair and effective system of justice is essential for public trust, respect, and confidence in the institutions of State. It protects rights, resolves disputes, and provides redress. The justice system also regulates relationships between individuals, and between individuals and institutions, public and private. As such, it is a unifying theme across the Foundation's work.

We have recently reviewed our work in our Justice domain. As part of that process, we consulted with a range of experts about what they saw as the challenges facing the justice system and the implications of those for research in this field. The consultation highlighted not just the pressures and challenges on the system but also how inertia, inefficiency, and fragmentation within the system seem to hold back consideration of more fundamental change. The needs of system users—particularly those facing disadvantage or discrimination—are not always as central as they should be; nor are considerations of whether (and how) the justice system really operates as a system¹, and the outcomes it produces.

Combined with the impacts of the pandemic, which have exacerbated delays and case backlogs, these issues raise concerns about the ability of the justice system to respond fairly to the needs of all citizens and retain public trust. They also pose fundamental questions

¹ It is arguable that there are multiple justice systems in operation (split by jurisdiction and other factors) rather than a single system, but for simplicity of reference and to emphasise the conceptual and practical connections between them, we refer here throughout to the justice system.

around how well the system currently works both for those who need it and wider society. Alongside this, it is often difficult to define and measure key outcomes from justice, related to a relative paucity of available data, which means we can lack the common yardsticks by which to assess the system's fairness, effectiveness, and value. It all points to an ever-more urgent need for both high-quality research and analysis and better use of that evidence.

The review of our grants portfolio highlighted our emphasis in recent years on family justice, although with growing bodies of work on youth justice, and on issues around people's access to legal advice and their meaningful participation in legal processes. We fund a great deal of work that has had significant impact in different ways, but there remains much scope to make better use of data and evidence to influence change.

In undertaking the review, our goal is to reinvigorate our work in Justice. In particular, to:

- Increase the number of high-quality grant applications we receive—and the diversity of disciplines and applicants—that address our new priorities.
- Strengthen the connections between our work in Justice and other areas of our work, renewing our focus not only on critical issues in justice but also the consequences of the justice system for areas such as Education and Welfare, and to people's wider life chances.
- Increase the impact and influence of the work we fund. This means connecting to the right audiences, convening different interests, and building a greater sense of the collective contribution of our research to policy and practice.

Our distinct contribution to justice research

The Nuffield Foundation is one of only a few research funders that has an enduring focus on justice topics. We believe that having a broad interest in all parts of the justice system and associated institutions² is central to our strength in an area and research landscape often siloed by jurisdiction. However, the potential terrain is large so we will concentrate our resources on areas where we think they can bring the most benefit, particularly those topic areas where the existing evidence base is less well-developed, and where opportunities for research funding may otherwise be more limited.

Our overarching priority is issues of law and justice that have the most significant effects on the opportunities and social well-being of vulnerable and disadvantaged people. In many instances those will be areas of public law (which governs the relationship between individuals and the State or public bodies), where an individual's circumstances and often their life chances can be significantly affected by the decisions of those authorities. We are also interested in some areas of private law – for example, family, housing, and employment, and how legal disputes and issues of rights in those areas are addressed. Our interests will usually *exclude* commercial and contract law, and often other matters of personal property entitlement or dispute, unless applications in those areas address significant wider questions of interest around important issues affecting society (for example, whether civil justice

² Those services or organisations whose work and purpose is directly connected to the requirements and decisions of the justice system, or related areas (such as the wider world of resolving legal problems and disputes).

processes can provide an effective remedy in disputes involving the ordinary citizen or businesses, especially SMEs).

While we continue to welcome applications on a range of topics, the following are particular priority areas for us.

- The decisions made in **family justice** can impact significantly on people's well-being and connect with our broader interests in vulnerability and disadvantage among children and families. Together with the Nuffield Family Justice Observatory, with which we work closely, we continue to see this area as one of our top priorities.
- **Administrative justice** covers the large network of tribunals, ombudsmen, and dispute resolution mechanisms that regulate administrative decision-making. It is critical for upholding the rights of individuals, resolving disputes, and holding public bodies to account, particularly in relation to policy areas central to our mission, such as employment, housing, SEND provision, social security benefits, and immigration.
- Connecting to our wider interests in children and families, **youth justice** is a priority topic for us and our primary area of interest in criminal justice.
- Cutting across these jurisdictional areas, the overarching subject of **access to justice** is also a priority for us. This includes the 'upstream' aspects, such as whether or not someone can get the early advice, support, and representation they need to address their legal needs, which may include pursuing or defending their interests through the justice system, as well as what happens to people once 'inside' the justice system, such as whether they can meaningfully participate in their own case.

