

PART 02

- Research Methods

Research aims

The research aims to understand in each of the jurisdictions:

1. The experiences of survivors of the family justice system.
2. The role that key stakeholders in the family justice system: judges, lawyers and court appointed experts, play within this process and what their knowledge and understanding of the impact of experiencing domestic abuse is.
3. The structural, institutional, and cultural factors that impact upon access to justice for survivors within the family justice system.
4. The impact/importance, if any, of human rights law and policy in this area of the law.

Method Selection

Qualitative methods allow for flexibility in terms of adapting to the different needs of participants and facilitate an understanding of human behaviours and experiences⁵ and the conditions surrounding their planning and development. Moreover, such methods allow for reflexivity; for researchers to examine their personal beliefs and preconceived ideas, helping to prevent or decrease their impact on research participants.⁶ Such methods often involve a smaller sample size, the aim is therefore to focus on depth, to uncover rich, complex, and high-quality data to understand participants' experiences and ways of thinking⁷ rather than represent the entirety of any given community. Two types of qualitative methods were used: focus groups and semi structured interviews.

Focus groups allow participants to express their experiences and understanding of the world⁸ and can also form a safe space to generate data, particularly from members of marginalized groups or those that are rarely heard and taken into consideration.⁹ They are particularly apt in terms of working with a vulnerable population such as survivors of

domestic violence as they allow participants more control over the discussion via the perception of power in numbers, in that there are more participants than moderators.¹⁰ Moreover, when working with sensitive topics once a participant shares their story, with people with similar experiences, this can facilitate a higher degree of confidence in others to also contribute, acting as an ice breaker.¹¹ Focus groups with survivors in this project took place both in person and online.

Semi structured interviews provide the space for interviewees to provide detailed descriptions and clarifications of the way in which they work and the reasoning which underpins their decision making, while providing enough flexibility to adapt to their specific style, the particularities of their role, and their culture. As such, interviews allow the opportunity to obtain a better understanding of the interviewee's experiences and their knowledge in terms of their daily work.¹² Interviews were therefore used for all participants who work within the family justice system and took place online.

⁵ Guest, G., Namey, E. and Mitchell, M. (2013) *Collecting qualitative data* London: SAGE Publications, 2.

⁶ Brown, A. (2010) 'Qualitative method and compromise in applied social research' *Qualitative Research* 10: 229-249. SAGE and Tracy, S. (2010) 'Qualitative Quality: Eight "Big-Tent" Criteria for Excellent Qualitative Research' *Qualitative Inquiry* 16: 837-851. SAGE.

⁷ Kitzinger, J. 1995. 'Qualitative Research. Introducing Focus Groups' *BMJ* 311 (7000):299-302;

⁸ Kitzinger note 7; Wilkinson, S. (1998) 'Focus Groups in Feminist Research: Power, Interaction, and the Co-construction of Meaning', *Women's Studies International Forum* 21(1): 111-126; Jowett, M., & O'Toole, G. (2006). 'Focusing researchers' minds: contrasting experiences of using focus groups in feminist qualitative research' *Qualitative Research*, 6(4), 453-472 and Barbour, R. 2007. *Doing Focus Groups*. London: SAGE Publications, 30.

⁹ Kitzinger, note 7 and Richard, B., Sivo, S. A., Orłowski, M., Ford, R. C., Murphy, J., Boote, D. N., & Witta, E. L. (2021). *Qualitative Research via Focus*

Groups: Will Going Online Affect the Diversity of Your Findings? *Cornell Hospitality Quarterly*, 62(1), 32-45.

¹⁰ Jowett and O'Toole, note 8.

¹¹ Kitzinger, note 7.

¹² Arksey, H. and Knight, P., (1999) 'Why interviews?' from Arksey, H. and Knight, P., *Interviewing for social scientists: an introductory resource with examples* pp.32-42, Thousand Oaks, Calif.; London: SAGE; Mason, J. (2002) 'Qualitative Interviewing' from Mason, J. *Qualitative researching* pp.62-83, London: SAGE and Rubin, H. & Ruben, I. (2005) 'Structuring the Interview' from Rubin, Herbert J. & Ruben, Irene S., *Qualitative interviewing the art of hearing data* pp.129-151, Thousand Oakes: SAGE Publications.

