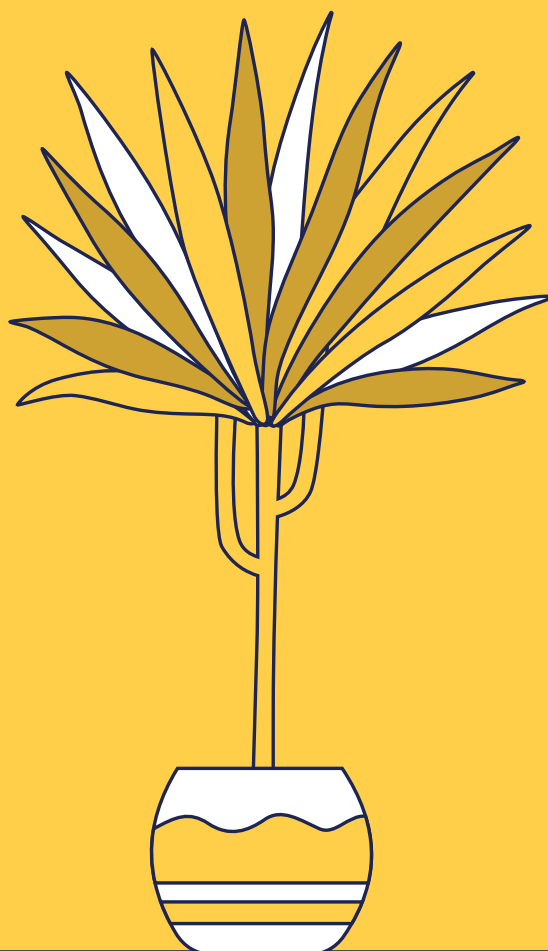


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Improving lives – the power of better data in the family justice system



Data is critical to understanding families' experiences of the family justice system, and outcomes, as well as helping to drive system improvements. This paper provides a brief overview of some current challenges before highlighting potential opportunities for improvement.

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Introduction

Every day, judges and magistrates make decisions in family courts that have substantial bearing on children's lives, including where a child should live, who they should spend time with and who should have parental responsibility for them. The main consideration of every decision is the welfare of the child (s.1 Children Act 1989). Yet the family justice system has been described as 'operating in the dark' (Curtiss 2019, 25 June)¹ without the necessary data to demonstrate that professionals, and the decisions they make, actually help children involved in proceedings.

This paper sets out the significance of data within the context of the family justice system, current limitations, and opportunities and recommendations for improvement. It covers all parts of the family justice system, from children's social care involvement to family courts, including both public and private law proceedings.

Key points

The family justice system has been described as 'operating in the dark', with fundamental data problems including a fragmented system of data owners and users, and significant data gaps.

While professionals are working to improve data and its supporting infrastructure (and there are examples of positive innovations such as data linking e.g. Administrative Data Research (ADR) UK's Data First family court dataset), it remains the case that the family justice system lags far behind other public services in terms of data availability and quality.

A coherent plan involving all data owners and users in the system could seek to build on data improvement work, fill data gaps, publish more aggregate data, increase safe data linking, and raise standards of data literacy and use.

The Ministry of Justice (MoJ) is best placed to oversee a data improvement plan and coordinate the rest of the system, building on the data mapping exercise undertaken by the National Centre for Social Research (NatCen).

¹ Quote by former President of the Family Division, Sir James Munby.

Why is data important?

The reason many organisations – including government departments, parliament and the courts – strive to be data-driven is because there is a value to good quality data. In the justice space, data can support an understanding of legal processes, support the development of evidence-based policy and assess how the law is being applied (Townend and Weiner 2021). Ultimately, data enables a system to learn whether it is operating fairly, efficiently and effectively – to the benefit of the people who use it. In family justice, data about the people involved in family proceedings and their experiences of the family justice system can highlight areas for improvement, for example:

- identifying regional differences in practice to allow for sharing best practice
- quantifying vulnerabilities such as mental health difficulties in order to design effective support for people in need
- uncovering inequalities to allow practitioners and communities to create effective interventions
- helping professionals to see whether decisions made in the family court about arrangements for children are adhered to
- evaluating the impact of any policy and practice changes or interventions
- showing whether and how children go on to lead better lives as a result of court decisions.

