

Briefing Pack: What do we know about ethnicity in the family justice system in England? - Private law



Nuffield Family Justice Observatory improves the lives of children and families by putting data and evidence at the heart of the family justice system.

To be effective and fair, the family justice system needs to understand how the system is used and experienced by children and adults, and how this experience differs for different families. One way to consider this is to examine whether there are variations in the experiences and outcomes of families from different ethnicities.

The data presented in this briefing aims to contribute to the knowledge base around ethnic diversity in the family justice system.

Recommended citation

Alrouh, B., Hargreaves, C., North, L. and Barnett-Jones, B. (2022) *Briefing Pack: What do we know about ethnicity in the family justice system in England? - Private law. Nuffield Family Justice Observatory.*

The following briefing packs are also available:

- *What do we know about ethnicity in the family justice system in England? - Public law*
- *What do we know about ethnicity in the family justice system in Wales? - Private law*
- *What do we know about ethnicity in the family justice system in Wales? - Public law*

Disclaimer

Nuffield Foundation has funded this project, but the views expressed are those of the authors and not necessarily those of the Nuffield Family Justice Observatory or the Foundation.

Copyright © Nuffield Family Justice Observatory 2022

100 St John Street, London EC1M 4EH T: 020 7631 0566

Part of Nuffield Foundation: Registered charity 206601

nuffieldfjo.org.uk | @NuffieldFJO www.nuffieldfoundation.org | @NuffieldFoundation

About this briefing

- This briefing on private family law ethnicity and diversity in England is based on findings from:

Alrouh et al. (2022). What do we know about ethnic diversity in the family justice system in England? <https://www.nuffieldfjo.org.uk/resource/what-do-we-know-about-ethnicity-in-the-family-justice-system-in-england>

- We have created these bitesize briefing packs to give those working in the family justice system a snapshot of the ethnicity of adults and children in England and Wales accessing public and private law.
- They are designed to inform your thinking and reflections when reviewing your local data and when developing action plans that address questions of disparity and disproportionality in your local family justice area.
- We welcome questions and feedback after you have viewed them.

contactfjo@nuffieldfoundation.org

About the initial study

The aim was to:

- examine the quality and completeness of Cafcass data regarding ethnicity
- describe the ethnic diversity of children and adults in public and private law cases in England, both nationally and by region
- consider, against the national picture, whether particular ethnic groups are over- or underrepresented in the family justice system in England

The study used:

- anonymised, population-level data on all children and adults in public and private family law cases in England, 1 April 2007 to 31 March 2020
- the cohort consisted of 2.8 million people:
 - 322,000 children and 444,000 adults in public law cases
 - 808,000 children and 1,230,000 adults in private law cases

Data, data gaps and limitations

The initial study found some variations in the level of completeness of ethnicity data by region, and further research is needed into potential driving factors, including local practice. In addition, questions remain about whether the patterns of missing data are random or systematically biased.

The study and this briefing use the same 5 ('high-level') ethnic group categories and 18 (sub) categories as the ONS and 2011 census.

National ethnicity estimates are from the publicly available Office for National Statistics (ONS) 2019 experimental statistics (ONS 2021). Due to discrepancies with the 2011 Census, population figures on the 'Gypsy or Irish Traveller' and 'Any other ethnic background' are limited.

Number of adults involved in private law cases from different ethnic groups in England?

White Mixed or Multiple ethnic groups Asian or Asian British
Black, African, Caribbean or Black British Other ethnic group



Numbers reflect the 227,520 adults in private law between the fiscal years 2017/2018 and 2019/2020.

