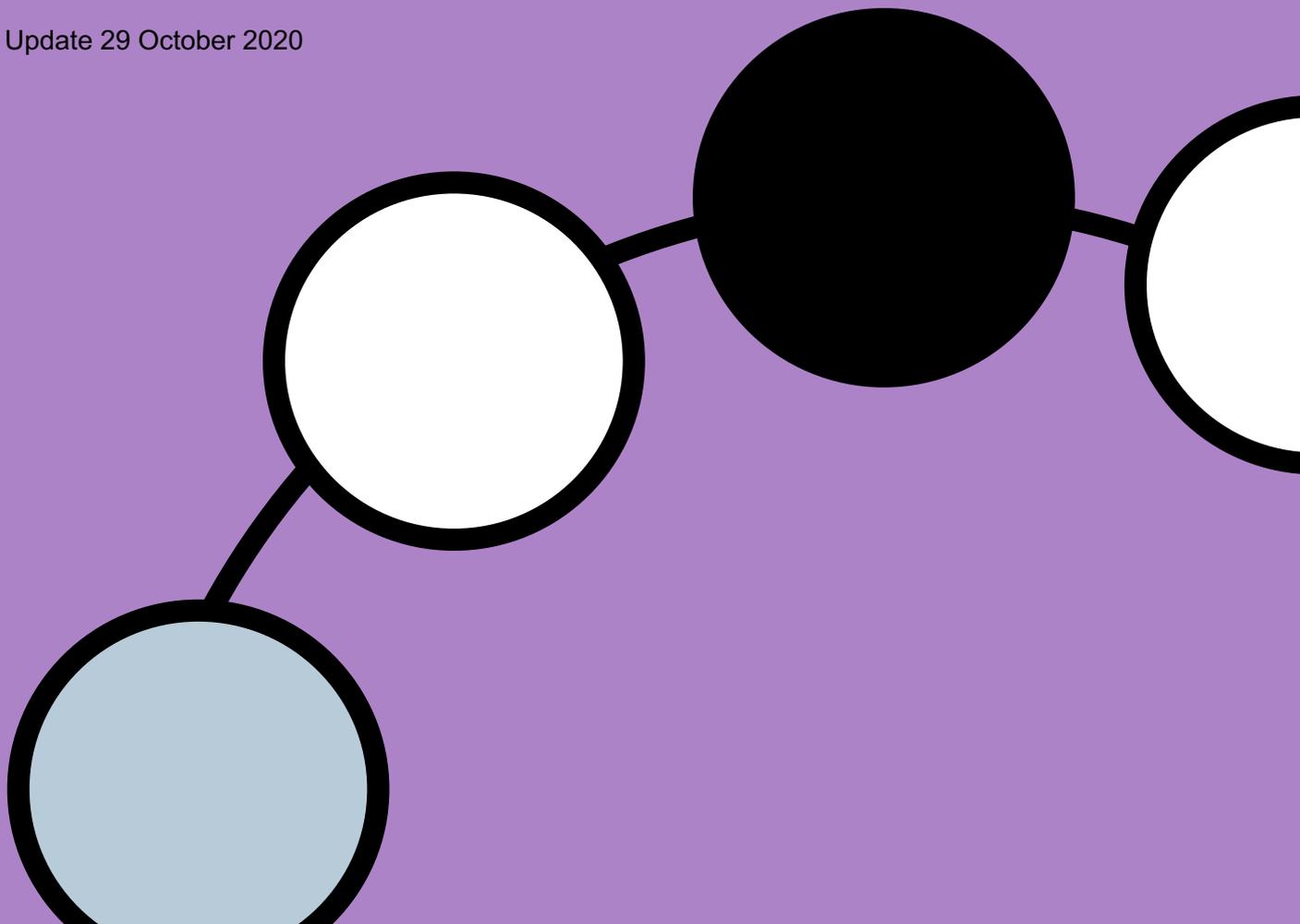




# Infographic: What do we know about children in the family justice system?

## Supplementary guidance note on data sources

Update 29 October 2020



## About this note

This guidance note provides further detail on the data used in the Nuffield Family Justice Observatory (Nuffield FJO) [online infographic](#). The data is the latest available at the time of writing. We aim to update the note and the infographic every three months. The infographic was first published in December 2019 and the first version of this note, which accompanied the second iteration of the infographic, was published in February 2020. It was last updated in June 2020.

The guidance note is not a systematic review of all analyses of data relating to children and families in the family justice system. Over time, our intention is to build a comprehensive picture of all the main sources of data available. We welcome feedback on the data used.

## Recommended citation

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## About the Nuffield Family Justice Observatory

Nuffield Family Justice Observatory (Nuffield FJO) aims to support the best possible decisions for children by improving the use of data and research evidence in the family justice system in England and Wales. Covering both public and private law, Nuffield FJO provides accessible analysis and research for professionals working in the family courts.

Nuffield FJO was established by the Nuffield Foundation, an independent charitable trust with a mission to advance social well-being. The Foundation funds research that informs social policy, primarily in education, welfare, and justice. It also funds student programmes for young people to develop skills and confidence in quantitative and scientific methods. The Nuffield Foundation is the founder and co-funder of the Ada Lovelace Institute and the Nuffield Council on Bioethics.

The views expressed are those of the authors and not necessarily those of Nuffield FJO or the Foundation.

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## 1. Introduction

This guidance note provides further detail on the family justice data and sources used in Nuffield Family Justice Observatory's (Nuffield FJO) [online infographic](#) (October 2020).

The infographic currently draws on publicly available national administrative data for England and Wales, which is routinely collected (albeit primarily for operational reasons rather than research), covers the whole population, and is regularly updated. Of course, there are many other ways to collect information and insights on children in the family justice system, and we intend to integrate data from a variety of sources over time. The overall aim is to help build a more comprehensive picture, share data more effectively—and collectively take steps to address the data gaps.

We aim to update the note and the infographic every three months. The first version of the infographic was published in 2019, and the second iteration and accompanying guidance note were published in February 2020. In June 2020, we added two new sections: children who are known to children's services; and longer-term outcomes for children involved in public law proceedings. As well as providing any routine updates to administrative datasets, the current version:

- includes new data on private family law in Wales (Cusworth et al. 2020)
- provides a new section to begin to explore what the data is telling us about how the COVID-19 pandemic is affecting the family justice system.

The infographic and note are structured as follows:

- children known to children's services
- children and families entering the family justice system
- interventions
- children and families within the family justice system
- the impact of the COVID-19 pandemic on family justice
- children and families following contact with the family justice system.

The data used in the infographic and detailed in this note is the latest available at the time of writing. Every effort is made to ensure that data is kept up to date. As the data is extracted from live administrative databases, figures are subject to revision. In some cases, this may mean there is a slight difference between the figures reported here and those recorded in the updated primary sources.

The majority of data relates to both England and Wales. However, we have made it clear where this is not the case.

## 2. Children known to children’s services

### Number of children referred

#### Data sources

- Department for Education (DfE). (2020a). *Characteristics of children in need: 2018 to 2019*. Available from: [www.gov.uk/government/statistics/characteristics-of-children-in-need-2018-to-2019](http://www.gov.uk/government/statistics/characteristics-of-children-in-need-2018-to-2019)

The children in need census collects information on:

- any child referred to children’s social care services within the year
- any cases open at the beginning of the year for whom local authorities were providing a service.

The collection of the data from each local authority in England allows the local and national-level calculation of information on the numbers of referrals and assessments carried out by children’s social care services, along with the identification of the number of children assessed to be in need and the numbers who were the subject of a child protection plan.

- StatsWales. (2020). *Children receiving care and support*. Available from: <https://statswales.gov.wales/Catalogue/Health-and-Social-Care/Social-Services/Childrens-Services/children-receiving-care-and-support/childrenreceivingcareandsupport-by-categorycpr-localauthority-gender>

In England, the earliest available comparable data on referrals per 10,000 children was from 2012/13.

**Table 1: Number of children referred to services per 10,000, England, 2012/13 and 2018/19 (DfE 2020a)**

	2012/13	2018/19
England	448	481

The Welsh government does not provide data on the number of children referred to services.

### Number of children on a child in need plan/needing care and support

A child in need is defined under the Children Act 1989 as a child who is ‘unlikely to reach or maintain a satisfactory level of health or development, or their health or development will be significantly impaired without the provision of services, or the child is disabled’ (DfE 2020a).

**Table 2: Number of children in need per 10,000 population under 18, England, 2012/13 and 2018/19 (DfE 2020a)**

	2012/13	2018/19
England	331	334

The Social Services and Well-being (Wales) Act 2014 came into effect on 6 April 2016. It provided a new legal framework, bringing together and modernising social services law in Wales. The Act changes the way people’s needs are assessed and the way services are delivered, introducing new duties on local authority social services in relation to assessment and provision of care and support. Section 17 of the Children Act 1989, which defines ‘children in need’, was repealed. As a result, the children in need census is no longer conducted in Wales, although it continues in England, where the 1989 Act still applies. In Wales it has been replaced by the children receiving care and support (CRCS) census, and has new requirements.

The key disadvantage with using the CRCS census data is that it was only collected for the first time in 2016/17, which limits the extent to which trends can be monitored. Whilst the children in need census collected comparable information with the same snapshot, the current advice from the Welsh government is not to use this to make comparisons over time.

**Table 3: Children receiving care and support per 10,000 under 18, Wales, 2016/17 and 2018/19 (StatsWales, 2020)**

	2016/17	2018/19
Wales	254	261

### Number of children on a child protection plan or register

In England, decisions as to whether a child needs to become the subject of a child protection plan are made at the initial child protection conference. When a child becomes the subject of a plan, the initial category of abuse is recorded. Plans should be reviewed within the first three months, and then at least every six months.

In Wales, children on the child protection register are those who are currently subject to an interagency plan and who have unresolved child protection issues.

**Table 4: Number of children on a children protection plan or register per 10,000 under 18, England 2012/13 and 2018/19, and Wales 2016/17 and 2018/19 (DfE 2020a; StatsWales 2020)**

	2012/13	2018/19
England	37.8	44

	2016/17	2018/19
Wales	45	45

## Why are children being referred to services?

In England, factors identified at the end of assessment are collected in addition to the primary need identified at assessment. They were collected and reported for the first time in the 2014–15 census and provide information on the factors that contribute to a child being in need. If more than one factor was identified at assessment, each should be recorded and included in the census. This means that the majority of children will have more than one factor identified and reported for each episode of need.