We have seen remarkable examples of groundbreaking progress when governments and other organisations invest time and resources into improving data to achieve results. For example, Professor Sacker and her colleagues used longitudinal data to show that different groups of care leavers were more at risk of a number of negative long-term outcomes including early mortality, education and employment, with those in kinship care often faring better than foster care and residential care (ADR UK 2021; Sacker et al. 2021).

The findings were cited in the Independent Review of Social Care as support for arguing for further use of kinship care (MacAlister 2022).

We know professionals working in family justice – advocates, Children and Family Court Advisory and Support Service (Cafcass) staff, children’s social care teams, judges, lawyers and magistrates – want the best for the children involved in public and private law proceedings. Yet how can they improve the lives of children and their

families without access to good data about the child's journey through the family justice system and beyond?

'We do not identify or measure justice system outcomes, let alone analyse how scarcity and inequality impact on justice system users. We do not know whether we exacerbate those impacts by the ways in which we work including the lack of advice and support.' Sir Ernest Ryder (Ryder 2024)

'We need more frequent data, at a higher level of granularity, to help improve the outcomes for care experienced people. These people too often do not meet their potential because they have been let down in their early lives. I am keen to work across the statistical system to help drive this work forward.' Professor Sir Ian Diamond, UK National Statistician (Sacker et al. 2021)

A government policy paper describes data as 'a critical resource for enabling more efficient, effective government and public services that respond to users' needs' and acknowledges that effective use of data leads to improved delivery of public services (Cabinet Office and Government Digital Strategy 2017). In the justice context there are examples of using data to identify issues and design appropriate solutions, for example around identifying bottlenecks in criminal cases. But there are limits to the extent to which this learning is possible in the family justice system, due to insufficient data.

Current limitations

A fragmented data system

In 2021, the President of the Family Division identified a need to improve the use of data and how it is shared with professionals working in the family justice system and the wider public (McFarlane 2021). The problems with the current state of data in the family justice system stem in part from the way the system is structured. No organisation has complete oversight of family justice system data. Administrative data is collected by a number of departments and agencies, each with their own objectives and priorities (NatCen 2024). A report by the Institute for Government (IfG) about justice data identified that His Majesty's Courts and Tribunals Service (HMCTS) is focused on operating the courts, the judiciary is focused on an accurate record of what happens in court, the MoJ is concerned with people's experiences of the justice system and Cafcass is focused on representing children and young people in family proceedings (Pope, Freeguard and Metcalfe 2023). Before proceedings, and possibly afterwards, the Department for Education (DfE) and local authorities hold children's social care data and ideally all these datasets would be linkable, to get a more complete picture of families' lives.

These different objectives result in the organisations collecting and recording data in different ways (Pope, Freeguard and Metcalfe 2023). NatCen describes the family justice system approach to data storage and sharing as 'fragmented' (NatCen 2024).

Data about efficiency, not families

Another consequence of administrative data, largely from HMCTS and Cafcass case management systems, is that they are focused on measures about the efficiency of the system, rather than the people in the system. The Family Justice Board (FJB), which oversees performance nationally, and local family justice boards (LFJBs), which are tasked with improving local performance, look at measures about cases, rather than measures about the characteristics and experiences of children and their families. There are good reasons for looking at efficiency measures, for example to understand and reduce delay, but the picture they show is partial.

The benefits of thinking about data available on children and their families is that their needs are centred. For example, the NatCen report noted that there is no consistent record of cases involving allegations of domestic abuse that is readily accessible to any key stakeholders, despite their prevalence in family cases (NatCen 2024). A system

starting from the perspectives of families may be more likely to record this information. Lord Darzi, in his recent investigation into the state of the National Health Service (NHS), wrote “In healthcare, as in all organisations, what gets measured gets managed” (Darzi 2024). This makes the case to start from the perspective of the children and families served by the family justice system to increased focus on their experiences and outcomes.