Ethical Considerations

Our approach to research ethics was centrally informed by the WHO guidelines on the conduct of ethical research on Domestic violence¹³ and approval was obtained from the Social Sciences and Humanities Interdivisional Research Ethics Committee at the University of Oxford. Throughout the research, the safety and well-being of survivors was paramount at all times and determined all project decisions. The project deals with sensitive topics and included the risk of re-traumatisation and emotional harm.

Therefore, measures were taken to decrease this risk as much as possible. Specialist organizations working with survivors of domestic violence in each country provided a trained professional to be present both in person and online in the focus groups as a further source of support during and after they were completed. For the in-person focus groups, the room was booked through the support person or institution and thus the safety of the participants was ensured. Given the sensitive and potentially triggering nature of the interviews we kept questions about experiences of violence to a minimum, though some research participants chose to share further information in the focus groups. All interviewers were women, and all survivors of violence were offered support and referral to specialist help if required. Survivors who had to travel for in person focus groups were offered compensation with respect to these expenses. No other economic compensation was offered.

¹³World Health Organisation (2001) Putting Women First: Ethical and safety recommendations for research on domestic violence against women. [Online] Available here: https://apps.who.int/iris/bitstream/handle/10665/65893/WHO_FCH_GWH_01.1.pdf?jsessionid=32539973DF141947084618D5843D8D1E?sequence=1. Last Accessed 12 October 2022

Confidentiality

Confidentiality was addressed both in the informed consent form which all participants signed and at the beginning of all interviews and focus groups. The confidentiality of research participants has been protected throughout the research process, from the planning, location and timing of the interviews to the use of anonymised and coded research databases and encrypted data storage and transfer. All personal data collected during the project is managed in accordance with the University's guidance and legal requirements. The transnational nature of the project involved working with additional people from different countries, such as moderators, interviewers and translators. All such individuals were required to sign a confidentiality agreement and any files that were shared was on an anonymized basis.

Fieldwork

Fieldwork in all five jurisdictions took place from early 2022 to June 2023. Fieldwork was completed by January 2023 in the UK, by April 2023 in France and by June 2023 in Spain, Italy, and Bosnia & Herzegovina. All groups and interviews were conducted in the local language, by native speakers, aided by two additional postdoctoral researchers in France and Italy. Participants were asked the same questions in each jurisdiction with amendments made to reflect specific jurisdictional differences and concerns. After the focus group or interview ended, the audio file was transcribed and translated by a native or near native speaker of each language.

Sampling

The sampling was purposive;¹⁴ participants were selected based on their experiences as survivors of domestic violence that had been through family law proceedings, or as stakeholders, judges, lawyers and designated professionals who assist the court in its decision making who have dealt with cases involving domestic abuse. The requirements for survivors were to have had experience of family law proceedings in the relevant jurisdiction (which had ended) and to have had experienced domestic abuse.

The definition of domestic abuse used was that contained in the Istanbul Convention - "all acts of physical, sexual, psychological or economic violence that occur with the family or domestic unit or between former or current spouses or partners, whether or not the perpetrator shares or has shared the same residence with the victim."

For interviewees, our aim was to interview 12 stakeholders of each group in each country; 36 stakeholders in each country in total. The criteria for these participants were experience of working in family law as a member of one of the stakeholder groups: a family judge, a family lawyer, a court appointed expert (psychologist, social workers etc) that assist family courts in their decision making.

Recruitment

At the beginning of the project a survey was created for each participant group and in each language which provided information about the research project and the criteria for participation. The survey was sent to a variety of organisations, such as professional associations for courts, lawyers, psychologists and social workers. It was also shared with NGOs and on social media. The most effective way of contacting participants was the snowballing technique via the organizations and NGOs that worked locally with survivors and lawyers in each country.

Similarly, those lawyers would often provide contact with judges and psychologists or social workers because they worked in the same networks or were part of the same groups specifically dedicated to domestic violence and family law.

This meant, however, that most of the stakeholders had a specialist interest in this field and were connected to NGOs who support survivors or had collaborated in terms of producing guidance on best practice. It was rare to have a participant who did not have an interest in family law and domestic violence.

¹⁴ Layder, D. (1998) *Social practice: Linking theory and social research*. London: SAGE and Guest, note 5.

Final Numbers and Geographical Representation

Our aim was to recruit participants from as varied a geographical area as possible which was made easier by moving all interviews online as a result of the Covid 19 outbreak. A good amount of regional representation was therefore achieved across all stakeholder groups that were interviewed.