**Table 5: Most common primary needs at assessment, England and Wales, 2018/19 (DfE 2020a; StatsWales 2020)**

	Abuse and neglect	Family dysfunction	Child's disability or illness
England	54%	15%	9%
Wales	54%	13%	17%

The categories used in both England and Wales are very broad, but they at least give us an indication of changing patterns of need among children known to children's services.

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

**Table 6: Most common factors identified at end of assessment, England, 2018/19 (DfE 2020a)**

	Domestic violence <sup>1</sup>	Mental health <sup>1</sup>
England	51%	44%

**Note:** Mental health refers to concerns regarding the child, the parent/carer or another person living in the household.

**Table 7: Factors with a large yearly increase, England, 2017/18 and 2018/19 (DfE 2020a)**

	2017/18	2018/19
Unaccompanied asylum seeker	0.5%	0.6%
Gangs	1.8%	2.2%

While the overall percentage of factors identified as 'unaccompanied asylum seeker' and gangs are small overall, and remain relatively uncommon, there was an increase of there was an increase of 30% in the number of factors identified as 'unaccompanied asylum seeker' compared to last year and similarly large percentage increases for gangs (up 27%), trafficking and abuse linked to faith or belief (both up 20%) (DfE 2020a).

## Are the reasons for being referred different for older children?

The level and complexity of need are far more diverse amongst older children. Similar patterns have been found in Wales (Hodges and Bristow 2019).

**Table 8: Most common primary needs at assessment, top five needs, England 2018/19 (DfE 2020a)**

	Abuse or neglect	Acute family stress	Family dysfunction	Socially unacceptable behaviour	Absent parenting
Children aged 9 or under	63%	7%	14%	1%	1%
Children aged 10 or older	46%	10%	14%	4%	8%

## 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.

## Demand for children’s services, England

**Table 9: Demand for children’s services, England, 2018/19 (DfE 2020a)**

Number of children referred	Number of children on a children in need plan	Number of children subject to an s.47 enquiry	Number of children on a child protection plan	Number of children who became subject of a plan for the second or subsequent time	Number of looked-after children
575,290	399,510	179,160	52,560	13,860	78,150

**Notes:** In England, if the local authority identifies there is reasonable cause to suspect the child is suffering, or is likely to suffer significant harm, it will carry out an assessment under section 47 of the Children Act 1989 to determine if it needs to take steps to safeguard and promote the welfare of the child. If concerns are substantiated and the child is judged to be at continuing risk of harm then an initial child protection conference should be convened within 15 working days.

### 3. Children and families entering the family justice system

#### How old are the children?

##### Data sources

- Ministry of Justice (MoJ). (2020a). *Family court statistics quarterly*. Available from: [www.gov.uk/government/collections/family-court-statistics-quarterly](http://www.gov.uk/government/collections/family-court-statistics-quarterly)

National statistics from the Ministry of Justice (MoJ) on activity in the family courts of England and Wales. Updated quarterly.

- MoJ. (2018). *The Children in Family Justice Data Share – Who are the children (WATCh) tool*. Available from: <https://public.tableau.com/profile/moj.analysis#!/>

Uses data on private and public law cases in England and Wales from the Children and Family Court Advisory and Support Service (Cafcass), MoJ/HM Courts and Tribunals Service (HMCTS) and Department for Education (DfE), 2010–2016.

- MoJ. (2019). *The Children in Family Justice Data Share – Public law applications to orders (PLATO) tool*. Available from: <https://public.tableau.com/profile/moj.analysis#!/>

Uses data on public law cases in England and Wales from Cafcass, MoJ/HMCTS and DfE, 2010–2017.

- Broadhurst, L., Alrouh, B., Mason, C., Ward, H., Holmes, L., Ryan, M., and Bowyer, S. (2018). *Born into care: Newborns in care proceedings in England*. London: Nuffield Family Justice Observatory.

Uses data from Cafcass England, 2007/8–2016/17.

- Alrouh, B., Broadhurst, K., Cusworth, L., Griffiths, L., Johnson, R., Akbari, A., Smart, J. and Ford, D. (2019). *Born into care: Newborns and infants in care proceedings in Wales*. London: Nuffield Family Justice Observatory.

Uses data from Cafcass Cymru, 2010/11–2017/18.

Just under one in four children in care proceedings in England is an infant aged under one year old. In 2007/8, 32% of all care proceedings issued for infants were for newborns.<sup>1</sup> By 2016/17, this had increased to 42%. Between 2007/8 and 2016/17 the incidence rate of newborns in the general population becoming subject to care proceedings more than doubled, increasing from 15 newborns per 10,000 live births in the general population in 2007/8 to 35 per 10,000 in 2016/17 (Broadhurst et al. 2018).

Similar trends have been found by Alrouh et al. (2019) in their exploration of newborns in public law proceedings in Wales. Using data from Cafcass Cymru, the report provides

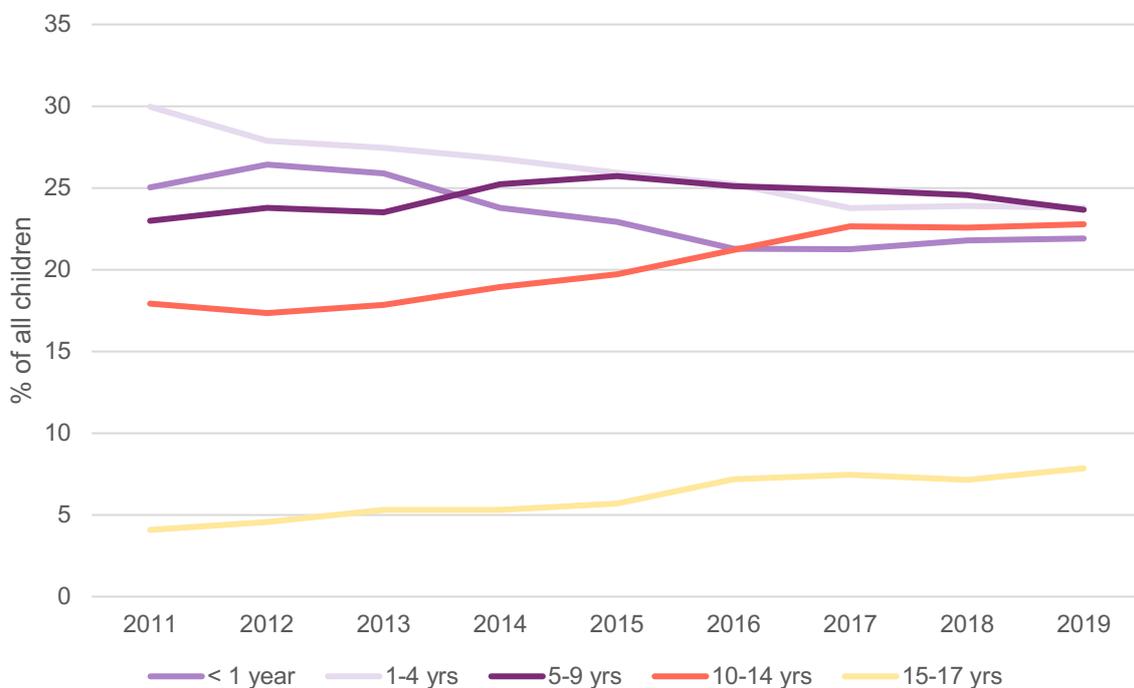
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<sup>1</sup> An infant is defined as a child aged less than one year; a newborn is an infant aged less than seven days old.

evidence about newborn babies subject to care proceedings within the first two weeks of birth. The report found that infants aged under one year old constituted 30% (or 3,266) of the approximately 11,000 children entering care proceedings in Wales between 2011 and 2018. Cases of newborns in the family justice system comprised a substantial share of all care proceedings issued for infants in Wales. In 2018, 52% of all care proceedings were issued within two weeks of birth. Comparing data from England and Wales shows the proportion of infant cases close to birth is largely similar for England and Wales. However, the incidence rate (number of newborns per 10,000 live births) is higher in Wales than England (Alrouh et al. 2019).

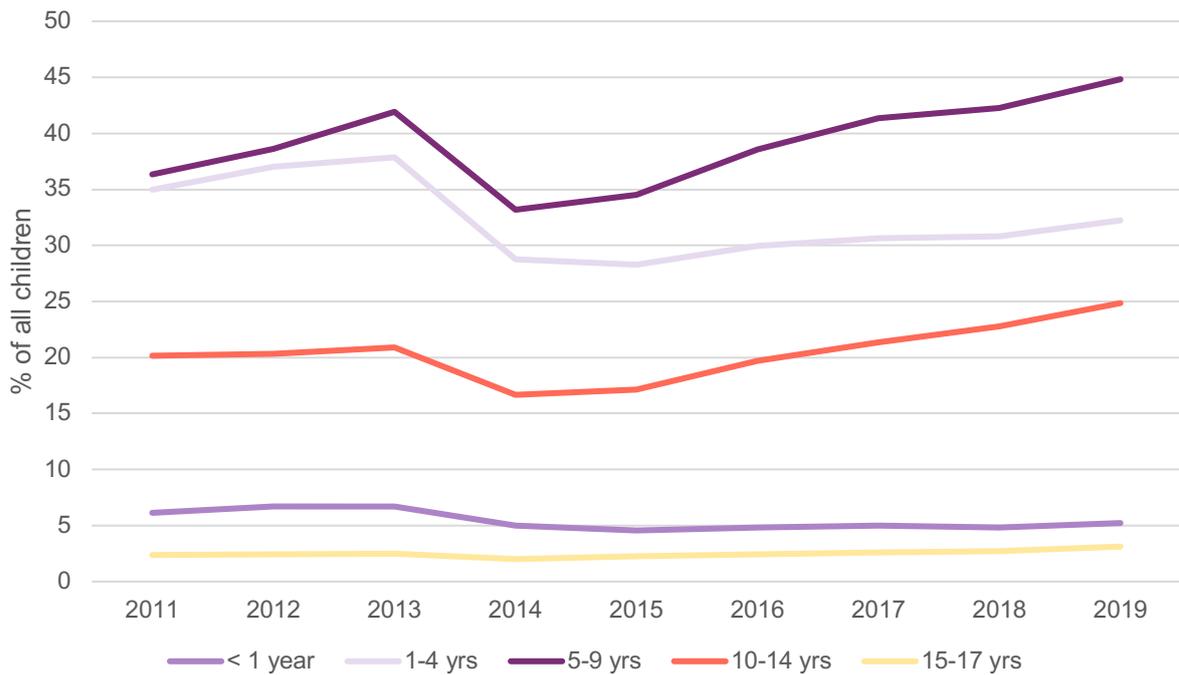
Although most children subject to care proceedings are young children, there has been an increase in older children, aged 10 and above, subject to care proceedings since 2010 (MoJ 2020a).