Significant data gaps

Data gaps are a problem in the family justice system. Nuffield Family Justice Observatory’s infographic shows the gaps in administrative data collection at all stages for children going through the family justice system – before court, in court and after court – and is a stark reminder that current data collection often fails to focus on children and their experiences (Nuffield FJO 2024).

Information about the lives of children and their families after proceedings are completed is too often lacking. We do not know whether decisions made by the family court are genuinely in children’s interests because we do not routinely measure their long-term outcomes. Judges get almost no feedback about the decisions they have made and consequently we have no information about whether the interventions made (or not made) in family courts make children’s lives better (Masson 2015).

‘Karen Broadhurst, a professor at Lancaster University, described judges making decisions about children as “like throwing a dart at a dart board, with no feedback on whether you’ve hit the board or a person in the room.”’ (Pope, Freeguard and Metcalfe 2023)

We also do not know the impact of important reforms. For example, the National Audit Office (NAO) noted that the MoJ has not understood some important impacts of the Legal Aid, Sentencing and Punishment of Offenders Act implemented in April 2013, in terms of the full costs and benefits across the wider public sector (NAO 2024). The same report states that the MoJ does not collect sufficient data to assess whether those entitled to legal aid can access it. However, there are positive developments happening around the analysis of justice policy, for example, the Institute of Fiscal Studies recently started a research project looking at demands on the justice system and key reforms over the last 15 years (Nuffield Foundation 2024).

From an equalities perspective, there are substantial issues with available data in the family justice system. HMCTS and the MoJ have a stated interest in understanding how the justice system affects different users and want to support vulnerable people (MoJ 2020). For example, their areas of research interest include questions about understanding differences and experiences in MoJ policies particularly for people in minoritised ethnic groups, understanding how multiple sources of disadvantage combine and reinforce over a person’s journey in the justice system, and how

intersectionality affects individual experiences and outcomes. Yet even the new HMCTS case management system does not record some basic demographic information (such as ethnicity, disability status) about individuals to enable analysis of such issues, in contrast to health and education administrative data. Demographic data about families was identified as a data gap in the 2011 Family Justice Review (MoJ 2011). Understanding multiple sources of disadvantage is important as we know many families in proceedings face challenges including living in deprived areas, addiction and mental health problems, though current data does not allow for this type of intersectional analysis, outside Wales (Cusworth et al. 2021a; Cusworth et al. 2021b; Griffiths et al. 2022). Current monitoring data also prevents our understanding of the efficiency and fairness of digital tools and technologies, increasingly used in the justice system (Byrom 2024).

‘If we are to address inequalities, disadvantage, discrimination and vulnerabilities we must collect the data that is missing and fund research into outcomes.’ Sir Ernest Ryder (Ryder 2024)

For a list of key data gaps in the family justice system, see Tables A.1 and A.2 in the appendix.

Some positive steps are being taken

As well as collecting new data, there is potential to improve existing data, for example, further exploring the linking of existing datasets. Research shows data linkage of children’s social care data (e.g. to health and education data) enables researchers to examine complex child welfare issues, allowing a partial, longitudinal picture of the experiences of vulnerable children and young people which provides information about longer-term impacts for these children (Allnatt et al. 2022; Masson et al. 2020). There has been some excellent work on improving data linkage in family justice system for example Data First (see discussion below). However, data linkage to family court data remains less explored relative to other public sector datasets such as Education and Child Health Insights from Linked Data (ECHILD) (Ramzan et al. 2023), the National Pupil Database and Children Social Care data.

