

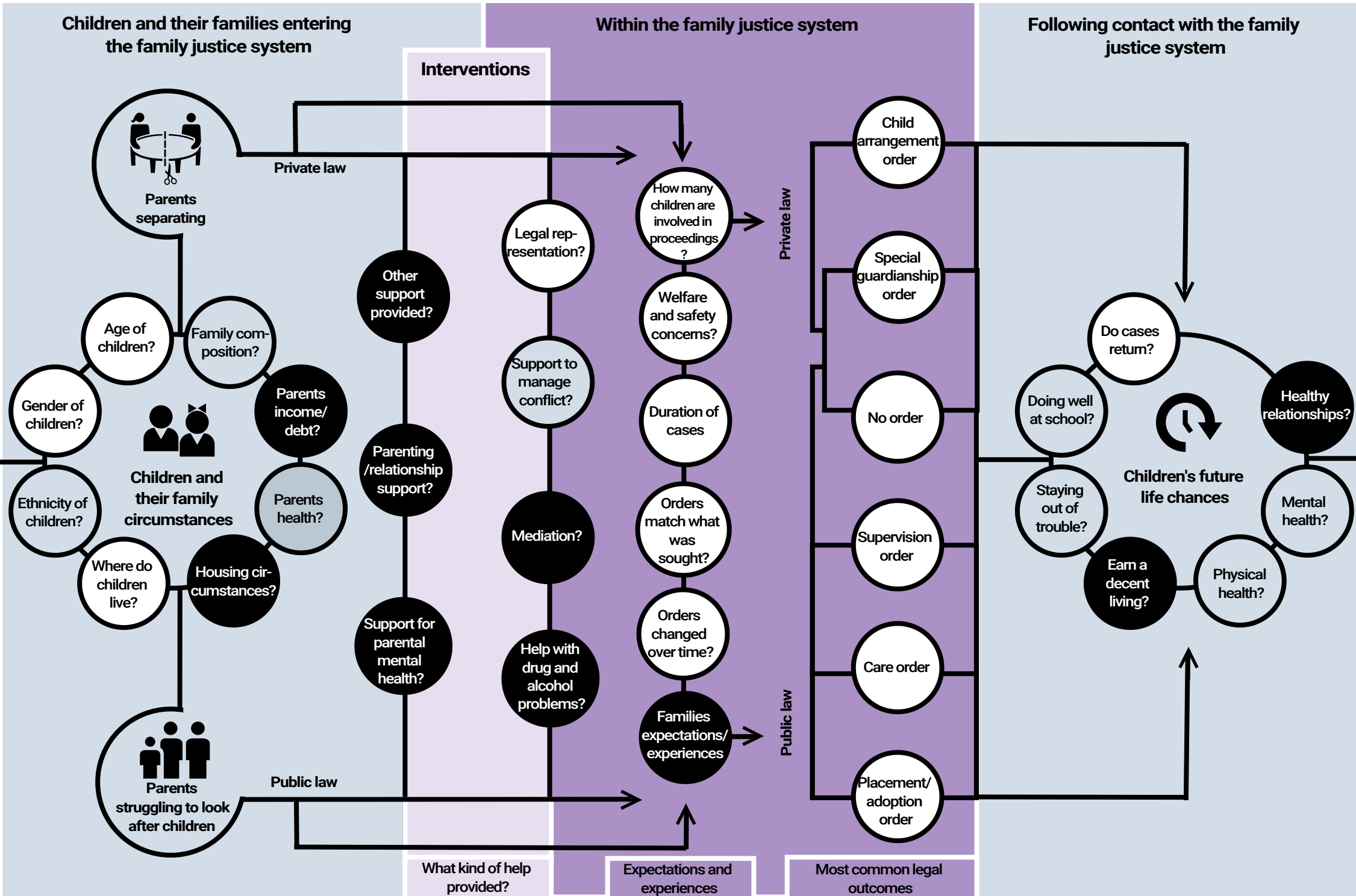
# Children in the family justice system

○ What we know\*    ○ What we partially know\*    ● What we don't know\*

\*from national administrative data

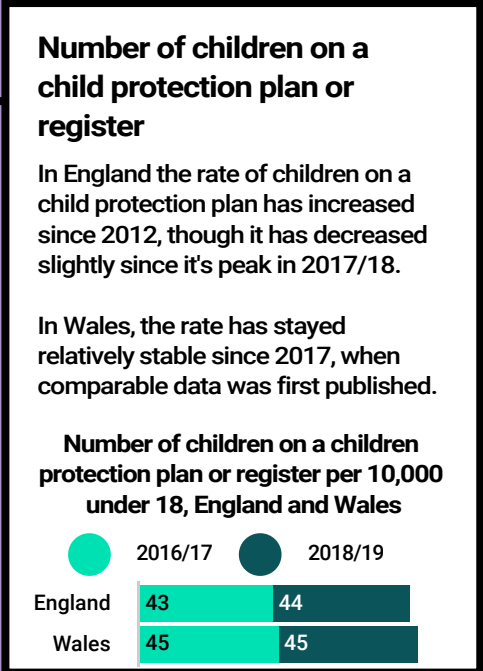
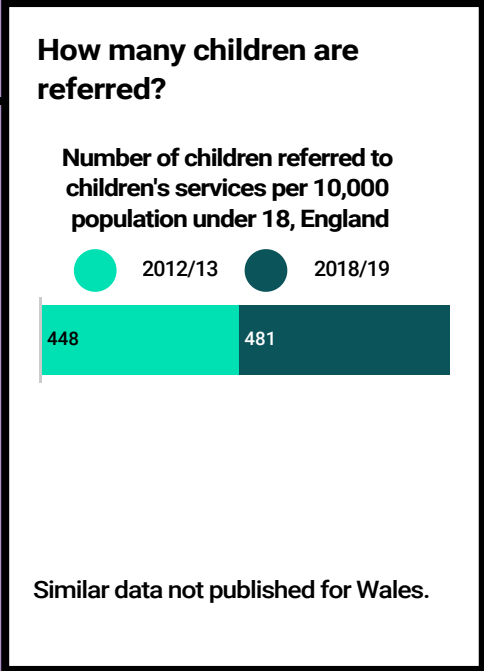
## Children known to children's services

- How many children referred?
- How many children in need?
- How many children on a protection plan?
- Why are children referred?
- Reasons for referral different for older children?
- Children receiving early help?
- Reasons for changing demand?



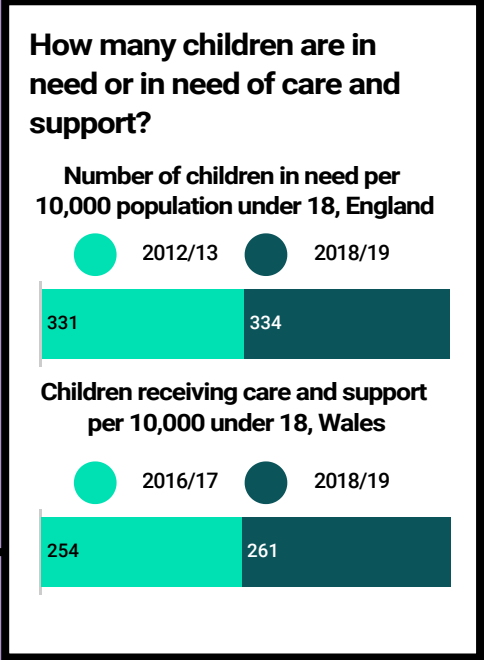
# Children known to children's services

In most cases in England and Wales the statutory child protection process for a child and their family does not begin with public law proceedings- children are sometimes already known to local children's services.



### 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.



### Why are children being referred to services?

In England and Wales, the most common need at primary assessment in 2019 was 'abuse and neglect' (54% of children) followed by 'family dysfunction' (15% in England, 13% in Wales).

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?

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, including factors relating to family stress, absent parenting and disruptive behaviour.