**Figure 1: Age distribution of public law applications, England and Wales, 2011–2019 (MoJ 2020a)**



As in public law, most children involved in private law applications in England and Wales are aged nine or under, although there are fewer infants. In recent years, a growing proportion of applications are being made for older children (MoJ 2020a).

**Figure 2: Age distribution of private law applications, England and Wales, 2011–2019 (MoJ 2020a)**



### What gender are the children?

#### Data sources

- MoJ. (2018). *The Children in Family Justice Data Share – Who are the children (WATCH) tool*. Available from: <https://public.tableau.com/profile/moj.analysis#!/>

Uses data on private and public law cases in England and Wales from Cafcass, MoJ/HMCTS and DfE, 2010–2016.

Boys (51.2%) slightly outnumber girls (48.8%) in the family justice system. Girls (58%) are much more likely than boys (42%) to enter the system via public law cases in their teenage years. In private law, boys very marginally outnumber girls at all ages.

**Table 10: Gender distribution, public and private cases in England and Wales, 2010–2016 (MoJ 2018)**

Age	Boys	Girls
0	52%	48%
2	51%	49%
4	50%	50%
6	51%	49%
8	51%	49%
10	51%	49%
12	52%	48%
14	48%	52%
16	46%	54%

## What is the family composition?

### Data sources

One-off data request from Cafcass England. The percentage of cases, by law type, on cases received by Cafcass in the 2018/19 financial year that have more than one child on the case.

- Cusworth, L. et al. (2020). *Uncovering private family law: Who's coming to court in Wales?* London: Nuffield Family Justice Observatory.

Uses anonymised administrative data from Cafcass Cymru, linked to demographic and deprivation data, to provide the first in-depth snapshot of private family law in Wales.

We know the percentage of cases that involve siblings in England.

**Table 11: Cases that have more than one child involved in the case, England, 2018/19 (Cafcass England)**

Law type	Sibling cases (%)
Private law	40%
Public law	37%

For private law proceedings in Wales, Cusworth et al. (2020) found a similar pattern. Between 2011 and 2018, almost two-thirds (63%–67%) of cases involved a single child, with a further quarter (25%–28%) concerning two siblings. Only about 9% of cases each year involved sibling groups of three or more.

We also know that the majority of children (70%–76%) involved in private law proceedings in Wales are living with their mother at the time of the application (Cusworth et al. 2020). Similar analysis has not yet been conducted for England.

The data does not show who children are living with, the adult's relationship to the child, or the adult's gender, for example, in either public or private law.

## Where do the children live?

### Data sources

- MoJ. (2018). *The Children in Family Justice Data Share – Who are the children (WATCH) tool*. Available from: <https://public.tableau.com/profile/moj.analysis#!/>

Uses data on private and public law cases in England and Wales from Cafcass, MoJ/HMCTS and DfE, 2010–2016.

- MoJ. (2019a). *The children in family justice data share – Public law applications to orders (PLATO) tool*. Available from: <https://public.tableau.com/profile/moj.analysis#!/>

Uses data on public law cases in England and Wales from Cafcass, MoJ/HMCTS and DfE, 2010–2017.

- Harwin, J., Bachar, A., Bedston, S. and Broadhurst, K. (2018). *Care demand and regional variability in England: 2010/11 to 2016/17*. Lancaster: Lancaster University and the Centre for Child & Family Justice Research.

Uses data from Cafcass England, 2010/11–2016/17.

- Alrouh, B., Broadhurst, K., Cusworth, L., Griffiths, L., Johnson, R., Akbari, A., Smart, J. and Ford, D. (2019). *Born into Care: Newborns and infants in care proceedings in Wales*. London: Nuffield Family Justice Observatory.
- Cusworth, L. et al. (2020). *Uncovering private family law: Who's coming to court in Wales?* London: Nuffield Family Justice Observatory.

Uses private law data from Cafcass Cymru, 2007–2018.

Children in the North East are at greater risk of being subject to family court proceedings (both public and private) than in any other area in England (20.1% higher than the England and Wales average) (MoJ 2018).<sup>2</sup>

The North East and North West account for more than a third of all proceedings in England. This pattern remained consistent from 2010 to 2016. The same data shows that children in Wales are at greater risk of being subject to proceedings than any region in England and Wales—39.1% higher than the average (MoJ 2018).

The pattern is largely similar when the data is broken down by law type. In both public and private law applications, Wales has a considerably higher rate of cases per child per 100,000 children compared to the England and Wales average. Similarly, the North West and North East had higher than average rates of cases per child per 100,000 children (MoJ

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<sup>2</sup> Regional boundaries come from the MoJ WATCH (2018) and PLATO (2019) analyses.

2018). In both law types, the number of cases per child per 100,000 children in the Midlands is slightly higher than the average in England and Wales, and London is considerably lower.

Harwin et al. (2018) used Cafcass England public law data to determine the incidence rate of children being subject to s.31 proceedings. In 2016/17, the North East had the highest rate of children subject to s.31 proceedings (30 per 10,000), followed by the North West (27 per 10,000), and London had the lowest rate (18 per 10,000). In Wales, there is also regional variation in the number of newborns and infants entering s.31 proceedings, with a higher incidence rate in Swansea and South West Wales, followed by Cardiff and South East Wales, and with the lowest rate in North Wales (Alrouh et al. 2019).

The MoJ PLATO tool provides data on the number of individual public law cases coming to court against the child population in the area (described as local demand), compared to local deprivation (measured using the Income Deprivation Affecting Children Index (IDACI) for England only). The data shows that between 2010 and 2018, most of the areas with high local demand have higher than average levels of deprivation (MoJ 2019).

To date, detailed research on the regional variations in family justice has overwhelmingly focused on public law proceedings.

Cusworth et al. (2020) used Cafcass Cymru private law data to determine the incidence rate of private law applications per 10,000 family households across Wales. Swansea and South West Wales had the highest incidence rate (110 applications per 10,000), followed by Cardiff and South East Wales (91 per 10,000) and North Wales (71 per 10,000).

This report also showed that the majority of private law applications are made by applicants living in the most deprived areas of Wales. Since the Legal Aid, Sentencing and Punishment of Offenders Act (LASPO) was introduced in 2012, which restricted legal aid for almost all private family law cases, there has been a drop in the number of applications being made by fathers living in the most deprived quintiles in Wales.

Similar analysis is not yet available for private law proceedings in England.

## What is the children's ethnicity?

### Data sources

- MoJ. (2018). *The children in family justice data share – Who are the children (WATCH) tool*. Available from: <https://public.tableau.com/profile/moj.analysis#!/>

Uses data on private and public law from Cafcass, MoJ/HMCTS and DfE, 2010–2016 compared to 2011 census data.

- Bywaters, P., Scourfield, J., Webb, C., Morris, K., Featherstone, B., Brady, G., Jones, C. and Sparks, T. (2019). Paradoxical evidence on ethnic inequities in child welfare: towards a research agenda. *Children and Youth Services Review*, 96, 145–154. <https://doi.org/10.1016/j.childyouth.2018.11.042>

Uses data on the number of children on child protection registers or plans from 55 local authorities or trusts across the four countries of the United Kingdom.

White children and children from mixed backgrounds were over-represented across all family justice cases between 2010 and 2016, compared to the data collected from the 2011 census. Asian children are under-represented.

**Table 12: Comparison of ethnic group distribution of children in the family justice system to those in the wider population, England and Wales, 2011–2016 (MoJ 2018)**

Ethnicity	Percentage reported in data share	Percentage in 2011 census	Percentage point difference
White	82.7%	79.3%	+ 3.4 percentage points
Mixed background	7.4%	5.0%	+ 2.4 percentage points
Asian	5.0%	9.7%	- 4.6 percentage points
Black	4.0%	4.7%	- 0.7 percentage points
Any other ethnic group	0.8%	1.2%	- 0.4 percentage points

Bywaters et al. (2019) found children in England from ‘Asian’ backgrounds were nearly three times less likely to be in care than ‘White’ children and almost four times less likely than ‘Black’ children. ‘White British’ children were more likely to be in care than their ‘Black African’ peers, except in areas of high deprivation. Whereas ‘White British’ children were less likely to be in care than ‘Black Caribbean’ children, regardless of the deprivation level of their neighbourhood. There were also significant variations in rates between different communities within broader ethnicity labels. In the broader ‘Asian’ community, children who identify as Indian were far less likely to have been involved in children’s services than those from Pakistani or Bangladeshi backgrounds (Bywaters et al. 2019).<sup>3</sup>

We have more information about the relationship between ethnicity, deprivation and children entering the family justice system in public law cases, than in private law cases. This is because in public law cases the information is collected by local authorities who complete the application. In private law, applicants provide data and are less likely to share information. Cafcass supplements what information it can when it undertakes safeguarding checks or does direct work with children.

Moreover, as Jay et al. (2017) notes in their study exploring the use of population-level data, across all national family justice data sets ethnicity is currently under-recorded and is subject to high rates of missingness.

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<sup>3</sup> In a similar vein to Bywaters et al. (2019), ethnic categories have been placed inverted commas to recognise that these are artificial labels. As the authors note ‘there is great diversity of background, history, culture and religion amongst ‘Asian Indian’ or ‘Black African’ children, as there is amongst ‘White British’ children. However, these categories are a useful starting place for seeing patterns of policy and practice affecting children’ (Bywaters et al. 2019, p 150).

