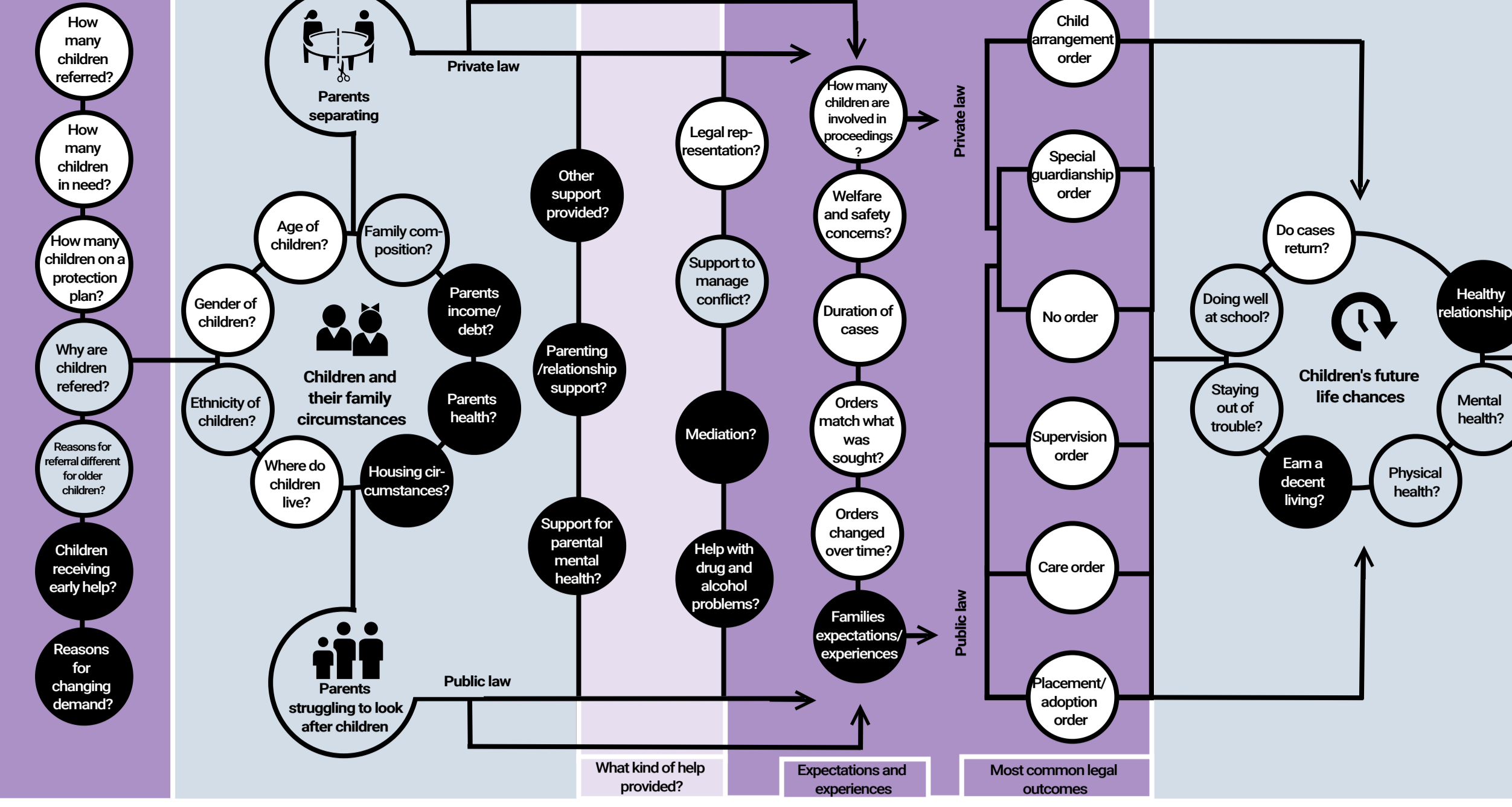


Children in the family justice system

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

*from national administrative data



Children known to children's services

How many children are referred?

Number of children referred to children's services per 10,000 population under 18, England

Year	2012/13	2018/19
England	448	481

Similar data not published for Wales.

Number of children on a child protection plan or register

In England the rate of children on a child protection plan has increased since 2012, though it has decreased slightly since its peak in 2017/18.

In Wales, the rate has stayed relatively stable since 2017, when comparable data was first published.

Number of children on a children protection plan or register per 10,000 under 18, England and Wales

Year	2016/17	2018/19
England	43	44
Wales	45	45

Children receiving early help?

Statistics on the number of children receiving early help (locally defined offer for children not meeting statutory thresholds) are not collected nationally.