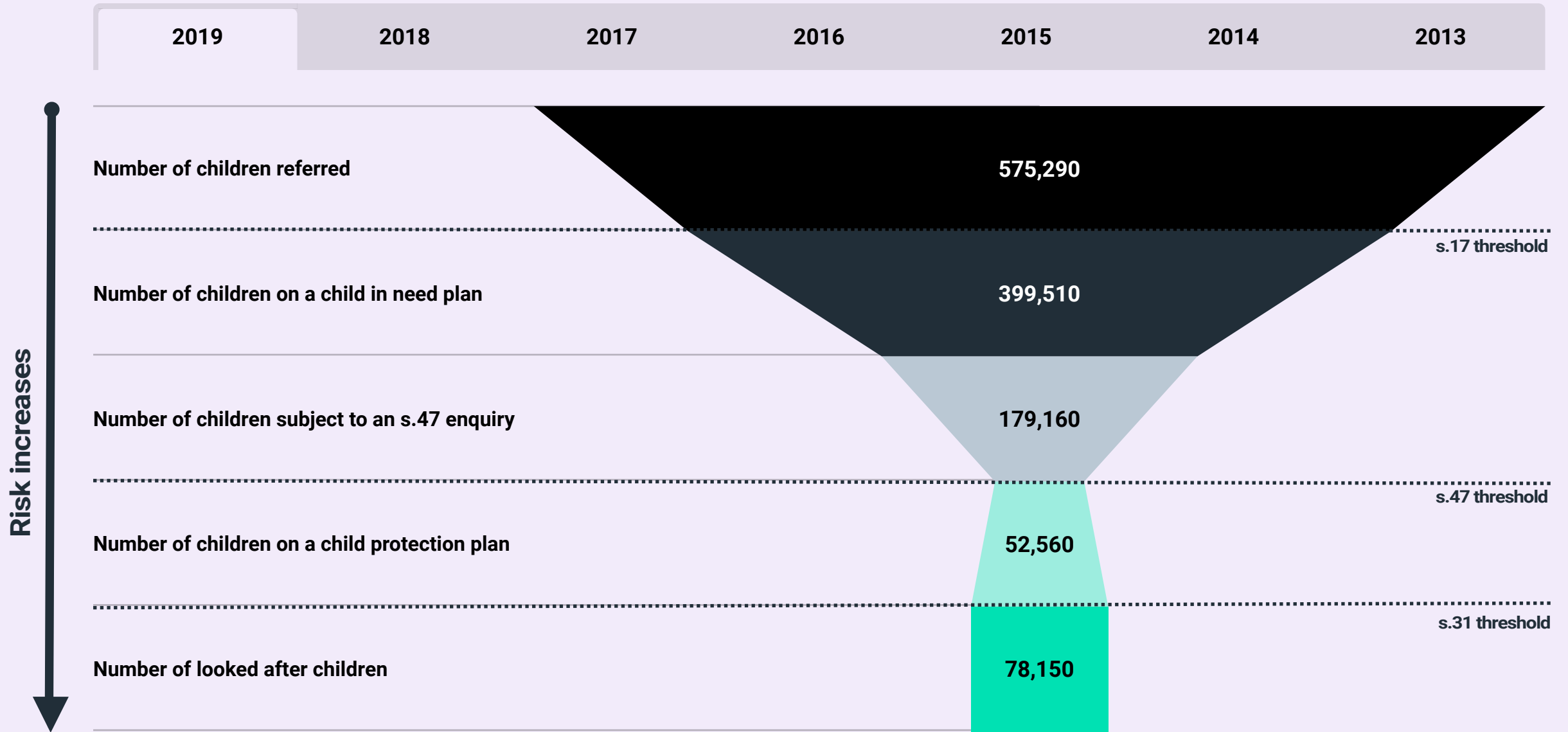
Similar patterns have been found in Wales.

### Why is the number of children known to children's services changing?

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



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



Source: NFJO presentation of Department for Education data.

Note: Data relates to England only, up to 31 March 2019. Some children may be counted in multiple categories.



# Children and their families entering the family justice system

According to data from Cafcass and Cafcass Cymru, in 2018/19 the family courts made decisions about the future family relationships of over 70,000 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.

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

\*from national administrative data

## 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 public law proceedings in their teenage years.

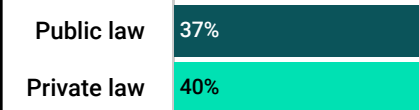
### Gender distribution of children in the family justice system, 2010-2016



## Their family composition?

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

### Sibling cases, 2018/19



In Wales, around one third of private law cases involve siblings and the majority of children are living with their mothers at the time of proceedings. We do not have similar data for England yet.