## Parent's mental and physical health

### Data sources

- Griffiths, L.J. et al. (2020). Born into care: One thousand mothers in care proceedings in Wales. London: Nuffield Family Justice Observatory.

Links Cafcass Cymru data on family court proceedings to maternity and other health data in Wales to provide information on the health and mental health needs of mothers.

By linking family court data to maternal health data in Wales, research has identified the health vulnerabilities of mothers whose babies are subject to care proceedings in the first year of life.

Over half (53%) of mothers reported an existing mental health condition at their initial antenatal assessment, whilst three quarters (77%) had a mental health-related issue recorded in their health records prior to the child's birth.

In addition, around two-fifths (38%) of mothers were documented as having had a GP or hospital contact or admission relating to substance use prior to the child's birth. Two thirds (63% and 60% respectively) were recorded as smokers at booking and at the time of birth.

Similar analysis has not yet been carried out in England.

## 4. Interventions

### Legal representation

#### Data sources:

- MoJ. (2020a). *Family court statistics quarterly: April to June 2020*. London: MoJ.

The MoJ publishes the number of private law parties in cases with at least one hearing that have a recorded legal representative in England and Wales. 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.

Data is available on the percentage of parties without a recorded representative in private law cases (those representing themselves without a lawyer). Comparable data was first produced in 2012.

LASPO (2012) removed legal aid entitlement in all private law cases, except for certain cases involving domestic abuse. Since then there has been a marked increase in the number of parties without legal representation.

**Table 13: Percentage of private law parties without legal representation, England and Wales, 2012, 2018 and 2019 (MoJ 2020a)**

Year	Parties without recorded legal representation (%)
2012	39%
2019	65%

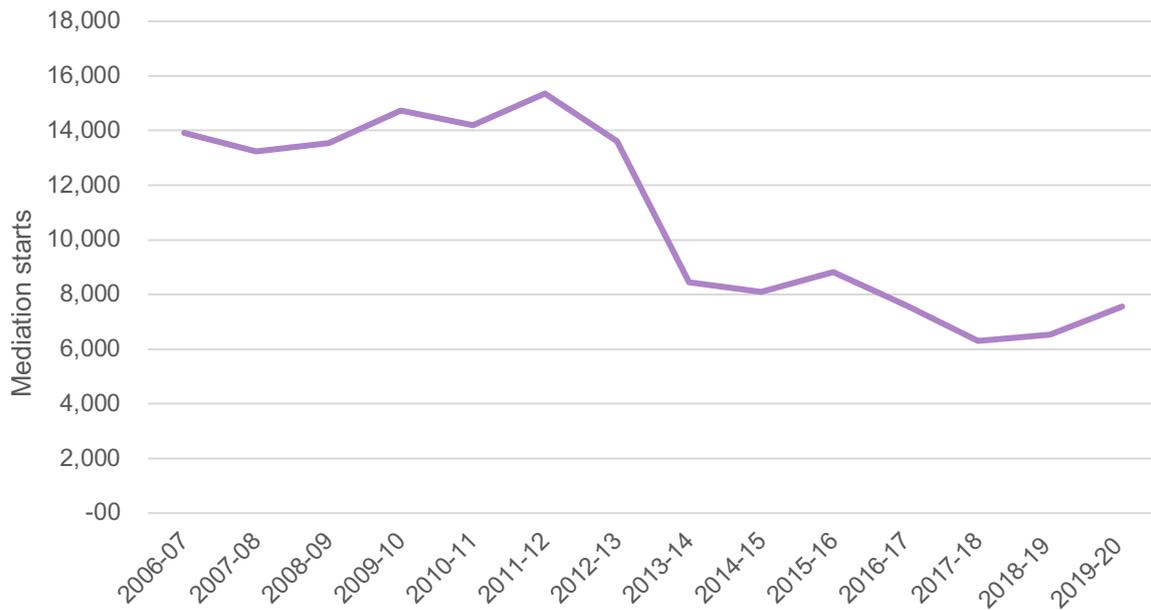
### Mediation

#### Data sources

- MoJ. (2020b). *Legal aid statistics: January to March 2020*. London: MoJ. Available from: [www.gov.uk/government/statistics/legal-aid-statistics-january-to-march-2020](http://www.gov.uk/government/statistics/legal-aid-statistics-january-to-march-2020)

The MoJ publishes figures on the number of publicly funded mediations for separating parents. However, national data on privately funded mediations is not collected.

**Figure 3: Publicly funded mediation starts annually, England and Wales, 2006–2019 (MoJ 2020b)**



### Support to manage conflict

#### Data sources

- Cafcass England. (2012). *Children and Family Court Advisory and Support Service Children and Family Court Advisory and Support Service: Annual report and accounts 2012–13*. London: Cafcass England.
- Cafcass England. (2019). *Children and Family Court Advisory and Support Service: Annual report and accounts 2018–19*. London: Cafcass England.

Cafcass England provides yearly data on the number of parents in private law proceedings that are referred to services to manage conflict and relationships, 2011/12–2018/19.

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).

**Table 14: Number of parents referred to conflict management services, England, 2012/13 and 2018/19 (Cafcass England, 2012; Cafcass England, 2019)**

Number of parents referred		
	DAPP	SPIP
2012/13	250	18,300
2018/19	909	25,078

## 5. Children and their families within the family justice system

### Number of children

#### Data sources

There are several ways to measure the number of children in the family justice system. Some data sources draw on the number of applications, others look at orders. We refer to all children who decisions are made about in the family courts, rather than all children who may fall into the scope of the wider family justice system, such as those known to children's social care services.

#### Cafcass and Cafcass Cymru

Cafcass is a public body that represents children in family court cases. It is involved in all public and private law cases involving children, and routinely collects case management data on these cases. In the majority of private law cases, however, Cafcass is involved up to the first hearing only and therefore holds limited data on them. Cafcass demand data (England) is published monthly relating to the number of applications it receives and the number of children affected. Cafcass Cymru publishes data annually.

#### PLATO and WATCH tools (MoJ)

The PLATO and WATCH tools, part of the Children in Family Justice Data Share (CFJDS), combine data from the MoJ, Cafcass and the Department for Education (DfE). They provide an overview of the profile of all children involved in the family justice system between 2010 and 2016 (WATCH), and all public law applications and orders in England and Wales between 2010 and 2017 (PLATO). They count children once even if they are involved in multiple applications. This data source provides the most comprehensive picture of children involved in the family courts, however, it is no longer kept up-to-date.

More information about each of these data sources is available at the end of this document.

In the infographic, we use Cafcass and Cafcass Cymru data as the most up-to-date and regularly updated data source.

- Cafcass England (2020a). *September 2020 Public demand data*. London: Cafcass England. Available from: [www.cafcass.gov.uk/about-cafcass/research-and-data/public-law-data/](http://www.cafcass.gov.uk/about-cafcass/research-and-data/public-law-data/)
- Cafcass England (2020b). *September 2020 Private demand data*. London: Cafcass England. Available from: [www.cafcass.gov.uk/about-cafcass/research-and-data/private-law-data/](http://www.cafcass.gov.uk/about-cafcass/research-and-data/private-law-data/)

Cafcass England publishes monthly demand data relating to the number of care order applications received and the number of children affected, and the number of private law cases received and the number of children affected.

- Cafcass Cymru (2019). *Cafcass Cymru Annual Report 2018-19*. Cardiff: Cafcass Cymru.
- MoJ. (2018). *The Children in Family Justice Data Share – Who are the children (WATCh) tool*. Available from: <https://public.tableau.com/profile/moj.analysis#!/>

Uses data on private and public law cases in England and Wales from Cafcass, MoJ/HMCTS and DfE, 2010–2016.

- MoJ. (2019). *The children in family justice data share – Public law applications to orders (PLATO) tool*. Available from: <https://public.tableau.com/profile/moj.analysis#!/>

Uses data on public law cases in England and Wales from Cafcass, MoJ/HMCTS and DfE between 2010–2017.

### Number of children involved in family court applications

Both Cafcass England and Cafcass Cymru provide data on the number of cases involving children that they work with during a year. Described as ‘cases’, these are not necessarily all new children, as some cases will have begun with Cafcass in the previous year.

In England, Cafcass received 13,093 public care applications in 2019/20, relating to 21,133 individual children.

Cafcass produces annual statistics on the number of care applications received per 10,000 child population—the rate of care applications—by each local authority (LA) in England with children’s services responsibilities. In 2018/19 the rate per 10,000 children was 11.4, in comparison the rate was 8.0 in 2009/10.

In England, Cafcass received 45,489 private law cases in 2019/20 relating to 69,415 children.

In Wales, there were 9,757 children involved in cases in 2018/19—6,597 in private law cases and 3,160 in public law cases (Cafcass Cymru 2019). Publicly available Cafcass Cymru data does not distinguish between new and existing cases.

### Duration of cases

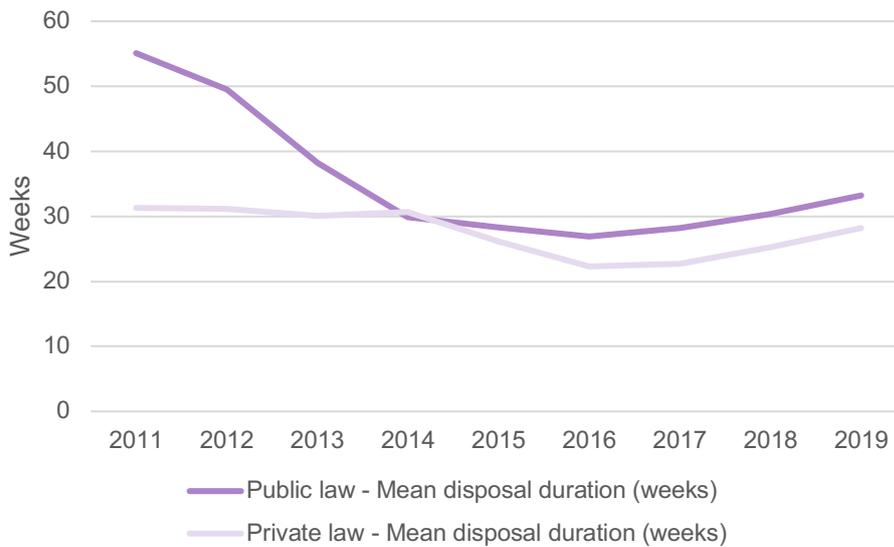
#### Data sources

- MoJ. (2020a). *Family court statistics quarterly: April to June 2020*. London: MoJ.

