

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

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**This briefing provides an overview of the data sources used in the Nuffield Family Justice Observatory infographic, *What Do We Know About Children in the Family Justice System?*, which is available from:**

**<https://www.nuffieldfjo.org.uk/our-work/children-family-justice-system-infographic>**

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Nuffield Family Justice Observatory's quarterly online infographic presents what we know about children's journeys through the family justice system from national administrative data. It is structured as a series of questions across key points in a child's journey through the courts and allied systems and services, and highlights what we know, what we partially know, and what we do not know from national data.

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# Introduction

The Nuffield Family Justice Observatory infographic, *What Do We Know About Children in the Family Justice System?*, draws on publicly available administrative data held by different government departments in England and Wales. In some cases, we also draw on one-off analysis of safeguarded administrative data that has been undertaken by researchers. This briefing note provides an overview of the main administrative data sources.

As most of the data in the infographic is extracted from live databases, figures are subject to revision. In some cases, this may mean there is a slight difference between the figures reported in the infographic and those recorded in the most recent primary sources. We aim to update the infographic with the most up-to-date data four times a year.

## What is ‘administrative data’?

Administrative data refers to information about people or organisations that is collected routinely by government, statutory or other agencies for their own organisational purposes. Public institutions, such as the courts, typically maintain individual case records that not only contain demographic details, but also details of an individual’s interaction with the court and other services. This person-level data is hugely valuable for understanding the characteristics of court users, individual pathways through justice systems, legal representation and outcomes of justice involvement (Broadhurst et al. 2021). Other data includes information on performance, produced to meet the requirements of regulatory bodies or external auditors.

Because administrative data contains information about all individuals that interact with public services, it can be very useful for research. It allows us to build a population-level picture of the children and families involved in the family justice system over a certain timeframe in a way that individual research studies and surveys do not as they are limited to those who choose to take part, which can therefore mean that some people are underrepresented. Administrative data also allows researchers to make the most of data that already exists, rather than having to collect new data for every study, which can be costly.

While qualitative research will always be essential to understand the experiences of individuals and how the family justice system operates, small sample studies can be less persuasive in terms of their influence on policy. In contrast, when researchers combine insights based on entire service populations with qualitative research, even politically unpalatable observations are less easily dismissed (Cusworth et al. 2019). Whole population data also helps researchers overcome difficulties in achieving representative samples.

In the What Do We Know About Children in the Family Justice System? infographic, we started with national administrative data because such data 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 about children in the family justice system, and over time we want to build up a comprehensive picture of what we do and do not know from a variety of sources. That way we can share what we know more effectively and take steps to address the gaps.

## What is 'linked data'?

The infographic includes information from studies that have used linked data – whether this is from one-off linkages carried out by researchers and academics, or data linkage carried out by government departments.

Linking data created by one government department or public service to another (or others) – including departments and services not explicitly focused on the family justice system, such as health services and education – allows us to build a much better picture of the lives and characteristics of children and families who come into contact with the family justice system – before, during and after their involvement with the courts.

Data linkage in family justice is in its infancy – improving resources and willingness among different public bodies to link data will be important in filling key gaps in our knowledge of children's journeys through the family justice system.

# Overview of data sources

The table in this section is arranged by data source. It provides information on:

- the source data featured in each section of the infographic
  - 1. What do we know about the children known to children's services?
  - 2. What do we know about children and families as they enter the family justice system?
  - 3. What do we know about the support families receive on their journey?
  - 4. What do we know about the children and families in the family justice system?
  - 5. What do we know about children after they have had contact with the family justice system?
- whether the source data relates to public or private law
- whether the source data relates to England or Wales
- how often the source data is published (updated)
- how long the data has been available for (timeframe).

