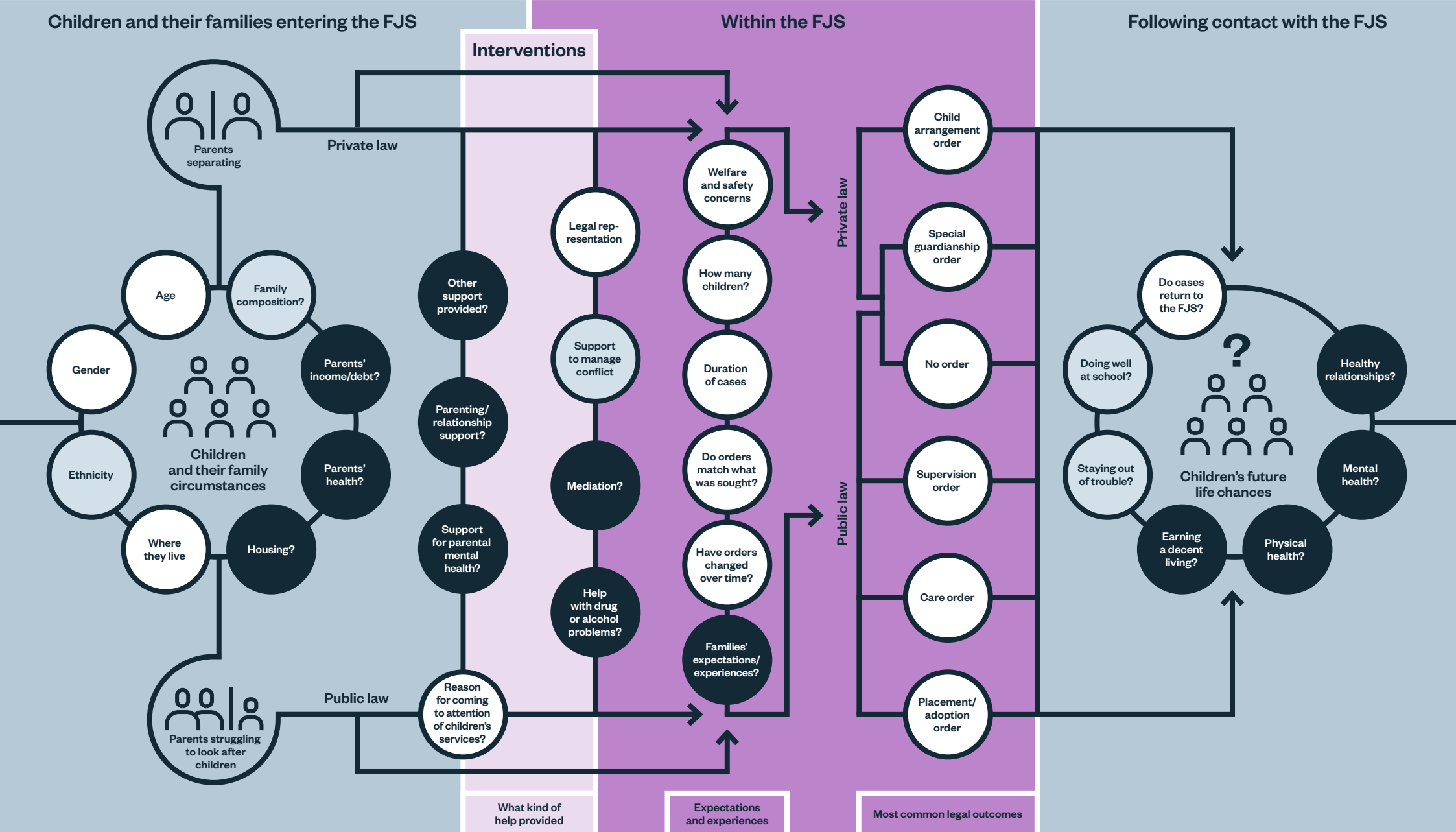


# Children in the family justice system (FJS)

What we know\* 
  What we partially know\* 
  What we don't know\* 
 \*from national administrative data



# Children and their families entering the family justice system

In 2017/18 the family courts made decisions about the future family relationships of over 67,000 children in England and Wales. Linking data about these children will give us a much richer evidence base for determining the effectiveness of the system and identifying ways to improve it.