The average case duration in public law cases in England and Wales was 33.3 weeks in 2019. 41% of cases completed within the 26-week target, down from 49% in 2018.

The average case duration for private law cases was 28.3 weeks.

**Figure 4: Public and private law case duration in England and Wales, 2011–2019 (MoJ 2020a)**



### Have public law orders changed over time?

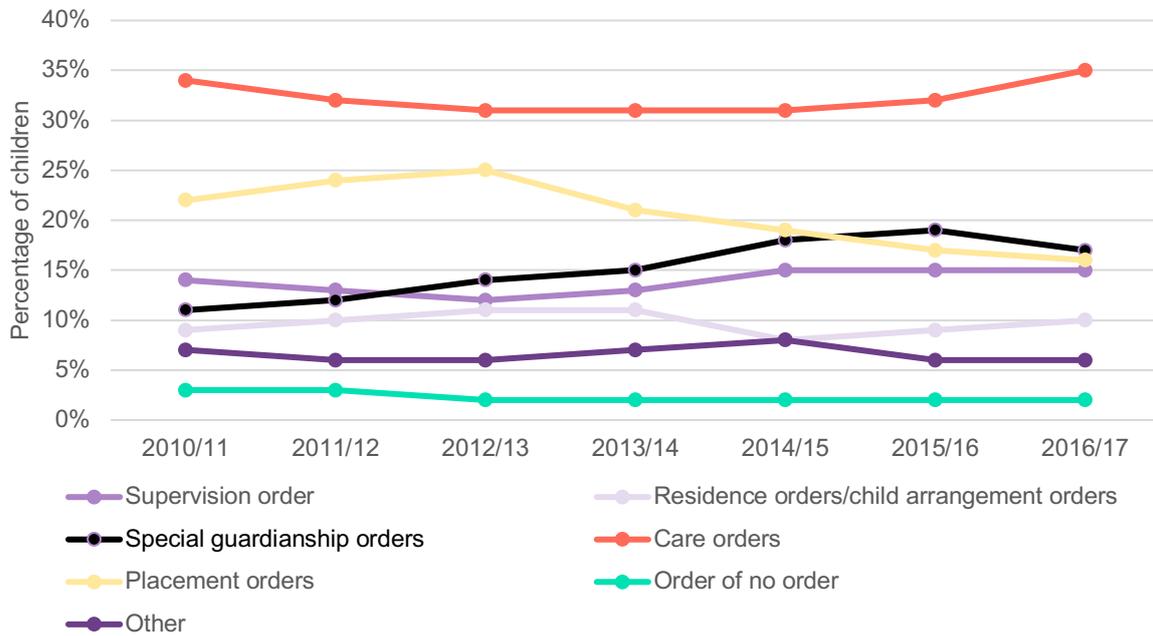
#### Data sources

- Harwin, J., Alrouh, B., Golding, L., McQuarrie, T., Broadhurst, K. and Cusworth, L. (2019). *The contribution of supervision orders and special guardianship to children’s lives and family justice*. Lancaster: Centre for Child & Family Research and Lancaster University.

Uses Cafcass England data to explore pattern of final legal orders from 2007/8–2016/17.

Care orders accounted for the highest proportion of orders in care proceedings in England in 2017 (35% of all orders) and this proportion has remained largely consistent over the period. The use of special guardianship orders has increased, rising from 11% to nearly 18% between 2010 and 2017. The proportion of children subject to placement orders fell from 22% in 2010 to 16% in 2017 (Harwin et al. 2019).

Figure 5: Proportion of public law orders, England, 2010–2017 (Harwin et al. 2019, p 11)



### Have private law orders changed over time?

#### Data sources

- MoJ. (2020a). *Family court statistics quarterly: April to June 2020*. London: MoJ.

Table 15: Proportion of private law orders, England and Wales, 2011–2019 (MoJ 2020a)

	2011	2012	2013	2014	2015	2016	2017	2018	2019
Parental responsibility	3%	2%	2%	2%	2%	2%	1%	1%	1%
Parental responsibility - termination	0%	0%	0%	0%	0%	0%	0%	0%	0%
Special guardianship order	1%	1%	1%	1%	1%	1%	1%	1%	1%
Parental order	0%	0%	0%	0%	0%	0%	0%	0%	0%
Child arrangement order (contact)	60%	60%	61%	54%	48%	47%	45%	44%	43%
Child arrangement order (residence)	22%	22%	22%	29%	33%	34%	35%	37%	38%
Section 8 prohibited steps	10%	11%	10%	9%	10%	10%	10%	10%	11%
Section 8 specific issue	3%	3%	3%	3%	4%	5%	6%	5%	6%
Family assistance	1%	0%	0%	1%	1%	1%	1%	1%	0%

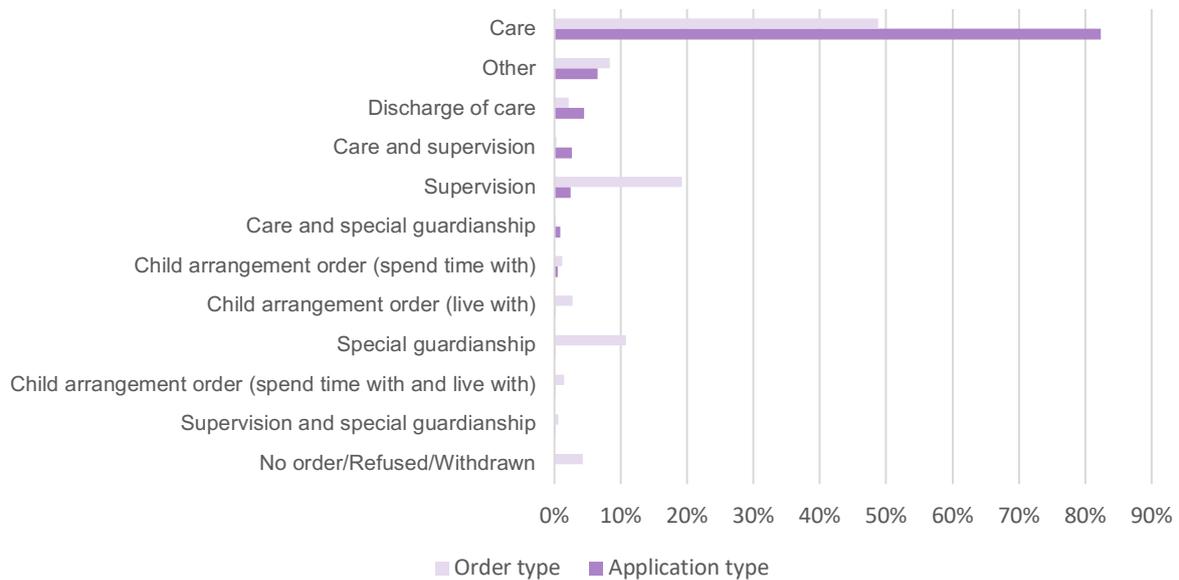
## Do orders match what was sought?

### Data sources

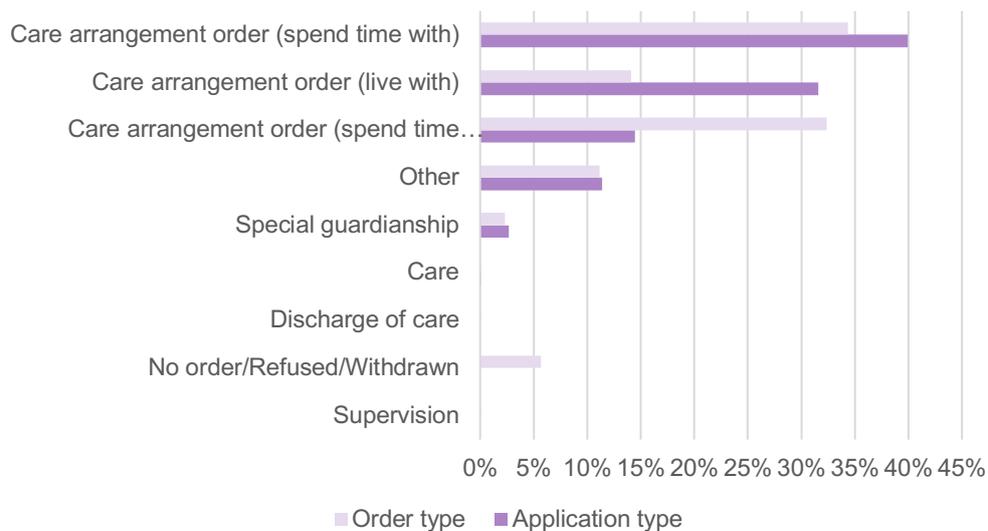
- MoJ. (2018). *The Children in Family Justice Data Share – Who are the children (WATCh) tool*. Available from: <https://public.tableau.com/profile/moj.analysis#!/>

The MoJ WATCh tool (2018) provides an overview of the type of private and public law orders applied for and, in turn, the type of orders given (this does not tell us whether individual applications were granted on a case-by-case basis, but provides an overview).

**Figure 6: Comparison of public law application type with order type, England and Wales, 2010–2016 (MoJ 2018)**



**Figure 7: Comparison of private law application type with order type, England and Wales, 2010–2016 (MoJ 2018)**



**Note: Care (application and order) and discharge of care (application and order) are under 1%.**

## Welfare and safety concerns

### Data sources

- Jay et al. (2019). *Using administrative data to quantify overlaps between public and private children law in England*. London: UCL.

Uses data from the CFJDS—linked data from the family courts, Cafcass, the National Pupil Database and children’s social care—to identify children involved in private family law cases.

- Cafcass Cymru (2019). *Cafcass Cymru annual report 2018–2019*. Cardiff: Cafcass Cymru.

The Cafcass Cymru annual report provides information about the number of children they work with each year.