‘Persistent issues with both data quality and linkage frustrate attempts to understand people’s journeys’ Dr Natalie Byrom (Byrom 2024)

The insufficiency of data in the family justice system is not new and organisations that collect data all regularly work to improve it. For example, HMCTS is undertaking a major reform programme, due to complete in Family Services in March 2025. This includes development of a new case management system which aims to be easier for users to navigate, facilitate data linkage for court staff, provide more detailed information about case duration and record judicial resources required in public law cases. At the same time, HMCTS has built a new strategic data platform to bring its

data into one place where it can be processed more efficiently and used more effectively to improve service delivery. These reforms are substantial, long-term projects. Cafcass also regularly works on data improvement for example improvements in how ethnicity data is recorded, allowed for analysis of ethnicity of people in family proceedings (Alrouh et al. 2022; Edney et al. 2023). It also regularly adds variables to the Cafcass data in the SAIL databank for accredited researchers.

There are also examples of innovative approaches to improving data availability for research purposes. On data linking, the Data First data-linking research programme led by the MoJ allows accredited researchers to access Cafcass and HMCTS family court data. Byrom (2024) notes that funding for this and other innovative data programmes in the justice space is time limited and usually provided by external organisations e.g. ADR UK funds Data First.

But change is too slow

While the resources and efforts made to improve family justice data are welcome, change has been slow and current plans are unlikely to resolve some entrenched data issues. Many data gaps identified in the 2011 Family Justice Review are still unknown over a decade later (MoJ 2011). The Institute for Government's 2023 paper noted that many issues in Dr Byrom's 2019 assessment of HMCTS's digital justice programme (including its data strategy) 'remain relevant', having been only partially addressed by the response (Pope, Freeguard and Metcalfe 2023). The MoJ published its areas of research interest in 2020 which included the objective to provide a transparent and efficient court system. Many of the research questions cannot be answered with the data currently available. Example include:

- how orders made in private law proceedings affect the outcomes of children and their families
- the location of gaps in legal advice and support and how different support services communicate between themselves to share information and refer people to other organisations
- how people involved in court vary by characteristics including protected characteristics such as ethnicity, and how the make-up of people involved in court varies across jurisdiction and across different types of cases.

Without action, the present situation – where data is 'not being used to its full potential to improve operations and deliver evidence-based solutions' (Byrom 2024) – will persist.

Opportunities to improve the data

Fill data gaps

The NatCen report is an important first step in data mapping for the family justice system. Building on the report would involve scoping the data already collected, existing plans for data improvements and the data needed to achieve good data infrastructure. Aidinlis et al. (2020) note that data mapping should consider the information in the data, but also the ‘ecosystem of organisations’ that will work together to create data infrastructure to enhance value for users. This recognises that many are working on data improvements, bringing together existing work by different organisations in family justice.

Following a complete data mapping exercise and engagement with all data users – from court staff, legal professionals, LFJBs, families involved in proceedings, policymakers, researchers and the general public – action can be taken to prioritise filling those data gaps.

Any activities to consider filling data gaps should consider existing data that is collected but not extracted for use by all users, as well as feasible options for collecting new data. There are several approaches to consider including:

- New monitoring data – prioritising what additional data could be collected such as more family and child-focused measures eg experiences, ethnicity, outcomes.²
- Exploring the use of technology to identify other sources of data for example, extract useful data from text in court files or other unstructured data, as digital technology evolves. Alternatively explore options for regular, larger-scale, qualitative data collection, such as about children’s and families’ lives after court decisions are made.
- Filling data gaps through data linking.
- All of these approaches will have ethical implications to consider fully.

An exercise to consider what new monitoring data is required, through a child-centred lens, informed by public engagement, could be an important first step in filling data

² By outcomes we are referring not to legal outcomes such as orders made, but broad outcomes showing how people are getting on such as well-being.

gaps. A framework for thinking about what information is important, such as the framework of the Transparency Implementation Group (see box below), may give a useful structure to decision makers.

Common framework for data in the family justice system

Whether a professional working in the system, a court user or member of the public, information is needed about:

- What has happened to a family before they come to court?
- Who comes to court?
- What are their experiences of court?
- How is the family court operating?
- What decisions are being made about children?
- What are the immediate and longer-term outcomes of those decisions?