## How old are the children?

The average age of a child entering public law proceedings is 5.4 years old.

In private law proceedings, the average age is 6.2 years old.

Just under one in four children in care proceedings are aged under 1.

However, in recent years there has been a sharp increase in older children subject to care proceedings.

## Gender

Gender distribution of children in the FJS, 2010–2016



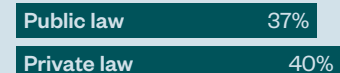
Boys slightly outnumber girls in the family justice system (for both public and private law).

But girls are more likely than boys to enter the system via public law proceedings in their teenage years.

## Their family composition?

We know the percentage of cases that involve siblings.

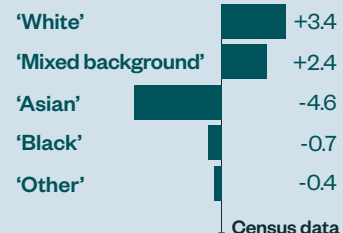
Sibling cases 2018/19



For both public and private law, we do not know with whom children are living, the adult's relationship to the child and their gender, for example.

## Their parents' income and debt levels?

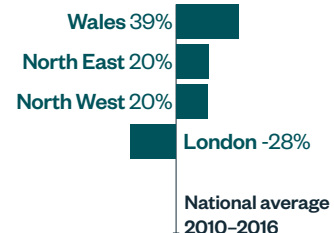
## Ethnicity



Available data gives a broad idea of whether children from different ethnic groups are over or under-represented in the FJS. However, the data is defined in broad terms and poorly recorded.

In public law there is considerable variation between ethnic groups after controlling for local deprivation.

## Where do children live?



National data highlights whether children from different regions are at higher or lower likelihood of entering the FJS compared to the national average.

In public law, children in more deprived areas are more likely to enter proceedings.



Information about the family and parental circumstances is, in most cases, collected by local and/or national agencies. However, this data is rarely linked to family justice data.

These are important gaps because by understanding family characteristics we might identify better ways to support children and their families at an earlier stage, before they even reach family courts.

## Their parents' mental and physical health?

## Their parents' housing situation?

- What we know\*
- What we partially know\*
- What we don't know\*

\*from national administrative data

Children and their families before entering the FJS

Interventions

Within the FJS

Following contact with the FJS

# Interventions

Various types of support for families are necessary to prevent family problems from escalating and, where possible, to be resolved so that there is no need for an application to be made to the family court.

## Other support provided?

We currently have no way to track whether support for housing, debt or other issues was given or accessed.

## Parenting or relationship support?

## Legal representation

Data is available on the percentage of parties without a recorded representative in private law cases (those representing themselves without a lawyer).

### Private law parties without legal representation



These figures reflect whether the legal representative has been recorded by the courts. When it is not recorded it is assumed that no lawyer has been used.

## Reasons for coming to the attention of children's services

We do have data on why children have been initially referred to services, and whether these reasons are changing.

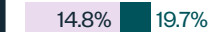
### Domestic violence



### Parental mental health



### Drug and alcohol misuse



2014 / 2018



There is limited national data which shows what support families may have received before, during or after public or private law proceedings, so we cannot judge the effectiveness of interventions.

## Mediation?

The Legal Aid Agency publishes figures on the number of publicly funded mediations for separating parents.

However, national data on privately funded mediations is not collected.

## Help with drug or alcohol problems?

There is no national data showing how many parents of children in the family justice system have received help with addiction problems.

## Support for parental mental health?

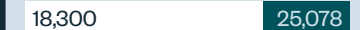
## Support to manage conflict

We have national data from England on the number of parents in private law proceedings referred to Separated Parents Information Programme (SPIP) and Domestic Abuse Perpetrator and Safe Contact Programmes (DAPP).

### Number of parents referred to: DAPP



### SPIP



2012 / 2018

- What we know\*
- What we partially know\*
- What we don't know\*

\*from national administrative data

Children and their families before entering the FJS




Interventions

Within the FJS

Following contact with the FJS

# Within the family justice system

The family justice system routinely collects data about the way that it works – such as how many cases come before the court and how long each case takes – but does not collect information on children’s and families’ own expectations of the system and whether their expectations are met.