In terms of survivors, some focus groups were held in person and where held, each focus group was formed by people from the same area, focus groups were held in Madrid, Paris, Nottingham, Cardiff and London. In Bosnia & Herzegovina, focus groups were held in each entity in Sarajevo, in Tuzla and in Banja Luca and there was a roughly equal representation of each group of professional stakeholders across all three entities. All other focus groups took place online. Interviews with professional stakeholder groups all took place online.

Research participants are coded throughout this report with reference to jurisdictions and stakeholder groups as illustrated by the following examples: UKFG (England & Wales - Survivor); FRIL - (France - Lawyer); SPIJ (Spain - Judge); ITIO (Italy - Court Appointed Expert).

Jurisdictions	No. of Focus Groups Held for Survivors	No. of Survivors	No. of Judges	No. of Lawyers	No. of Court Appointed Experts
Bosnia & Herzegovina	3	27	10	12	10
England & Wales	4	16	9	8	9
France	3	13	1	10	3
Italy	3	12	8	10	3
Spain	3	19	6	12	7

Limitations and challenges

It proved difficult to find research participants outside of England and Wales, despite real interest in the project from policy makers, contacts in professional organisations and NGOs in each country. Our conclusion is that this may be due to a lack of exposure to this type of sociolegal research and, to a certain degree, a lack of openness to it, particularly amongst some of the professional stakeholder groups. France was the most challenging jurisdiction in terms of recruitment and despite huge efforts only one judge agreed to participate; there was a real concern around anonymity, despite our assurances. Similarly, psychologists and social workers were also very difficult to reach. We felt this reflected the general lack of transparency around the crucial role of both stakeholder groups in this area of the law and some of the structural barriers uncovered in our analysis. Access to survivors was also challenging across the jurisdictions; some attrition occurred of numbers in this group due to a reluctance to talk about their experiences in front of other people and to be video recorded.

Most research participants were recruited via the snowballing technique using support organisations and professional, specialist networks. Given this, the survivors we spoke to were more likely to have already engaged help and support of some kind and the stakeholders were more likely to have a specialist interest or expertise in this area. As a result, compared to the general population groups that they represent; they were more likely to have a greater awareness and understanding of the issues. Moreover, the study does not seek to represent the entirety of experiences of survivors of domestic violence or of stakeholders who work in the field.

It is important to underline therefore that broad generalizable representation is not the goal of focus groups and interviews, but rather to gather in-depth insights and opinions from a specific target group.

PART 02 Research Methods

A Note on Bosnia & Herzegovina

After experiencing a very challenging environment in terms of recruitment, the decision was taken for a partner research organisation, funded by the Oak Foundation and experienced in qualitative research methods and working with domestic abuse survivors to carry out the data collection on the basis that they had established contacts and relationships with the relevant stakeholder groups. The local team therefore took responsibility for the recruitment, moderation, transcription and translation for focus groups and interviews. However, guidance was given by the UK research team in terms of

geographical location and sample size and the same interview and focus groups questions used by the Oxford research team were used here. The coding and analysis were completed by the Oxford research team using the English translation of all interviews and focus groups.

A Note on England & Wales

This was the only jurisdiction in which the research team was required to apply for official approval to interview judges and court reporters. As a result, a formal and successful application was made to the Ministry of Justice, CAF/CASS England and CAF/CASS Wales. The recruitment of judges and court reporters was facilitated by sharing the participant survey with contacts in each organisation.

The legal profession in England and Wales is made up of barristers, solicitors and legal executives, all of whom can be authorised to provide legal advice and representation to survivors. When disputes need to be decided by the Family Court, depending on the type of case, they are dealt with, in order of ascending seniority, by either Family Panel Lay Magistrates or District Judge (Magistrates' court) or by a District, Circuit or High Court Judge. Family Panel Magistrates are members of the public who sit as magistrates in the Family Court.

Types of Judges	Magistrates	District	Circuit
Judges (England)	3	3	3
Judges (Wales)	0	2	1

Types of Judges	Barristers	Solicitors	Legal Executives
Lawyers (England)	3	3	3
Lawyers (Wales)	0	2	1

COVID 19

Finally, the impact of covid 19 on the project was significant; waiting for guidance to update in each of the jurisdictions caused significant delays until the decision was made to turn all interactions to an online setting. The original plan was for all interviews and focus groups to be undertaken in person. However, due to the Covid 19 outbreak the fieldwork aspect of the project was significantly delayed and did not commence until 2021 and ended in 2023.

Delays were also caused by awaiting applications for ethical approval and formal approval to interview members of the judiciary and CAF/CASS in the UK.