This extended data mapping exercise would also provide an opportunity to assess the quality of data in the family justice system. The NatCen report mentioned data quality issues in three specific areas,³ but stopped short of making an overall data quality assessment. Any data improvement exercise should include considerations about where and how to improve data quality.

The issues covered are varied and, as already discussed, sit in a fragmented system; they include mediation, the characteristics of children and parents, child participation, domestic abuse (noting a pilot for a Family Court Review and Reporting Mechanism, funded by the Domestic Abuse Commissioner, is underway), well-being and other outcomes for children and families beyond court. It is important to prioritise what we most need to know and who needs to know it. However any exercise involving collecting more data also needs to acknowledge that professionals working in the family justice system are already stretched in terms of capacity so adequate resourcing is required.

There may be circumstances where useful information is available but not yet published. An example is Family Court Quarterly Statistics standard tables, which could be published at a more disaggregated geographic level such as Designated

³ The areas where data quality is mentioned were i) the harm flag in Family Man as an indicator for domestic abuse allegations, ii) some concerns about the quality of the data on families returning to court, iii) uncertainty about data for researchers about tiers of judiciary.

Family Judge (or court) area, in line with DfE looked-after children statistics, which are published at national and local authority level (DfE 2024). Currently national and regional performance data, that is, for the FJB or LFJBs, is not published for the family justice system, in stark contrast to data on schools or the NHS (DfE no date; Nuffield Trust 2024). Publishing this data would contribute to the MoJ's aim of providing a transparent justice system (MoJ 2020).

Courts could test the potential to leverage advances in technology, such as natural language processing, to more efficiently extract and use information from unstructured data, such as text in court files. Similarly investigating using technology to enable larger-scale qualitative data collection could allow for regular monitoring or feedback from children and families who have gone through family court. It is common for patients to complete feedback surveys in hospitals, at their GP practice; could feedback also be sought for people involved in family court?

Decision makers in the family justice system will need to consider how to deal with the structural problem that data collection to improve outcomes for children and families sometimes falls outside the scope of data collecting organisations.

Increase safe data linking and sharing

The system should continue to build on the excellent work linking family court data to other datasets, to allow for more holistic research to be done. A consistent child identifier will help with data linking in the future, for example using their NHS number, as recommended by the Children's Commissioner (DfE 2023; Children's Commissioner 2023). In the absence of a consistent child identifier, other linking options are available. Each data-linking approach carries risks which require careful management. However, there are many examples of successful, secure data linking (Ramzan et al. 2023; Allnatt et al. 2022).

The NatCen report notes that creating a stronger data sharing culture between local authority children's social care teams and family courts may help the system become less fragmented (NatCen 2024). For example, local authorities could routinely share the results of their own research and analysis with their local court(s) and vice versa. Some LFJBs will already have a strong culture of knowledge sharing and it would be useful to identify cases where this has improved practice. While local authorities and family courts may share anonymous data without formal data-sharing agreements, where such agreements are required, the process of establishing them could be streamlined, such as through the use of templates.

Raising standards of data literacy and use

Many data strategies call for improving the skills of analysts using public sector data, either internal data users, such as civil servants, or external data users, such as academic researchers (Deloitte 2020). Specific actions mentioned in case studies of public sector data strategies include training civil servants, recruiting data specialists, building communities of practice to provide training and support, and creating centres of competence (Deloitte 2020). Dr Byrom also calls for a centre of excellence for the justice system to raise standards of practice and promote evidence-based justice as the National Centre for Health and Care Excellence has done for the health system (Byrom 2024).

There is some progress. Earlier this year, ADR UK funded a Community Catalyst for Children at Risk of Poor Outcomes to connect and support researchers studying children involved with early intervention and children's social care services (ADR UK 2024). The aims include increasing use of existing data, sharing skills and code and identifying data gaps. The Catalyst will be an important source of information for anyone working on data improvement in the family justice system.

A data strategy

All the above improvements could be achieved with a cross-agency plan for improving family justice system data – or a data strategy.

What is a data strategy and what could it include?