How many children are in need or in need of care and support?

Number of children in need per 10,000 population under 18, England

Year	2012/13	2018/19
England	331	334

Children receiving care and support per 10,000 under 18, Wales

Year	2016/17	2018/19
Wales	254	261

Why are children being referred to services?

In England and Wales, the common need at primary assessment in 2019 was 'abuse and neglect' followed by 'family dysfunction'.

In England the number of 'unaccompanied asylum seekers' and children with concerns around their potential involvement in gangs had a large yearly increase from 2018 to 2019.

The Welsh government does not publish comparable end of assessment data.

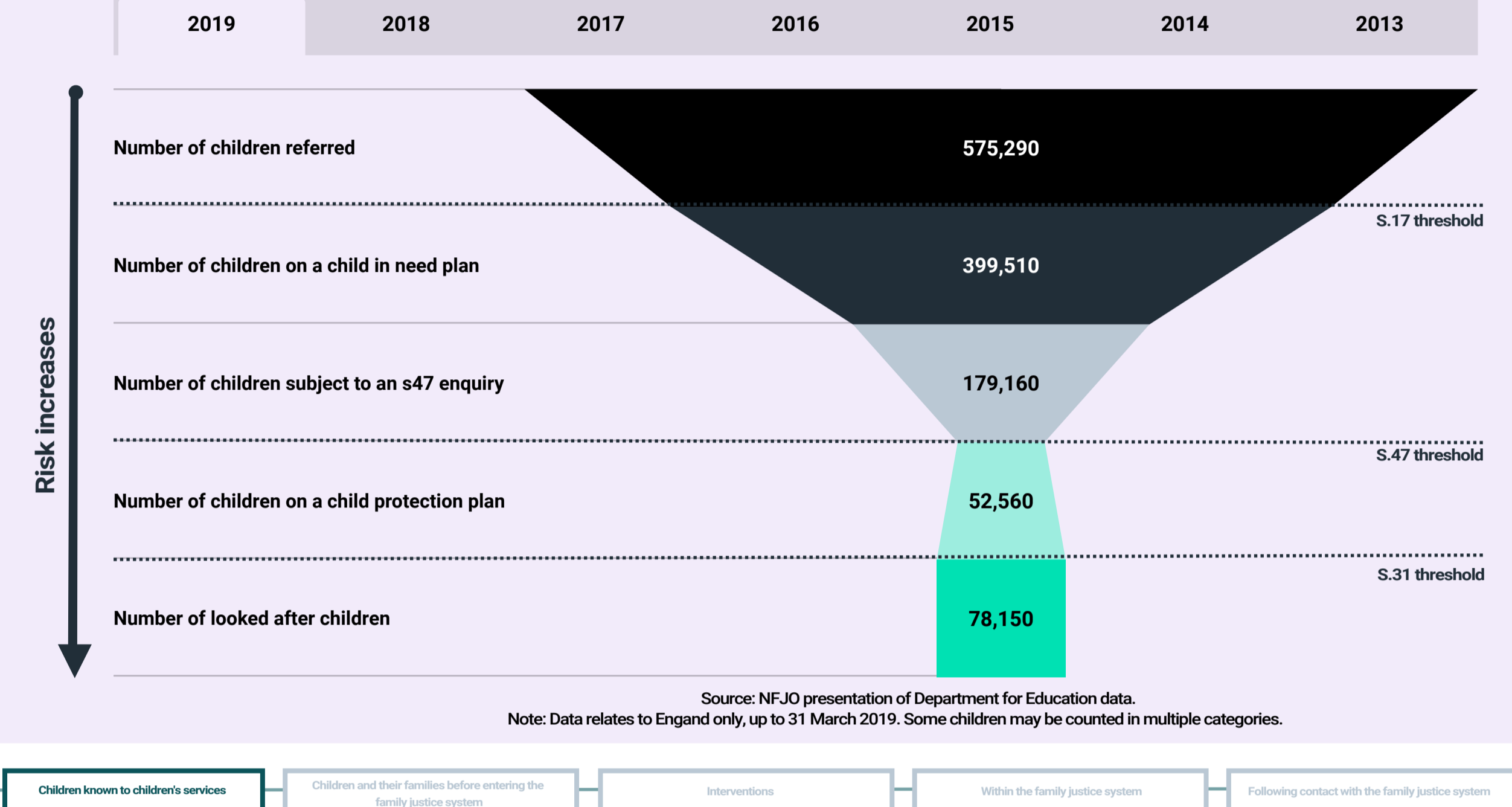
Are the reasons for being referred different for older children?

The level and complexity of need are far more diverse amongst older children.