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, the local authority will write a section 37 report. In complex cases, the court may make the child party to proceedings by appointing a Cafcass guardian, called a Rule 16.4 appointment.

In 2016, just under half (46.9%) of children involved in private law proceedings had some kind of welfare need identified in the first hearing, the majority of which was accounted for by section 7 (42.9%). Between 2011 and 2016 the use of Rule 16.4 appointments and section 37 reports increased slightly, up from 1.0% to 3.8% and 1.9% to 2.6%, respectively.

This data is not published routinely.

In Wales, data from Cafcass Cymru shows that requests for a section 7 report and a Rule 16.4 appointment have both increased substantially over the last three years, with a 22% increase in 2016/17 followed by a further 3% increase in 2017/18 and a 12% increase in 2018/19.

## 6. The impact of the COVID-19 pandemic on family justice

Following the outbreak of the COVID-19 pandemic, the UK entered a nationwide lockdown. Six months later, social distancing measures and local lockdown restrictions remain in place and are expected to last well into 2021. With almost all face-to-face contact halted, COVID-19 has led to rapid adaptations in the way the family courts and children's social services function.

This section includes the most recent relevant data available at the time of writing. It provides an early indication of patterns and trends over the last few months. However, with new insights emerging regularly, this picture may change. As data is extracted from 'live' sources, figures are subject to revision.

### Referrals to children's social care services

#### Data sources

- DfE (2020c). *Vulnerable children and young people survey*. Available from: <https://www.gov.uk/government/publications/vulnerable-children-and-young-people-survey>

Survey of local authorities in England to help understand the impact of the coronavirus (COVID-19) outbreak on children's social care, conducted approximately every two weeks from May 2020.

There is evidence that the number of children referred to children's social care services fell by around a fifth between April and July in England compared to the same period over the last three years. This included an 82% drop in referrals from schools. Towards the end of August, local authorities started to report an increase in referrals—now up 12% from the last three years.

It was anticipated that, with schools reopening to all pupils in September, there would be a sharp increase in referrals to social care services. In the latest wave of data from September, however, referrals were still down 6% compared to the average for that time of year.

At the same time, there is evidence that children's lives at home have become more difficult. Calls to the National Domestic Abuse Helpline increased by 80% in June, while the number of people seeking help from Alcohol Change UK for problem drinking soared nearly 400% from 4,089 during the last week of March in 2019 to 20,067 in the same period this year.

### The family courts

#### Data sources

- Cafcass England (2020a). *September 2020 Public demand data*. London: Cafcass England. Available from: [www.cafcass.gov.uk/about-cafcass/research-and-data/public-law-data/](http://www.cafcass.gov.uk/about-cafcass/research-and-data/public-law-data/)

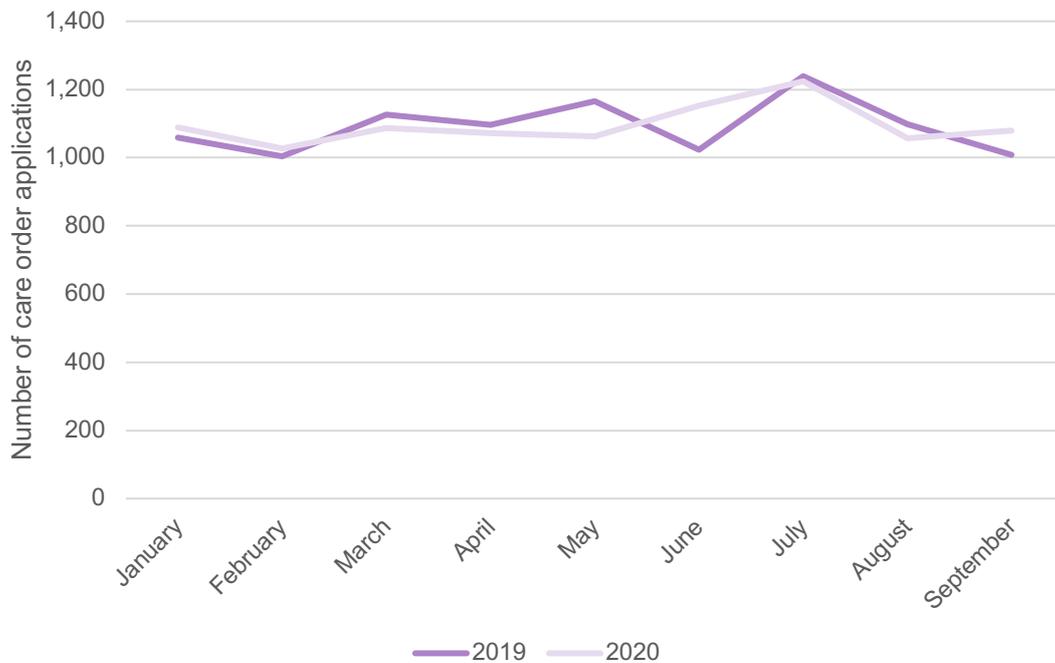
- Cafcass England (2020b). *September 2020 Private demand data*. London: Cafcass England. Available from: [www.cafcass.gov.uk/about-cafcass/research-and-data/private-law-data/](http://www.cafcass.gov.uk/about-cafcass/research-and-data/private-law-data/)

Cafcass England publishes monthly demand data relating to the number of care order applications received and the number of children affected, and the number of private law cases received and the number of children affected.

- MoJ. (2020a). *Family court statistics quarterly: April to June 2020*. London: MoJ.
- HM Courts and Tribunals Service (HMCTS) (2020). *Weekly operational management information: March to September 2020*. London: HMCTS.

Weekly management information used by HMCTS for understanding workload volumes and timeliness at a national level during coronavirus (COVID-19), March 2020 to September 2020. Includes data on the family courts.

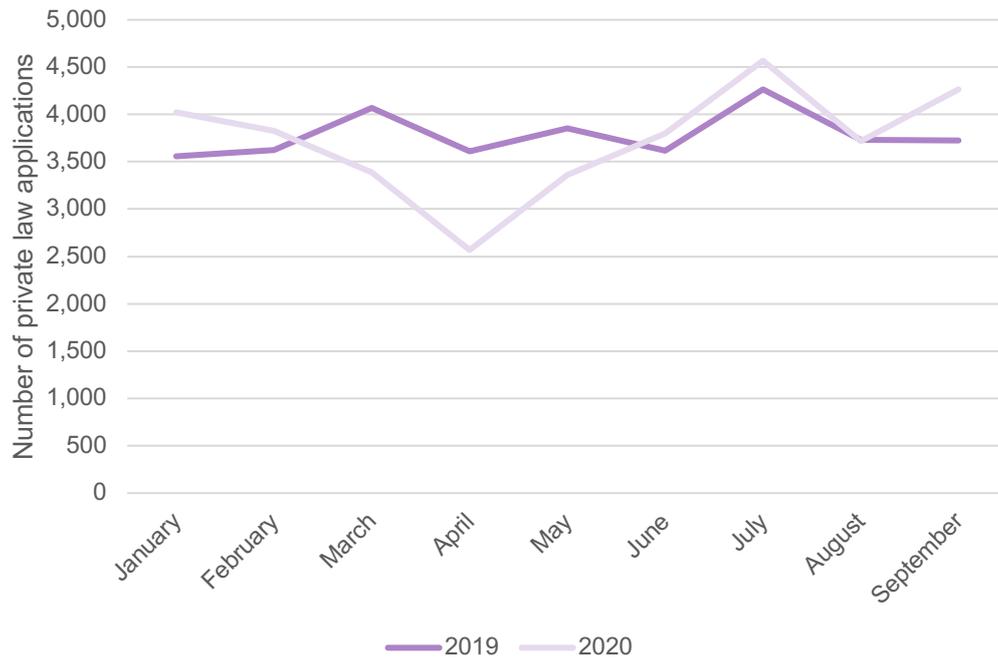
**Figure 8: Number of care order applications per month, England, January to September 2019 and 2020 (Cafcass 2020a)**



There was a decrease in the number of care applications received by Cafcass in England during the national lockdown (March to May), including a drop of 9% in May compared to the same time period in 2019. In June and September, however, applications had increased by 12% and 7% respectively, compared to June and September 2019.

At the local authority level, trends vary. Between April and June 2020, Cambridgeshire, Peterborough, Southampton and Worcestershire local authorities saw care applications decrease by over 50% compared to the past two-year average (range: 50%–58%). In other areas—including Devon, four London Boroughs (Bromley, Islington, Lambeth and Redbridge), Medway, Redcar and Cleveland, Solihull, Wakefield and West Sussex—care applications have increased by over 50% compared to the last two years (range: 52%–141%).

**Figure 9: Number of private law applications per month, England, January-August 2019 and 2020 (Cafcass, 2020b)**



In private law, there was a drop of around 1,000 (28%) applications in March and April compared to 2019 levels. Applications had returned to comparable levels by May and in September, there was a 14.5% increase in applications compared to September 2019.

Within designated family judge (DFJ) areas, there is marked variation. Between April and June 2020, Birmingham, the High Court and Wolverhampton/Telford all saw a decrease of over 40% (range: 46%–59%) in applications compared to the previous two years. By contrast, some areas saw an increase in private law applications: in Bristol, Essex, Suffolk and Swindon, applications increased by around 20%.

Similar data has not yet been made publicly available for Wales.

According to data from the MoJ, across all types of family justice (including cases not involving children, such as matrimonial matters), there was a drop of 13% in the volume of cases between April and June this year compared to the same quarter in 2019 (MoJ 2020a).

The average time for a care or supervision case to reach first disposal has also increased—up three weeks from the same period in 2019.

There have been some differences in the types of applications received and orders made. The number of domestic violence remedy order applications increased by 24% compared to the same quarter in 2019, while the number of orders made increased by 17%. By contrast, both adoption applications and orders have fallen, by 35% and 52% respectively.

In response to social distancing measures, the family courts have also had to rapidly adapt ways of holding hearings. Face-to-face hearings have largely been replaced by remote (telephone or video) or 'hybrid' (a mix of in-person and remote) hearings. There is currently a

lack of robust data on how hearings are being held around the country. Without this data, it will be difficult to fully understand the impact of COVID-19 on ways of working in the family courts.