Data source	Section in infographic					Public or private law?	England or Wales?	Publication	Timeframe	Description	Data availability
	1	2	3	4	5						
Cafcass						Both	England	Monthly/ Annual	2007– present	Cafcass is a public body that represents children in family court cases. It carries out welfare checks and advocates for children in court. Cafcass routinely collects case management data on the court cases it is involved in – including information about the characteristics of the children and adults involved, how cases progress, and legal outcomes of cases. Cafcass is involved in all public law cases for the duration of the case. In private law, Cafcass is involved in all cases involving children although, in the majority of cases, it will only be involved up to the first hearing. Cafcass therefore holds more limited data on private law cases. If significant welfare concerns are identified in private law, Cafcass may be asked by the court to be involved beyond the first hearing.	Cafcass publishes monthly statistics on the family court cases it is involved in, for public and private law, showing the total number of cases received, the number of children involved, the volume of open cases, and the number of care applications made by local authorities (quarterly). Some high-level annual data is also published in the Cafcass annual report <sup>1</sup>  In 2020, Cafcass and Cafcass Cymru transferred an anonymised version of its unstructured case file data to the SAIL Databank, which allows secure and anonymous access to Cafcass data for researchers. <sup>2</sup>
Cafcass Cymru						Both	Wales	Annual	2011– present	Cafcass Cymru is an organisation within Welsh Government that represents children in family court cases. It performs the same function as Cafcass [England], with the same statutory duties. It also routinely collects case management data.	Some data is published in Cafcass Cymru's annual report, including basic information about the total number of public and private law cases it has been involved in that year. <sup>3</sup>  Fully anonymised Cafcass Cymru data is also available in the SAIL Databank for researchers to access.

<sup>1</sup> Cafcass monthly statistics (<https://www.cafcass.gov.uk/about-cafcass/our-data/>); Cafcass annual report (<https://www.cafcass.gov.uk/about-cafcass/reports-and-strategies/annual-reports/>).

<sup>2</sup> The SAIL [Secure Anonymised Information Linkage] Databank is a privacy-protecting safe-haven for accessing administrative data, hosted by Swansea University. It contains a range of anonymised, person-based datasets, primarily about the population of Wales, and, subject to safeguards and approvals, these can be anonymously linked together to address important research questions. See: <https://saildatabank.com/>

<sup>3</sup> See: <https://gov.wales/cafcass-cymru-annual-reports>

Data source	Section in infographic					Publication	Timeframe	Description	Data availability
	1	2	3	4	5				
Characteristics of children in need – Department for Education						Annual	2009–present	<p>National statistics published annually by the Department for Education (DfE) on children referred to and assessed by children's social services in England.</p> <p>The statistics provide information, nationally and by local authority, on:</p> <ul style="list-style-type: none"> <li>• number and rate of referrals to children's social care services</li> <li>• number and rate of children in need</li> <li>• assessments carried out on children referred to children's social care services</li> <li>• children subject to child protection plans.</li> </ul> <p>The statistics are derived from the annual children in need census – an annual statutory census that all local authorities must complete and submit to DfE.</p>	<p>Aggregate data is published annually by the DfE.<sup>4</sup></p> <p>Researchers can apply to the DfE to access a one-off anonymised data extract, via the Office for National Statistics (ONS) Secure Research Service (SRS).</p>
Children looked after in England, including adoptions – Department for Education						Annual	1992–present	<p>National statistics on the number of children looked after (CLA) by financial year, published annually by the DfE.</p> <p>The statistics provide information on all children looked after at any point in the year, the number of such children at the end of the year, the number of these children who are adopted, care leavers, children who were missing, and health and offending rates.</p> <p>Data is taken from the annual children looked after return (also known as SSSDA903), which is a statutory data collection that must be completed by all local authorities in England.</p>	<p>Aggregate data is published annually by the DfE.<sup>5</sup></p> <p>Researchers can apply to the DfE to access a one-off anonymised data extract, via the ONS SRS.</p>

<sup>4</sup> See: <https://www.gov.uk/government/collections/statistics-children-in-need>

<sup>5</sup> See: <https://www.gov.uk/government/collections/statistics-looked-after-children#looked-after-children>



Data source	Section in infographic					Public or private law?	England or Wales?	Publication	Timeframe	Description	Data availability
	1	2	3	4	5						
Outcomes for children in need, including looked after children – Department for Education						Public	England	Annual	2016–present	<p>National statistics reporting a range of outcome measures at national and local authority level for children in need, including children looked after by local authorities in England, published annually by the DfE.</p> <p>The outcome measures cover: special education needs; educational attainment (at Key Stage 4); destinations from school; absence from school; permanent exclusions and suspensions from school; free school meal eligibility; and type of school attended.</p> <p>Prior to 2020, outcomes statistics for children in need and children looked after were published separately.</p>	<p>Aggregate data is published annually by the DfE.<sup>6</sup></p> <p>Researchers can apply to the DfE to access a one-off anonymised data extract, via the ONS SRS.</p>
Children receiving care and support - StatsWales						Public	Wales	Annual	2017–present	<p>National statistics published annually by Welsh Government, relating to children receiving care and support (including looked after children) in Wales.</p> <p>The children receiving care and support (CRCS) census replaced the children in need (CIN) census in Wales following the implementation of the Social Services and Well-being (Wales) Act 2014 in April 2016. The children receiving care and support census is based on the definition of eligible children who have care and support, i.e. children (under the age of 18) who have a care and support plan.</p> <p>The published tables show the number and characteristics of children receiving care and support, nationally and by local authority, including information about parental circumstances, health</p>	<p>Published annually by StatsWales.<sup>7</sup></p> <p>CIN and CRCS data were transferred to the SAIL Databank using a standardised approach to provide de-identified data with anonymised linking fields (ALF) for successfully matched records. The linkage method relies on the use of unique pupil numbers (UPN). As such, no records are currently available for children without a UPN, which includes most children under three. ALFs enabled linkage to individual-level health data within SAIL.</p>