-  What we know\*
-  What we partially know\*
-  What we don't know\*

\*from national administrative data

## Number of children

Between 2011 and 2016, around 4% of children in private law cases returned to the FJS via public law.

Number of children involved in applications:

Public law

England 12,792 / 14,207

Wales 1,420 / 1,725

Private law

England 37,415 / 42,058

Wales 4,740 / 5,937

2010/11 / 2016/17

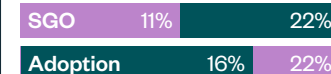
## What are families' expectations and experiences?



How do we know whether justice is being served by a system that has such limited feedback from those affected by it?

## Have public law orders changed over time?

Children in England are more likely to be subject to care orders, however in recent years there has been a sharp increase in the use of special guardianship orders (SGOs). Over the same period the proportion of children placed for adoption has decreased.



2010/11 / 2016/17

## Do orders match what was sought?

Between 2010 and 2016, the majority of public law applications related to a care order. However, in the same period just under half of all orders given were care orders.

In public law, the outcomes of applications are more binary – an order is granted or refused. In private law, the majority of applications are granted, but the critical factor is the content of the order.

This is currently unknown for private law on a national level.

## Duration of cases

Public law

2011 55.1 weeks

2018 30.4 weeks

Private law

2011 31.3 weeks

2018 25.6 weeks

## Welfare and safety concerns

In private law, if the court has safeguarding concerns about a child Cafcass will write a section 7 report. If it has concerns that a child is at risk of harm and wants to consider a care order, Cafcass will write a section 37 report. It may also appoint a guardian to represent the child in proceedings (16.4 appointment).

Welfare and safety concerns, 2016:

Section 7 47%

Section 37 4%

16.4 appointment 3%

## Have private law orders changed over time?

Proportion of total orders: Prohibited steps order

10%

Specific issue order

3% / 5%

Child arrangement order (contact)

44% 59%

Child arrangement order (residence)

21% 36%

2011 / 2018

Expectations and experiences

Children and their families before entering the FJS

Interventions

Within the FJS

Following contact with the FJS

# Following contact with the family justice system

For those involved in the family justice system the only indicator or feedback available about the impact of decisions made is whether cases (and children) subsequently return to court again. It seems extraordinary so little feedback is available to those who are making such life-changing decisions in the family courts. Yet by linking data already collected, we can provide insights into children's short, medium and long-term outcomes.

## Do cases return to the FJS?

Between 2008 and 2016 return cases made up 6% of total public law demand.

Approximately 1 in 4 mothers involved in care proceedings return within 7 years.

Between a fifth and a third of private law cases return to court, with only 3% returning more than once.

## Do children go on to earn a decent living?

## Do children go on to form healthy relationships?



Understanding the outcomes for children who have experienced the family justice system is essential, not in the sense that we need public scrutiny of every individual case, but because only through system-wide transparency will we be able to determine whether the family justice system is working in the best interests of children, or see ways in which families and children might be better supported.

## Do children stay out of trouble?

Former care leavers born between 1990–92 were 2.9 times more likely to offend between the ages of 10 and 17 than those of the equivalent age group in the general population.

They were also more likely to commit multiple offences.

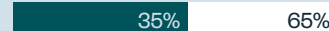
We have no national data for children subject to private law proceedings.

Average number of proven offences, 2000–2014:

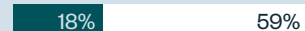
Care leavers	2.5
General population	0.3

## Are children doing well at school?

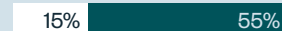
With expected standard in reading and writing at KS2 – 2018



Achieving a grade 4 GCSE in both English and maths – 2018



Needing SEN support – 2018



Looked-after children / All children

We have no national data related to the attainment of children subject to private law proceedings.

## Do children have good physical and mental health?

- What we know\*
- What we partially know\*
- What we don't know\*

\*from national administrative data

Children and their families before entering the FJS

Interventions

Within the FJS

Following contact with the FJS