Many cases have been delayed or adjourned. There is limited information about the size of the backlog. HMCTS publishes weekly management information about workload in the family courts, including information about the number of outstanding cases. We can see that, compared to a pre-COVID baseline, the number of outstanding cases in public law had increased by 14% by the end of August 2020; and in private law, by 25%. This provides some indication of the size of the backlog facing the family courts, however, many of these cases will be in progress.

As more data becomes available, it will be important to monitor how changes to ways of working—including remote or hybrid hearings—have affected decision-making in the family courts and outcomes for children and families.

## Children in care

### Data sources

- DfE (2020c). *Vulnerable children and young people survey*. Available from: [www.gov.uk/government/publications/vulnerable-children-and-young-people-survey](http://www.gov.uk/government/publications/vulnerable-children-and-young-people-survey)

Survey of local authorities in England to help understand the impact of the coronavirus (COVID-19) outbreak on children's social care, conducted approximately every two weeks from May 2020.

Local authorities have reported a drop in the number of children that started to be looked after during the pandemic. Between April and August, the number of children who started to be looked after was 3,460 in England; this is around 33% lower than the same period over the past three years.

## 7. Children following contact with the family justice system

### Do cases return to the family justice system?

#### Data sources

- Alrouh, B., Broadhurst, K. and Cusworth, L. (2020). *Women in recurrent care proceedings in Wales: a first benchmarking report*. London: Nuffield Family Justice Observatory.
- Broadhurst, K., Mason, C., Bedston, S., Alrouh, B., Morriss, L., McQuarrie, T., Palmer, M., Shaw, M., Harwin, J. and Kerhsaw, S. (2017). *Vulnerable birth mothers and recurrent care proceedings*. Lancaster: Lancaster University, Centre for Child & Family Justice Research and the Nuffield Foundation.
- Cusworth, L. et al. (2020). *Uncovering private family law: Who's coming to court in Wales?* London: Nuffield Family Justice Observatory. Halliday, E., Green, R. and Marsh, B. (2017). *Private law cases that return to court: A Cafcass study*. London: Cafcass England.
- Harwin, J. and Alrouh, B. (2017). New entrants and repeat children: continuity and change in care demand over time. *Family Law* 47, pp 407–411.
- Harwin, J., Alrouh, B., Golding, L., McQuarrie, T., Broadhurst, K. and Cusworth, L. (2019). *The contribution of supervision orders and special guardianship to children's lives and family justice*. Lancaster: Centre for Child & Family Research and Lancaster University.
- Hunt, J. and Trinder, L. (2011). *Chronic litigation cases: characteristics, numbers, interventions*. London: Family Justice Council.
- Jay, M., Pearson, R., Gilbert, R., Wijlaars, L. and Olhede, S. (2019). *Using administrative data to quantify overlaps between public and private children law in England*. London: MoJ.

Although England and Wales form a single family justice system, at present there has been limited analysis of recurrence in Wales.

In England, 6% of children involved in care proceedings between 2008/9 and 2015/16 had previously been involved in care proceedings during the previous five years (Harwin and Alrouh 2017). Younger children (those under the age of 10) were involved in subsequent proceedings more often than older children (aged over 10). The North West had the lowest average proportion of children involved in repeat proceedings (4%) and London the highest (8%).

Cases involving supervision orders have the highest rate of return to court in England (Harwin and Alrouh 2017). Around 20% of all supervision orders supporting return home are estimated to end up back in court within five years because of new care proceedings.<sup>4</sup> The

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<sup>4</sup> Supervision orders are initially made for a period up to one year, but can be extended after this to a maximum of three years

data provides little indication as to whether this indicates that cases with supervision orders are more risky or whether the local authority is monitoring the case more closely.

For every 100 children placed following a special guardianship order, approximately five children are at risk of being subject to return to local authority care or further care proceedings. This disruption rate is lower than for child arrangement orders (approximately 15 children per 100) but higher than for adoption (7 per 1,000) (Harwin et al. 2019).

Based on Cafcass England data, between 2008 and 2018, an estimated 29% of mothers have entered a recurrent set of public law care proceedings after their previous appearances before the family courts, typically with a child under the age of one (Broadhurst et al., 2018). Similar patterns have been found in Wales, using data from Cafcass Cymru, where around one in four mothers were found to be at risk of repeat proceedings within eight years (Alrouh et al. 2020).

There is evidence that only a minority of private law cases return to court in England, with tiny numbers returning repeatedly. Returners comprise between a fifth and a third of cases, respectively (Jay et al. 2019; Halliday et al. 2017). In their 2017 study, Halliday et al. drew upon Cafcass England data from 2016/17 to determine the number and proportion of private law cases that to return to court. Exploring data from 40,000 cases, they found that 30% of cases in 2016/17 were returns to court, meaning the eldest child had previously been subject to at least one public or private law case. 18,540 children (of the 59,091 total children in 2016/17 applications) were part of return cases to court; this figure represents 31% of all children subject to private law proceedings. For most of the children and young people, this was their first return (i.e. their second case). Only 3% of the sample analysed by Halliday et al. returned more than once, consistent with previous research and evidence (Hunt and Trinder 2011).

In Wales, there is a similar pattern of recurrence. Around a third (31%–34%) of private law applications between 2014 and 2018 were made by an applicant who had been involved in a previous application within the last three years (Cusworth et al. 2020). Mothers had a slightly higher rate of return (39%–43%) compared to fathers (29%–32%). The vast majority (94%–96%) of returners had previously been in court with the same adult party and the same child(ren).

## Do children stay out of trouble?

### Data sources

- Forty, R. and Sturrock, R. (2017). *Using family court data to explore links between adverse family experiences and proven youth offending*. London: MoJ.

Uses data from the Police National Computer and the family justice case management database, FamilyMan.

- DfE. (2020a). *Characteristics of children in need: 2018 to 2019*. Available from: [www.gov.uk/government/statistics/characteristics-of-children-in-need-2018-to-2019](http://www.gov.uk/government/statistics/characteristics-of-children-in-need-2018-to-2019)

Children in England and Wales who were involved in public law proceedings were more likely to both offend and commit a number of criminal offences between age 10 and 17 than those in the same age bracket in the wider population. On average, those involved in public law proceedings also started offending earlier than offenders of the same age in the general population. Those who were involved in a public law case for the first time in their teenage years were more likely to offend than children involved in proceedings for the first time at younger ages (Forty and Sturrock 2017).

DfE started to collect information on offending rates for looked-after children while in care in 2018. 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.

**Table 16: Convicted or youth cautions, children aged 10–17, England, 2019 (DfE 2020a; StatsWales 2020)**

Looked-after children	% of population with a conviction or youth caution
England	3%
Wales	4%
All children	1%

## Are children doing well at school?

### Data sources

- DfE. (2020b). *Outcomes for children looked-after by local authorities in England, 31 March 2019: additional tables*. London: DfE.

The DfE has undertaken analysis of the educational attainment of children who are currently looked after, previously looked-after, children in need and non-looked after children. The data is currently classified as ‘experimental’, largely because the identification of these children depends on self-declaration by the parents or carers. As a result, the DfE estimates that this data set covers 69% of previously looked-after children at Key Stage 2 and 43% of previously looked-after children at Key Stage 4.

- MoJ. (2018). *The Children in Family Justice Data Share – Who are the children (WATCh) tool*. Available from: <https://public.tableau.com/profile/moj.analysis#!/>

Presents data on the difference between the proportion of children involved in family justice cases with a given special educational needs (SEN) type, compared to the proportion of children in the school population with that SEN type, from the 2014 school census.

- Welsh Government. (2020). *Children receiving care and support census*. Cardiff: Stats Wales.

## England

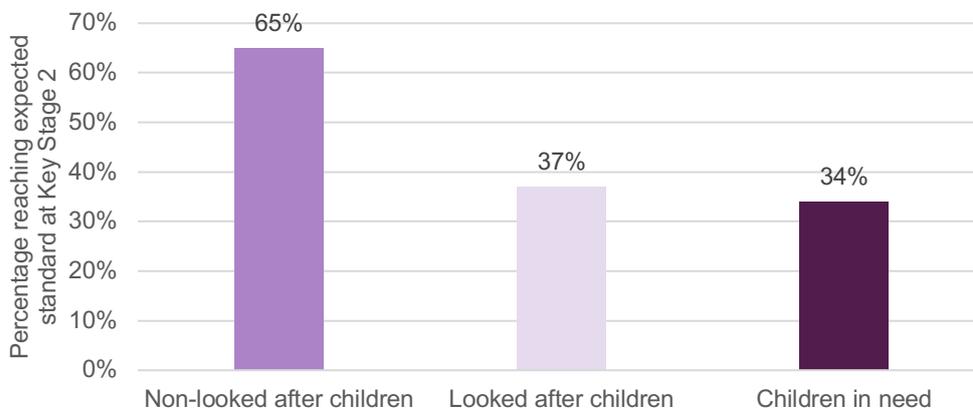
### *Children previously in public law proceedings*

Attainment for both looked-after children and children in need is much lower than for non-looked after children in England. When SEN pupils are removed from the analysis the gap narrows, however there is still a noticeable attainment gap (DfE 2020b).

### *Key Stage 2*

In 2019, 41% of previously looked-after pupils reached the expected level in reading, writing and maths at Key Stage 2. This figure is lower than the 65% for non-looked-after children but higher than that for looked-after children and children in need.