## 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.

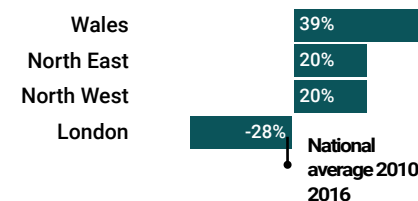
In public law there is considerable variation between ethnic groups after controlling for local deprivation.



## Where do children live?

National data highlights whether children from different regions are more or less likely to enter the family justice system compared to the national average.

In public law, children in more deprived areas are more likely to enter proceedings. In Wales, the majority of private law applications are made from people living in the most deprived areas.



## 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. In both England and Wales, we know the parental factors (e.g. parental ill health) which contribute to why a child is looked after. This is not collected for children in private law cases.

## Their parents' housing situation?

Children known to children's services

Children and their families before entering the family justice system

Interventions

Within the family justice system

Following contact with the family justice system

# 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.

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

\*from national administrative data

## 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 showing 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



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?

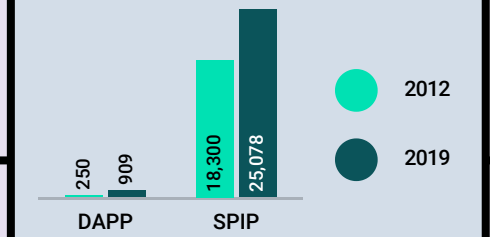
There is no national data showing how many parents of children in the family justice system have received help with addiction problems.

## Support 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 programmes by Cafcass, 2012 and 2019



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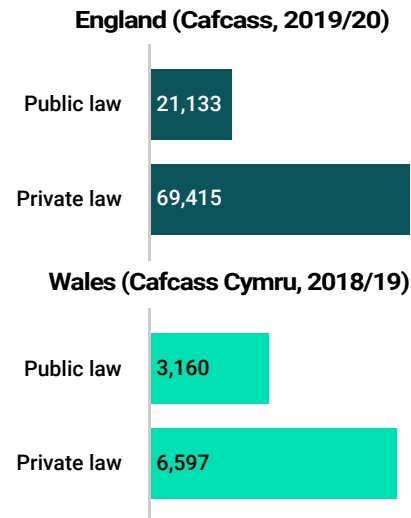
Within the family justice system

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# Children and their families 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.

## Number of children involved in applications



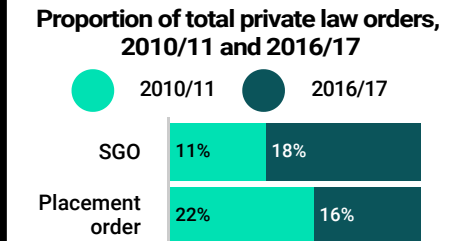
## What are families' expectations and experiences?



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 a recent one-off analysis, children are more likely to be subject to care orders than any other order, 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.



## 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.

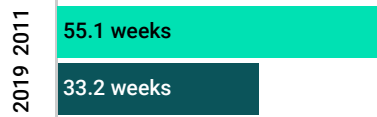
In public law, the outcomes of applications are more binary—an order is granted or refused.

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.

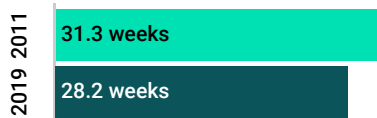
## Duration of cases

### Public law, 2010/11 and 2018/19



41% of cases completed within the 26-week target in 2019, down from 49% in 2018.