While the content of data strategies varies across different public sector organisations there are some elements that are usually mentioned (Deloitte 2020). These include:

- a goal of improving data quality and data sharing
- explicitly increasing the awareness of the value of data – often through greater access and use of data, and data sharing
- improving data skills among the workforce, often through a combination of upskilling the existing public sector workforce and/or recruiting more data specialists, such as data scientists, and creating communities of practice and centres of competence
- balancing the increased use of data for public benefit while balancing trust, accountability and agency of citizens on how their data is used
- governance mechanisms and monitoring frameworks for the delivery of the data strategy (which can include specific milestones and KPIs).

NatCen (2024) call for a family justice system data strategy with progress monitoring of data availability and access. The IfG calls for a justice system data strategy with ‘a unified system-wide approach’, and Dr Bryom has a manifesto for improving the use of data in justice through better data collection, investing in learning from data, acting on these insights, dealing with siloes and stronger public engagement (Pope, Freeguard and Metcalfe 2023; Byrom 2024).

There is no shortage of public sector data strategies. The National Data Strategy was published in 2020 (Department for Digital, Culture, Media and Sport 2020). The MoJ launched a data strategy in 2022 that aimed to improve data and skills for better decision making by prototyping, learning-by-doing and scaling by empowering others (MoJ 2024a, 30 January). The MoJ also published its Digital Strategy in 2022 aiming to be driven by data, ensuring ‘the right data is available at the right time for the right people’ (MoJ 2022). HMCTS published its data strategy in 2021 including the outcome that ‘data provides Ministry of Justice and Judicial Office with evidence for service and policy development’ (HMCTS 2021). But what is missing is an **overarching, system-wide plan for data improvements in the family justice system, with a focus on**

families. Despite the wealth of work in the area of data strategies, NatCen's recent data mapping exercise has identified substantial data gaps and access issues with family justice system data – additional action is required.

Any plan for improving family justice system data needs to be properly resourced. The Organisation for Economic Co-operation and Development (OECD) identified that programmes to improve public sector digital data are often constrained by old IT systems, skill shortages and legal obstacles (OECD 2019). Deloitte research on public sector data strategies found that data strategies that are co-created with internal and external stakeholders, allowing ongoing input after the strategy is launched, are more likely to achieve results (Deloitte 2020).

'You need proper investment and resourcing to make things a success'
(Pope, Freeguard and Metcalfe 2023)

Recommendations

Ministry of Justice oversees a data improvement plan

A plan for improving data in the family justice system – or a data strategy – requires someone to hold to pen. The MoJ is best placed to oversee a data improvement plan and coordinate the rest of the system – though it is important all key data owners and users are represented. The key is a plan with a cross-agency approach, focusing on improving data in the family court, with appropriate resources and funding. The plan could build on NatCen’s family justice system data mapping exercise and incorporate work included in existing relevant data strategies and initiatives.

Some have questioned what a bold vision for family justice data would look like.⁴ Defining this vision would be a valuable exercise for any data strategy and would benefit from engagement with professionals, the public and researchers.

‘Although it does not have all of the tools at its disposal, the MoJ sits at the heart of the system and so is best placed to house and coordinate cross-sector initiatives.’ (Pope, Freeguard and Metcalfe 2023)

Create a culture of transparency

To date, the focus of increasing transparency in family courts has been on increasing opportunities for reporters to inform the public about cases. Transparency is also about being open about the system through publishing and providing data describing it.

Data about people is a privilege and any data owners need to ensure data privacy is upheld for individuals, particularly in the family justice system which often deals with difficult times in people’s lives. However, the family justice system could publish more aggregate data to support the principles of transparency and open justice.

In most other parts of the public sector, it is common to publish aggregated regional data – you can see a wealth of data for local schools, hospitals and GPs about pupils, patients and professionals but this is not the case with family courts, where even

⁴ Before publication, we hosted a roundtable discussion with academics working with family justice data, and they agreed a bold vision for data in the family justice system would be useful.

aggregated data about how they are operating across Designated Family Judge areas⁵ is limited (MoJ 2024b).⁶ Making this information more accessible to the public would represent a step towards improved transparency, and could support sharing best practice across different geographic areas.