<sup>6</sup> See: <https://explore-education-statistics.service.gov.uk/find-statistics/outcomes-for-children-in-need-including-children-looked-after-by-local-authorities-in-england/2021>

<sup>7</sup> See: <https://statswales.gov.wales/Catalogue/Health-and-Social-Care/Social-Services/Childrens-Services/children-receiving-care-and-support>

Data source	Section in infographic					Public or private law?	England or Wales?	Publication	Timeframe	Description	Data availability
	1	2	3	4	5						
										<p>and educational outcomes. Children are divided into three categories of need for reporting: children looked after at 31 March, children on the child protection register (but not looked after at 31 March) and children receiving care and support (but not on the child protection register or looked after at 31 March).</p> <p>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.</p>	
Family Court Statistics Quarterly – Ministry of Justice						Both	Both	Quarterly	2011–present	<p>National statistics on activity in the family court system, published quarterly by the Ministry of Justice (MoJ). Includes information about public and private family law cases involving children, as well as cases relating to divorce petitions, financial remedies, domestic violence, forced marriage and female genital mutilation.</p> <p>For public and private family law cases, it includes information about the volume and type of applications, volume and type of legal orders, number of children involved in cases, children’s age, duration of cases, and the legal representation status of parties. For public and private family law cases, data is available from 2011.</p> <p>The data is extracted from FamilyMan, the family court administrative system used by court staff for case management purposes. It contains good quality information about a case’s progress through the family courts.</p>	<p>Aggregate data published quarterly by the MoJ.<sup>8</sup></p> <p>A de-identified data extract from FamilyMan has been deposited in the SAIL Databank and linked to Cafcass data, through the Data First programme, led by MoJ and ADR UK. FamilyMan data is available from 1 January 2011 to 31 January 2021.</p>

<sup>8</sup> See: <https://www.gov.uk/government/collections/family-court-statistics-quarterly>

Data source	Section in infographic					Public or private law?	England or Wales?	Publication	Timeframe	Description	Data availability
	1	2	3	4	5						
WATCH tool – Ministry of Justice						Both	Both	One-off share	2010–2017	The PLATO and WATCH tools, part of the Children in Family Justice Data Share (CFJDS), combine data from the MoJ, Cafcass and 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.	Data is available as an interactive tool, allowing users to explore and filter data by counting 'cases' or 'cases by child'. <sup>9</sup>
PLATO tool – Ministry of Justice						Public	Both	One-off share	2010–2017		
Legal aid statistics – Ministry of Justice						Private	Both	Quarterly	2012–present	Statistics on the legal aid system for England and Wales, published quarterly by the Ministry of Justice and Legal Aid Agency.  Includes information on the number of publicly funded mediation starts per financial year and quarter, and limited information on outcomes.	Aggregate data published quarterly. <sup>10</sup>
Weekly management information – HM Courts & Tribunals Service						Both	Both	Weekly	2020–2021	HM Courts & Tribunals Service (HMCTS) published information during the COVID-19 outbreak to help explain how they delivered critical public services (June 2020 to June 2021). This weekly management information was used by HMCTS for understanding workload volumes and timeliness.	Aggregate data, published weekly until June 2021. <sup>11</sup>

Key:

- 1 What do we know about children known to children's services?
 2 What do we know about children and families as they enter the family justice system?
 3 What do we know about the support families receive?
 4 What do we know about the children and families in the family justice system?
 5 What do we know about children after they have had contact with the family justice system?

<sup>9</sup> <https://public.tableau.com/app/profile/moj.analysis/viz/ChildreninFamilyJusticeWhoAreTheChildrenTool/FrontPage>

<sup>10</sup> <https://www.gov.uk/government/collections/legal-aid-statistics>

<sup>11</sup> <https://www.gov.uk/government/collections/hmcts-weekly-management-information-during-coronavirus-outbreak>

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# 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.

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