Using the primary need at assessment as a measure, the needs of children aged 10 and older in England are much more diverse than those aged nine or younger.

Similar patterns have been found in Wales.

Demand for children's services, England, 2013-2019



Children and their families entering the family justice system

How old are the children?

Just under one in four children in care proceedings is aged under one.

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

As in public law, most children involved in private law applications in England and Wales are aged nine or under. However, in recent years we have witnessed a growing proportion of applications being made for older children.

What is the children's gender?

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 their teenage years.

Gender distribution of children in the family justice system, 2010-2016

Gender	2010-2016
Boys	51%
Girls	49%

Their family composition?

We know the percentage of cases that involve siblings.

Sibling cases, 2018/19

Law Type	Percentage
Public law	37%
Private law	40%

However, we do not know who children are living with, the adult's relationship to the child or their gender in the case of either public or private law.

Their parents' income and debt levels?

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

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

What is the children's ethnicity?

Available data gives a broad idea of whether children from different ethnic groups are over or under-represented in the family justice system. 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.

Ethnicity	Relative Risk
White	+3.4
Mixed...	+2.4
Asian	-4.6
Black	-0.07
Other	-0.4

Census data

Where do children live?

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

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

Region	Relative Risk
Wales	39%
North East	20%
North West	20%
London	-28%
National average 2010-2016	0%

Their parents' mental and physical health?

Using linked administrative data in Wales, research has identified the health vulnerabilities of mothers whose babies are subject to care proceedings in the first year of life. Similar analysis has not yet been carried out in England.

Of these women, a very high proportion with significant prior mental health conditions at, or before, attending for antenatal care.

Interventions

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?

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

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, 2012 and 2019

Year	Percentage
2012	42%
2019	67%

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.

Mediation?

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

However, no national data is collected on privately funded mediations.

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 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 programmes by Cafcass, 2012 and 2019

Programme	2012	2019
DAPP	250	609
SPIP	18,890	25,078

Support for parental mental health?

Children and their families within the family justice system

Number of children

Number of children involved in applications, Cafcass and Cymru, 2010/11 and 2018/19

Year	Public law	Private law
2010/11	12,792	37,415
2018/19	14,207	42,058

Wales: 1,420 (Public law), 4,740 (Private law)

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?

According to recent, one off analysis, children are more likely to be subject to care orders than has been the case 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.

Proportion of total private law orders, 2010/11 and 2016/17

Order Type	2010/11	2016/17
SGO	11%	18%
Placement order	22%	16%

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, 2010/11 and 2018/19

Year	Duration (weeks)
2010/11	55.1
2018/19	33.2

Private law, 2010/11 and 2018/19

Year	Duration (weeks)
2010/11	31.3
2018/19	28.2

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 appointments). This data is not published routinely. The last available analysis is from 2016.

Welfare and safety concerns, 2016

Section	Percentage
Section 7	47%
Section 37	4%
16.4...	3%

Have private law orders changed over time?

Proportion of total private law orders, 2010/11 and 2018/19

Order Type	2010/11	2018/19
Prohibited steps order	10%	11%
Specific issue order	3%	6%
CAO (residence)	22%	38%
Child arrangement order (contact)	40%	43%

Following contact with the family justice system

Do cases return to the family justice system?

Public law

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

Further research has shown that approximately one in four mothers involved in care proceedings return within seven years.

Private law

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

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

Mental health?

In England, we know the number and proportion of children who have social-emotional issues that are a 'cause for concern' as identified by the Strength and Difficulties Questionnaire (SDQ).

In 2018/19, 39% of children who were looked after had a SDQ score that was a cause for concern.

In Wales, a different measure is used based on social services department records. In Wales, 16% of looked after children had 'mental health problems'.

Further information on the measures used can be found in our measures note.

Do children stay out of trouble?

We have national data on the looked after rates for looked-after children while in care. Information on offending rates is collected for children aged 10 years or over who were looked after for at least 12 months at 31 March.

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

% of looked after children with a conviction or youth caution, 2019

Region	Percentage
England	3%
Wales	4%

Are children doing well in school?

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

We do know there is a considerable attainment gap between looked-after children and all children in both England and Wales.

Attainment looked after children, England, 2019

Metric	Looked after children	All children
Expected reading and writing KS2	35%	65%
Grade 4 in English and Maths	18%	59%

Physical health?

We know the number and proportion of children who have had immunisations, had their dental health check-up and had an annual health assessment (children looked after for at least 12 months). In all three domains the proportion has increased since 2017 in both England and Wales.

We do not, however, have comparable data for children involved in private law proceedings.

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 go on to earn a decent living?