In addition there need to be more avenues to review and discuss data. Sir Ernest Ryder said that there are ‘few effective environments in which justice systems and their effectiveness are discussed in a transparent and informed way’ (Ryder 2024). While Nuffield Family Justice Observatory has sought to address this by convening discussions where data can be reviewed and discussed, there needs to be a stonger culture of sharing insights from data and highlighting how better data could support improvements across the family justice system. Is there a role for sharing use cases with system leaders that demonstrate the value of insights from evidence? In turn leaders then see the benefits to using data and analysis, sharing insights from data, being more transparent by publishing more aggregated data and change internal culture to be more data-driven.

As part of increased dialogue around data, there should also be increased transparency around data being made available to researchers working on policy and practice analysis. For example, providing better meta-data about the datasets, as well as documentation outlining how data linkage has been done and its quality. This would allow for informed dialogue that ultimately will drive data quality improvements for the family justice system.

Strengthen data governance

Strengthening data governance could support data improvement. Several groups are already in place where policymakers, government, Cafcass and HMCTS analysts meet to discuss data improvement activities. However, current arrangements could be improved, particularly around routine engagement with different professionals, and individuals and organisations who would benefit from using data about the family justice system. Both the IfG and Dr Byrom call for a justice data advisory group (Pope, Freeguard and Metcalfe 2023; Byrom 2024) which could include people who use justice data (both professionals and researchers), data collecting organisations, and the public – particularly communities and organisations affected by the family justice system. The group could identify issues with justice data which the Senior Governance Data Panel could prioritise and the MoJ or a cross-agency board could oversee implementation of improvements (either directly or working with partner agencies).

⁵ There are 44 Designated Family Judge areas in England and Wales. See them on a map at: www.nuffieldfjo.org.uk/project/local-family-justice-board-and-designated-family-judges-visual-map

⁶ MoJ's Family Court Statistics Visualisation Tool shows some Designated Family Judge statistics for private law cases including applications, orders made, cases starting and closing, and number of children.

As well as formal governance structures, there should be an ongoing informal dialogue between data owners and data users to highlight issues and drive improvements in data quality and availability. Examples of this engagement already exist, such as the dialogue between Cafcass analysts and researchers at Lancaster University and within the new ADR Community Catalyst for Children at Risk of Poor Outcomes. However, the research community could benefit if the issues and actions from these discussions were shared. Key discussion points and actions could be published so others can learn from the process. It may be that specific forums for different data users – such as judges, policymakers, the public and researchers – are required.

Public engagement around data collection, linking and sharing

Public attitudes around different uses of their data should be understood to guide decisions about data collection, linking and sharing. There are examples of this work in other sectors, for example, health, where this is established practice (Thornton et al. 2023). Research by the Legal Education Foundation found that maintaining public trust requires asking the public about changes in use of justice data and making sure to align limits and regulation with their expectations – as well as seek definitions of what ‘public interest’ means to different groups of people (Gibson et al. 2022). There are different types of data, and different uses of data, each with its own potential harms and benefits. It is important to seek people’s views about support for different types of data collection and sharing. The family justice system should follow good practice around engaging the public on different uses of data and be guided by their views.

Families can help the system prioritise what data is used and in which circumstances. They can also guide decisions about what data should be linked. By voicing their opinions about what knowledge they feel the system should have about what happens to families before, during and after proceedings, families can be a central part of prioritising what datasets to link. For example, if they want to understand how children’s education or mental health is affected following proceedings, that strengthens the argument to link school attainment and mental health admissions data.