Within all these areas, our primary concern is the people who use or require the justice system, especially—although not limited to—the vulnerable and disadvantaged. How do people experience contact with the justice system? And what consequences do decisions made by the justice system have for people's wider life chances and well-being?

Our principal focus is the operation of the formal justice system, and the causes and consequences of any involvement in that system. The work of the courts and tribunals will often be at the heart of that, although our definition of the term 'justice system' is broad and includes processes and agencies operating alongside and up and downstream of the system's decision-making (for example, early legal advice, or children's social care services). The UK comprises distinct legal systems—England, Wales, Scotland, and Northern Ireland—and we are interested in all, both separately and comparatively.

We are interested in both 'demand-side' (user needs, views, and behaviours) and 'supply-side' (system operation and effectiveness) factors and the interaction between the two. We are also interested in the wider context in which the justice system functions, including what and how it contributes to, and intersects with, other social policy areas, systems, and outcomes.

New priorities

We believe that a modern, well-functioning, justice system should be: responsive to the needs of those who rely on it; accessible and transparent; fair; effective; and trusted and regarded as legitimate.

These principles inform our new priorities, which are set out in full in the [Guide for Applicants](#). While we welcome applications on a range of subjects that address critical issues facing the justice system and those who use it, our new priorities include a focus on the following:

- The needs, experiences, expectations, and behaviours of people who become involved with the justice system, with a particular focus on issues of access, participation, and legitimacy.
- Equal treatment, disparity, and discrimination: which individuals or groups are being poorly treated or underserved by the system and why.
- The operation of, and outcomes from, the justice system and the extent to which these are fair, efficient, and effective, including how they can be measured. Relatedly, the broader social and economic impacts of the justice system's processes and outcomes, including their links to wider life chances.
- The impact of new technologies and other developments (including the significance of AI and data-driven approaches) on the justice system.

We welcome and encourage applications that link to other areas of our work, such as our Education and Welfare domains, and/or with the independent bodies we have established to explore areas central to our research agenda in more depth: the Ada Lovelace Institute, the Nuffield Council on Bioethics, and—most relevant—the [Nuffield Family Justice Observatory](#).

New approaches

To support our grant-holders in realising our ambitions, we will focus on developing the impact and capacity of the research and researchers we fund. Our role as a convenor is central to this ambition; we want to increase the reach and influence of the work we fund by engaging with as many researchers, policy-makers, and practitioners as possible. Through our communications and events programme, we will facilitate the exchange of ideas and information and help broker connections across disciplines and professions. We also want to expand the range and diversity of the topics and people our work covers, the stakeholders we work with, and the audiences with whom we engage.

We will continue to support rigorous and innovative approaches to research in disciplines with which we already engage and have a valued relationship, namely law and socio-legal studies. But we also want to encourage more applications from researchers in other disciplines and subject areas, particularly as part of interdisciplinary approaches also involving legal research. In this way, we will support research that considers the role and impact of the justice system as part of a broader social policy landscape.

We recognise that access to good-quality, useable data is the lifeblood of much research, and we will continue to support work to increase the availability of such data—particularly

administrative data from the justice system and related organisations—and to demonstrate their value, as well as looking to fund research using these data.

We cannot fund every good idea or project that is proposed to us, but we are always open to considering thoughtful and rigorous proposals that seek to address the key issues and challenges in justice, whether highlighted in our priorities or beyond. We look forward to engaging with people interested in the approach we outline here and in our [Guide for Applicants](#).

About the Nuffield Foundation

The Nuffield Foundation is an independent charitable trust with a mission to advance educational opportunity and social well-being.

We fund research that informs social policy, primarily in Education, Welfare and Justice. We also provide opportunities for young people to develop skills and confidence in science and research.

We are the founder and co-funder of the Nuffield Council on Bioethics, the Nuffield Family Justice Observatory, and the Ada Lovelace Institute.

Visit www.nuffieldfoundation.org | Follow us on Twitter [@NuffieldFound](#)

Nuffield Foundation, 100 St John Street, London, EC1M 4EH. Registered charity: 206601

T: + 44 (0) 20 7631 0566 | E: info@nuffieldfoundation.org