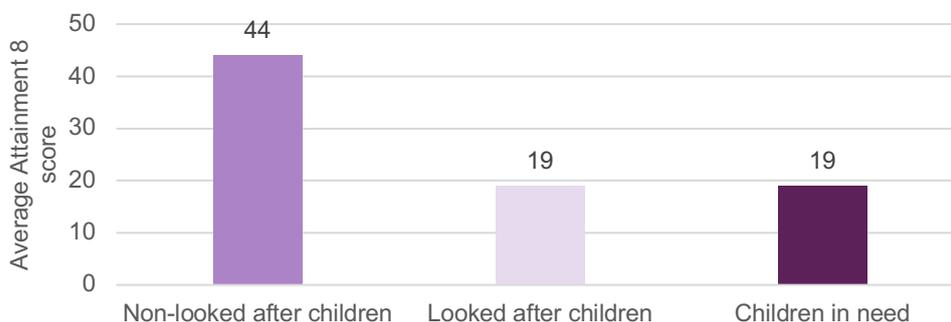
**Figure 10: Percentage of students reaching expected standard at Key Stage 2, England, 2019 (DfE, 2020b)**



### *Key Stage 4*

At Key Stage 4, the average attainment 8 scores for looked after children were much less than for non-looked after children. And in contrast to Key Stage 2, even when the effects of SEN are taken into account, looked-after children at secondary school make less progress than non looked-after children (DfE, 2020b).<sup>5</sup>

**Figure 11: Average Attainment 8 score, England, 2019 (DfE 2020b)**



<sup>5</sup> 'Attainment 8 measures the average achievement of pupils in up to 8 qualifications including English (double weighted if both language and literature are taken), maths (double weighted), three further qualifications that count in the English Baccalaureate (EBacc) and three further qualifications that can be GCSE qualifications (including EBacc subjects) or any other non-GCSE qualifications on the DfE approved list' (DfE 2018).

In 2019, the DfE started to gather data on the education outcomes (measured through academic attainment) and the progress of previously looked-after children who left care through placement or an adoption, a child arrangements order, or a special guardianship order.

Across all attainment measures at Key Stage 4, children who left care through an adoption, SGO or CAO achieve better than looked-after children and children in need but less well than non-looked after children in 2019. The average Attainment 8 score for children who left care through an adoption, SGO or CAO was 30.9 compared to 19.1 for looked-after children, 44.6 for non-looked after children and 19.2 for children in need (DfE 2020b).<sup>6</sup>

#### *Prevalence of SEN*

DfE data also shows that looked-after children are almost four times more likely to have a SEN than all children. 55% of looked-after children are classed as having SEN, compared with 15% of non-looked after children (DfE 2020b).

The DfE also provides information on the primary type of special educational need for those with SEN support. The data shows that social, emotional and mental health (SEMH) is the most prevalent type of need, covering 46% for looked-after children with SEN support. This is in contrast to the child population as a whole, where this is the primary need for only 18% of those with SEN support (DfE 2020b).

There is currently limited evidence on how looked-after children, and children in need, compare to children with similar characteristics that are not looked after.

#### *Children previously in private law proceedings*

We have no national data related to the attainment of children subject to private law proceedings in both England and Wales. However, the MoJ WATCH tool provides an overview of the difference in SEN incidence from the school census population.

Echoing the data provided by the DfE, SEMH is over-represented among children in the family justice system, both in public law (22 percentage points higher than the 2014 census) and private law (8 percentage points higher). By contrast children with autistic spectrum disorder (ASD) are under-represented (MoJ 2018).

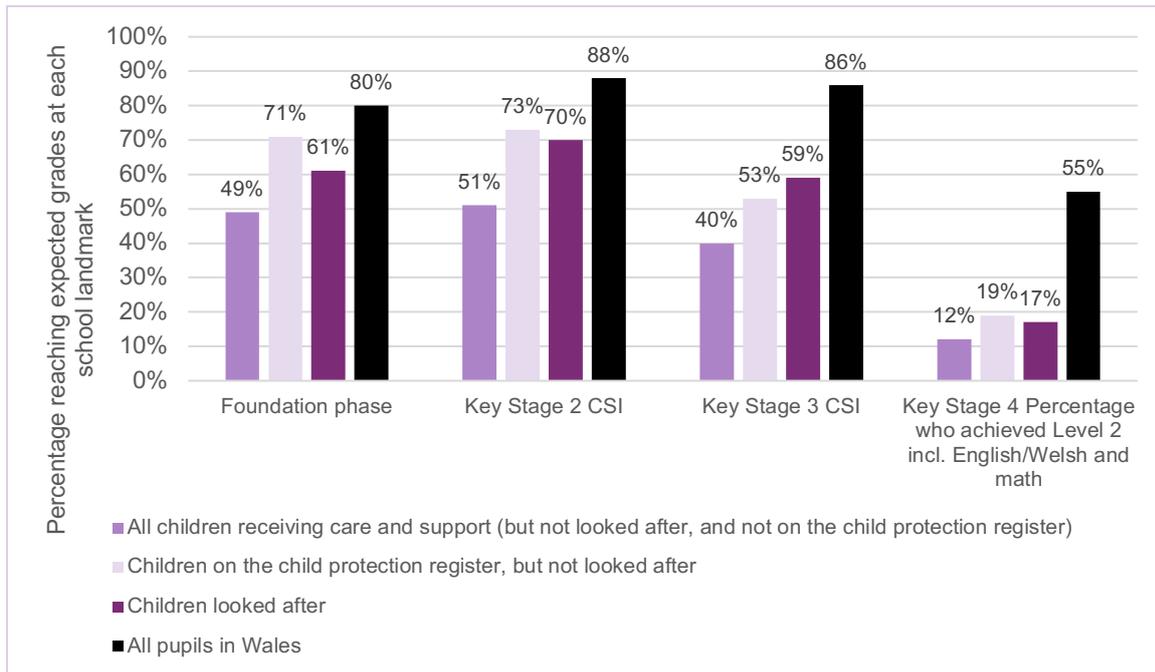
#### **Wales**

According to recent data, there is a wide educational attainment gap between looked-after children, children needing care and support, and all pupils in Wales. As Figure 12 shows, this begins at the foundation phase and becomes even more pronounced at Key Stage 4 (Welsh Government 2020).

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<sup>6</sup> 'Progress 8 aims to capture the progress a pupil makes from the end of Key Stage 2 to the end of Key Stage 4. It compares pupils' achievement – their Attainment 8 score – with the average Attainment 8 score of all pupils nationally who had a similar starting point (or 'prior attainment'), calculated using assessment results from the end of primary school.' (DfE 2018).

**Figure 12: Percentage of students reaching expected standards at key stages and key stage 4 percentage that achieved level 2, Wales, 2019 (Welsh Government 2020)**



## Are children mentally and physically healthy?

### 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 (DfE 2020b; StatsWales 2020).

**Table 17: Health outcomes for LAC, England and Wales, 2019 (DfE 2020b; StatsWales 2020)**

Health indicator	England %	Wales %
Had immunisations up to date	87%	87%
Had teeth checked by a dentist	85%	94%
Had their annual health assessment, under 5s	90%	94%
Substance misuse problems	4%	8%

We currently have no comparable data for all children. There is no data on children involved in private law proceedings.

### Mental health

In England, we know the number and proportion of children who have socio-emotional issues that are a ‘cause for concern’ via the Strength and Difficulties Questionnaire (SDQ)—a short behavioural screening questionnaire completed by looked-after children’s main carer. A score of 0 to 13 is considered normal, 14 to 16 is borderline, and 17 to 40 is a cause for concern. According to data from 2018/19, 39% of looked after children aged between 5 and 16 had an SDQ score that was a cause for concern (DfE 2020b). We can compare with

longitudinal survey data to compare with the overall population. At last three testing points (when respondents were aged 7, 11 and 14) an average of 14% of children had scores that were a cause for concern (Gutman et al. 2018).

We have no data on those aged 16–18, or those involved in private law proceedings.

In Wales, information about parenting capacity and other information about characteristics of the children, such as a mental health problem, was taken from the social services department records. Whether an issue was recorded or not thus depended on the assessment of the individual social worker completing the case records and was not derived from other data collections such as medical records.

Again, we have no data on those in private law proceedings.

**Table 18: Mental health prevalence of children receiving care and support, Wales, 2019 (StatsWales 2020)**

Indicator	%
Percentage (%) aged 10 and over with mental health problems	16%

## Note on data sources

The following section is amended from Jay et al. (2017). The paper gives an overview of the administrative family justice datasets, as well as their limitations.

### Family Court Statistics Quarterly (Ministry of Justice)

HMCTS and the MoJ publish quarterly management information to provide more frequent and timely measures of the operation of the court and tribunal system. It holds data on family court cases in the FamilyMan database. This includes divorce petitions, financial remedies, domestic violence remedies and cases of female genital mutilation as well as disputes about children. These figures reflect the data held on the relevant case management systems and hence have some definitional and timing differences from the official statistics. They are subject to the data quality issues associated with large administrative systems, including the late reporting of cases and regular updating of case details, which can lead to the figures for previous months being revised each publication.

### Cafcass and Cafcass Cymru

Cafcass is a public body that represents children in family court cases. It carries out welfare checks and advocates for children in court to safeguard their welfare. It routinely collects case management data on court cases it is involved with and the children and families involved. Cafcass is involved in all public law cases and all private law cases involving children, though Cafcass is involved up to the first hearing only in the majority of these and therefore holds limited data on them. Cafcass only holds data on court processes in its administrative database: no administrative data is held on work by other bodies up to and after court though detailed information is available in case files.<sup>7</sup>

### PLATO and WATCH tools (Ministry of Justice)

The Children in Family Justice Data Share (CFJDS) represents an example of administrative data sharing between family justice agencies. It does not contain different data, rather it links information from HMCTS, Cafcass and DfE to enable more detailed analysis. Cafcass data is used to identify local authorities for each case, so this is information available for cases in England only. DfE data, where available, is used to identify the ethnic groups and SEN among the children in the sample.

The PLATO tool provides an overview of the public law applications and orders in England and Wales between 2010 and 2017. It shows how the patterns of these vary over time and by geographical area. Whereas the WATCH tool presents data on children subject to both public and private law applications to the family courts. It provides an overview of the profile of all children who entered the family justice system between 2010 and 2016, including their gender, age, ethnicity and SEN.

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<sup>7</sup> There is therefore partial overlap in terms of the population and cases covered by Cafcass and FamilyMan, though the two datasets are held by distinct entities (Cafcass and the MoJ) each with their own data collection, recording and access policies, and the two datasets have different data items and cover different time periods.

CFJDS counts cases by child (where all applications or orders applying specifically to each child are counted only once).<sup>8</sup> because it is a count that considers each child's individual journey through the system, which is interesting for research purposes.

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<sup>8</sup> More information on data sources used in the Children in Family Justice Data Share can be found here: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/696108/children-in-family-justice-data-share.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/696108/children-in-family-justice-data-share.pdf)

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