



Data First: Family Court linked to Cafcass and Census 2021 – England and Wales Research Priorities

ADR UK Research Fellowships 2023

Background

Data First is a ground-breaking data linking, academic engagement and research programme, led by the Ministry of Justice (MoJ) and funded by ADR UK. The programme is unlocking the potential of the wealth of data held by MoJ, by linking administrative datasets from across the justice system and beyond to better inform policy.

The Data First family court - Cafcass linked dataset, in addition to existing and future outputs from Data First, will help researchers better understand end-to-end experiences of justice system users. This can in turn provide further evidence to underpin the development of government policies and drive real progress in addressing social and justice problems.

About the dataset

The Data First: family court - Cafcass linked dataset is now available linked to Census 2021 in the SAIL Databank. Cafcass stands for Children and Family Court Advisory and Support Service. This dataset came about from a data sharing agreement between the SAIL Databank, MoJ and Cafcass.

The de-identified dataset contains information on adoption, divorce, family law act, public law and private law cases, and their legal outcomes in England and Wales. Public law cases include local authority intervention to protect children, such as care or supervision proceedings, and private law cases include parental disputes concerning the upbringing of children, for example arrangements for contact, access or custody. The updated datasets bring the family court data up to March 2023 and the Cafcass data up to January 2023. The Census 2021 data has been provided in full for England and Wales to SAIL Databank with the exception of travel to work and sexual orientation information.

Research themes

Research interests collected from Ministry of Justice, Cafcass and key stakeholders are summarised below. Other research questions are also welcomed providing you can evidence policy-relevance. Research topics which could be developed include, but are not limited to:

Family and household characteristics of family court users

- What is the household composition of families in the family justice system? Who are they? Where do they live? Who do they live with? What is their journey through the system? What happens following contact with the system?
- How does the household composition of family court users change over time (between index case and Census snapshot date)? Examples might include new partners and children; whether children are living with a parent or guardian as expected following orders being made; geographic moves; or living arrangements of care leavers.
- How often are additional children of adults in family court cases (present in household at Census date) subject or not subject to family law cases and in what situations? Examples might include children born after a previous child was removed, older children not named in the case, or stepchildren and siblings of adopted children.

Comparisons with England and Wales population

- How do socio-demographic characteristics; education and qualifications; or employment of family court users compare with the general population? Does this vary by case or role type?
- How do the outcomes of children who are involved in family court proceedings compare to children who are not involved? Are certain case types or outcomes associated with certain household circumstances (as measured in Census)?
- What proportion of families have contact with the family justice system and what contact do they have? What proportion of separating families use the family court to make arrangements for their children? What proportion of families have contact with the system more than once? What proportion of families have contact with multiple parts of the family justice system?

Inequalities and intersectionality

- Exploring the outcomes of different groups in the justice system and how characteristics interact. For example, outcomes for minority groups and those with multiple protected characteristics, and for those born outside of the UK. Do different groups differ in how they interact with family justice services? For example, are they more or less likely to have legal representation, or to attend mediation?

Repeat proceedings and their impact

- Who are the repeat users of family courts? Which characteristics are more common among repeat users? What proportion of returning cases involve unresolved conflicts?
- What proportion of private cases have had previous public law proceedings and vice versa? What are the characteristics of these users? What are their pathways through the court and the outcomes for these groups?



Characteristics of cases involving litigants in person

- What is the nature of family cases involving litigants in person (parties who represent themselves in court), and how do they differ from cases where there is legal representation? For example, how many cases involve litigants in person? Does the length of these proceedings differ from cases where parties are represented in court? What is the rate of return for litigants in person? What are their characteristics?

Regional variations

- What variation (by local authority and/or court area) is seen in the way family courts are dealing with cases? Examples might include the pattern of public and private law orders made; the way cases progress through proceedings; the numbers and type of repeat cases; the difference between applications sought and orders made, and in whether the journey/length/characteristics of a case differ by type of presiding judge (magistrate, District Judge, Circuit Judge etc.).
- Are certain areas in England and Wales more likely to have repeat users than others?

Use of mediation

- To what extent is mediation being used, and in what circumstances? How does the trajectory of a case differ if mediation is used?

Research proposals may either take an overview or focus on a more specific question relating to one or more of these themes, for example based on a specific user group or case type. This is not an exhaustive list and other questions are also welcomed providing you can demonstrate policy relevance and likelihood of impact and uptake.