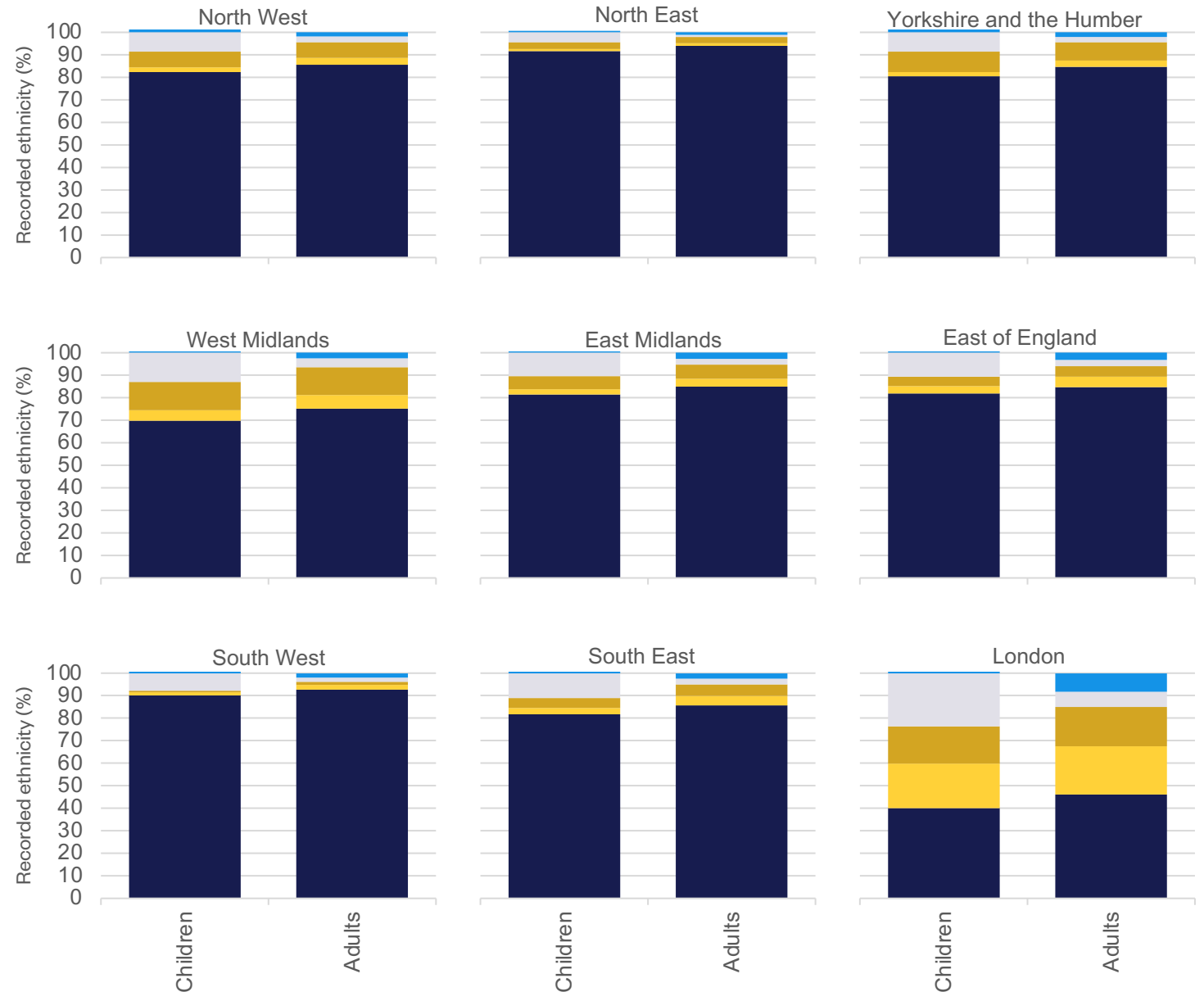
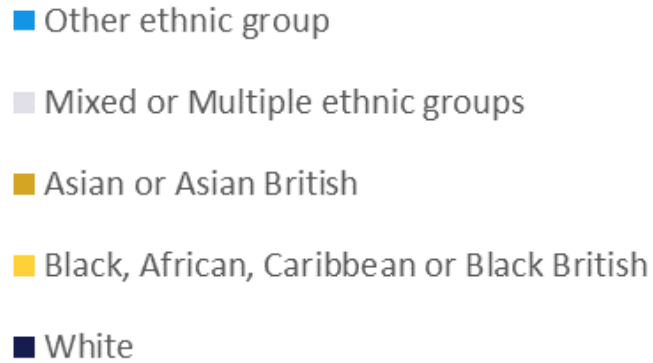
Number of children involved in private law cases from different ethnic groups in England?

White Mixed or Multiple ethnic groups Asian or Asian British
Black, African, Caribbean or Black British Other ethnic group



Numbers reflect the 165,900 children in private law between the fiscal years 2017/2018 and 2019/2020.

How does this look regionally?



Who is over or under-represented in private law?

When looking at the rates per 10,000 individuals* in each ethnic group involved in private law proceedings compared to the White group we found:

- Individuals in the **Black, African, Caribbean or Black British group** are **1.5x** times more likely to be involved
- Individuals in the **Mixed or Multiple ethnic groups** are over **3.5x** more likely to be involved
- Individuals in the **Other ethnic group** are **1.5x** more likely to be involved
- Individuals in the **Asian or Asian British group** had similar rates

* Rates were calculated using 2019 ONS estimates and Cafcass data



Note: Bubble size is relative to the English, Welsh, Scottish, Northern Irish or British group. The groups 'Gypsy or Irish Traveller' and 'Any other ethnic background' were not included due to discrepancies between the publicly available 2011 Census and 2019 ONS estimates.

Conversation starters: What next?

- How can we gather information from groups who have been historically (understandably) wary of providing data, or unable to?
- What do you know about ethnic representation in your area?
- Are some ethnic groups overrepresented in your area? Why might this be?
- Are there differences between ethnic groups regarding case duration, final orders. Repeat assessments? Why might this be?
- Does the data provide insight into how different ethnic groups are accessing the family justice system in your area?
- What actions can you take to better understand how different ethnic groups are experiencing the family justice system in your local area?
- Deep dive case analysis, user feedback surveys?

Get in touch

Nuffield Family Justice Observatory is now in the fourth year of its pilot phase (2019–2026). It is incubated and funded by the Nuffield Foundation.

Our work reflects Nuffield Foundation’s commitment to independent thinking, collaboration and rigorous, evidence-based research.

We are always keen to expand our network of partners and would invite anyone who is interested in improving the lives of children and families in the family justice system to get in touch.

E contactfjo@nuffieldfoundation.org

T +44 (0)20 7323 6242

Copyright © Nuffield Family Justice Observatory 2022

100 St John Street, London EC1M 4EH

T: 020 7631 0566

Part of the Nuffield Foundation: Registered charity 206601

nuffieldfjo.org.uk | @NuffieldFJO

www.nuffieldfoundation.org | @NuffieldFound