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Appendix

Table A.1: The accessibility of data for various stakeholders

Who sees which data?	Court staff/legal professionals ⁱ	System leaders ⁱⁱ	Users ⁱⁱⁱ	General public
Support/interventions families have received before they get to court	No	No	No	No
Mediation offered/accepted	Partial	Partial	Partial	Partial
Data on formal pre-proceedings process and Family Group Conference	Partial	No	No	No
The number of cases, applications and orders made	Yes	Yes	Yes	Yes
The characteristics of the children and families who come before the family court vary over time and across regions	Partial	Partial	Partial	Partial
Ethnicity of children and parents	Partial	Partial	Partial	Partial
Whether child/parent has a learning disability or difficulty	No	Partial	No	No
Cases involving allegations of domestic abuse	No	No	No	No
The proportion and type of hearings heard remotely or in person	No	Partial	No	No
Do parties join by phone/video?	No	No	No	No
Child attending court and meeting the judge	No	No	No	No
How does that vary regionally?	No	No	No	No
Level of child participation in proceedings	No	No	No	No
Impact of legal aid restrictions on who comes to court	No	No	No	No
Level of support available to parties to enable them to fully participate	No	No	No	No
Length of cases	Yes	Yes	Yes	yes
Number of judges/magistrates present	No	Partial	No	No
Gender/age/ethnicity of the judiciary/magistracy	No	Partial	No	No
Who hears which cases and how does this vary regionally?	No	Partial	No	No
What decisions are being made and what do they mean?	Partial	Partial	Partial	Partial
How do decisions vary regionally and over time?	No	No	No	No
The medium-term (e.g. 5 years) impact of decisions?	No	No	No	No
How many cases return to court?	No	No	No	No
How does this compare to other court areas?	No	No	No	No

Notes: i) Judges, magistrates, legal advisors, court staff, barristers, solicitors, social care professionals, family court advisors, LFJBs, ii) The President of the Family Division, MoJ, DfE, HMCTS, Cafcass, FJB, iii) Parents in proceedings, advice and support services, litigants in person

Source: NatCen 2024

Table A.2: Data gaps relevant to family justice

All stages	Linked data to understand the journeys of people, not the progress of cases
	Data on the demographic and protected characteristics of users
	Data to identify vulnerable users (e.g. data on age, mental ill-health or physical impairment)
	Data about victims and witnesses (for DA cases that cross over to criminal court)
Access to legal information and advice	Data on levels of unmet need for legal information and advice, particularly at regional and local level
	Data on the case characteristics of individuals with unmet need for legal information and advice
	Data on the demographic characteristics of the people who access advice, to understand the adequacy of existing provision in meeting the needs of particular groups
	Data on whether those who are entitled to access legal aid funded advice can access it
	Routine financial data to monitor the sustainability of the legal aid provider base
	Accurate data to compare the supply of legal aid funded advice with existing demand
	Data to understand referral pathways within and between advice providers
	Data to understand the scale and impact of public reliance on AI-assisted legal advice and information tools
	Data to compare the quality, efficacy and cost benefit of different models of legal advice, disaggregated by demographic and case characteristics of users
Access to the formal legal system	Data on the composition of cases in the backlog
	Data on mode of hearing
	Data on hearing duration (beyond a single England and Wales average)
	Data on characteristics of users of mediation, and detailed outcomes from mediated processes
	Data to understand the impact of mediation on overall timeliness figures
	Data on children's living arrangements at the time of application to the family court
	Data on allegations of domestic abuse or safeguarding concerns
Access to a fair and effective hearing	Routine data on user perceptions of procedural justice across remote and in-person hearings, and digital services
	Objective data to monitor the procedural fairness of hearings
	Data recording technical issues with remote hearings
	Data on whether parties have English as a foreign language across the tribunals
An agreed complete record of judgments and decisions made across the courts and tribunals in England and Wales	An agreed complete record of judgments and decisions made across the courts and tribunals in England and Wales
Access to remedy/access to effective enforcement	Access to remedy/access to effective enforcement
	Data on applications for enforcement and warrants linked to previous case data

Source: Byrom 2024

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. Nuffield FJO funded the development of this briefing paper. Any views expressed are not necessarily those of Nuffield FJO or the Nuffield Foundation.

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