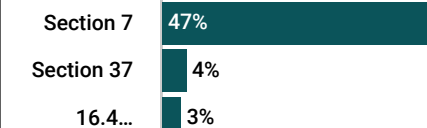
### Private law, 2010/11 and 2018/19



## Welfare and safety concerns

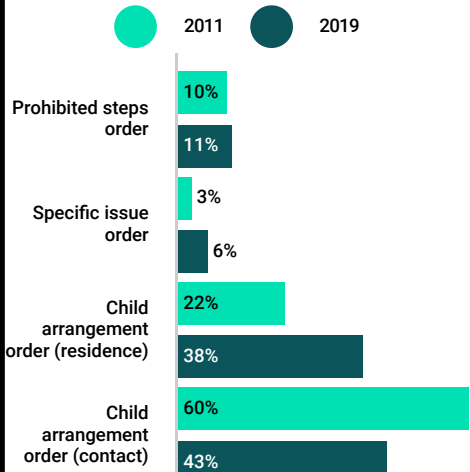
In private law, if the court has safeguarding concerns about a child Cafcass will write a section 7 report. If it has concerns that a child is at risk of harm and wants to consider a care order, Cafcass will write a section 37 report. It may also appoint a guardian to represent the child in proceedings (Rule 16.4 appointment). This data is not published routinely. The last available analysis is from 2016.

### Welfare and safety concerns, 2016.



## Have private law orders changed over time?

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



- What we know\*
- What we partially know\*
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\*from national administrative data

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# The impact of COVID-19 on the family justice system

On 23 March 2020, in response to 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.

Data that reveals early insights into the pandemic is beginning to emerge, but this will need to be tracked further in the coming months and years.

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

\*from national administrative data

## Have referrals to children's services been affected?

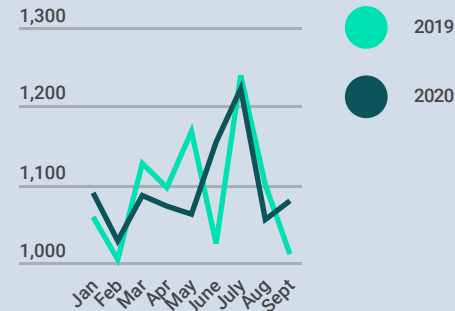
Between April and July 2020, the number of children referred to children's services in England fell by around 20%, compared to the same period over the last three years.

Towards the end of August, local authorities began to report an increase in referrals, up 12% from the last three years.



## Has the number of applications changed?

Care order applications, England, Jan-Sept 2019/20 (Cafcass)



Private law applications, England, Jan-Sept 2019/20 (Cafcass)



In public law, there was a decrease in care order applications at the peak of lockdown (March-May), including a drop of 9% in May compared to the same period in 2019. In September, applications were up by 7%. In private law, there has been a more noticeable change, with applications down by around 28% at the peak of lockdown and up by 14.5% in September compared to 2019. At the local level, trends vary.

## Have the types of applications and orders made changed?

Between April and June, domestic violence remedy order applications and orders increased, up 24% and 17% respectively compared to the same period in 2019.

## Duration of cases

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



## How have children's lives been affected?

With schools closed to most pupils, more time spent at home, and many families facing increased financial pressures and stress, many children's lives have been disrupted by the pandemic.

Early indicators are starting to show the scale of these problems—including increased calls to domestic abuse and substance misuse helplines—however there is currently limited national data.

## How are hearings being held?

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 whether a hearing is being held by video, telephone, face-to-face or some combination.



## Backlog of cases

Many cases have been delayed or adjourned since social distancing measures have been in place.

Data from HMCTS shows that the number of 'outstanding' cases in public law has increased by 14% compared to pre-COVID levels, and in private law by 25%. This data provides some indication about the size of the backlog. However, many of these cases will still be in progress.

## Outcomes for children and families



It is not yet clear how changes to ways of working have affected decision-making in the family courts and outcomes for children and families.

## Children in care

Local authorities in England have reported a drop of around 33% in the number of children that have started to be looked after between April and August, compared to the same period over the past three years.

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# Following contact with the family justice system

The only indicator or feedback that those working in the family justice system have about the impact of decisions on children is whether they subsequently return to court again. Yet by linking data already collected, we can provide insights into children's short, medium and long-term outcomes.

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

\*from national administrative data

## 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



## 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.

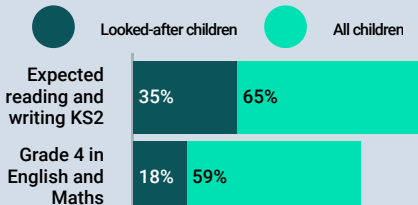
Between 2011 and 2016, around 4% of children in private law cases returned to the family justice system via public law.

## 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



## Mental health?

In England, we know the number and proportion of children who have socio-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 explanatory note.

## 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 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?

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Following contact with the family justice system