Ministry of Justice Data First

Cross-Justice System linked dataset – England and Wales

Key messages from the Data First User Representation Panel

July 2023

Overview

This report records a meeting between Data First project partners and the Data First User Representation Panel. They met to discuss the potential of linking together administrative data from the civil and family courts with criminal justice system data already made available by the Data First programme. This report captures the main findings of the discussion with the intention to inform the future use of the linked data, including research priorities and scope for the growth of the linkage.

Particular areas of interest for stakeholders included a need for greater understanding on the following areas:

- issues people face (such as housing or family issues) and how people attempt to resolve them as they move between different parts of the justice system
- flows into the justice system, reasons for re-entry, and the impact of external organisations on improving policy and practice
- understanding links between users of civil and family courts with users of the criminal justice system.

There was also a discussion on maximising the impact of the data and a recommendation to account for lived experience when analysing crime and justice data.

This meeting was held on Thursday 04 May 2023; a full list of attendees can be found in Appendix 1.

1. Introduction

Engagement with stakeholders, including public service providers and public advocacy groups, is essential to ensure that research using public sector administrative data is truly in the interests of those it hopes to benefit. Each stakeholder has an interest in knowing whether the focus and methods of research using public sector data are ethical, robust and useful, and that any potential negative consequences have been considered and mitigated.

On 04 May 2023, stakeholders from the third sector came together to discuss the linkage of civil, family, and criminal justice administrative data already made available by the Data First programme (see Box 1). This de-identified data is now available for researchers to apply to use for public-good research. The event provided an opportunity for stakeholders to ask questions about and suggest priority areas of research that would benefit the public.

It began with an introduction to the data from Ministry of Justice (MoJ) colleagues and a facilitated discussion between the Data First project partners and the Data First User Representation Panel (hereafter referred to as the 'User Representation Panel'). This panel consists of members who have the knowledge and expertise to represent the interests of justice system users in discussion around their data and its research uses. A full list of attendees is given in Appendix 1. This report covers the key messages arising from discussions at the event.

Box 1: Overview of the linked civil, family and criminal justice system administrative datasets

These datasets enable a more comprehensive understanding of how people interact across the justice system in England and Wales.

- **Family court dataset** – Includes data on adults and children involved in cases related to child custody, care arrangements, divorce or adoption across England and Wales from January 2011 to March 2023
- **Probation dataset** – Includes data on adults under supervision of the probation service in England and Wales while serving a community sentence, or released from prison on licence or on parole from January 2014 to March 2023
- **Prisoner custodial journey level dataset** – Includes data on people in custody in prisons and Young Offender Institutions across England and Wales from January 2011 to March 2023
- **Crown Court defendant case level dataset** – Includes data on defendants appearing before the Crown Court in England and Wales from January 2013 to March 2023
- **Magistrates' courts defendant case level dataset** – Includes data on adults and young people appearing as defendants before the magistrates' courts in England and Wales from January 2011 to March 2023
- **Civil court data –** Includes data on people (and companies) involved in civil cases as claimants or defendants, including landlords and tenants in housing cases across England and Wales from 1 January 2012 to 31 January 2022
- **Cross-justice system linking dataset –** A lookup to connect records that refer to the same people across different Data First datasets listed above

These de-identified datasets are available to external researchers via the Office for National Statistics (ONS) Secure Research Service. The cross-justice system linking dataset will help build a picture of the characteristics of justice system users and how they interact over time with justice services in England and Wales. Researchers will need to be accredited and submit a successful application to access the data.

2. The data at a glance

Data First is an ambitious data linkage programme that aims to harness the potential of the wealth of data already created by MoJ. The drive for Data First is to link data from across the justice system and beyond to create a sustainable body of knowledge on justice system users and their interactions across the system, including the family, civil and criminal courts and a range of other government services. This will generate evidence to underpin the development of government policies and drive real progress in tackling social and justice problems.

Data First has been releasing de-identified, research-ready data into the Office for National Statistics (ONS) Secure Research Service for accredited researchers to apply to use since May 2020. The data can be linked on person-level, including multiple parties in civil and family cases. The new cross-justice system linkage includes the following datasets and is outlines in Figure 1:

- Family court dataset: this data is focused on parties in family court cases

- Probation dataset: this data is focused on the defendant or offender

- Prisoner custodial journey level dataset: this data is focused on the defendant or offender

- Crown Court level defendant case level dataset: this data is focused on the defendant or offender and can be linked on defendant- and case-level

- Magistrates' court defendant case level dataset: this data is focused on the defendant or offender and can be linked on defendant- and case-level

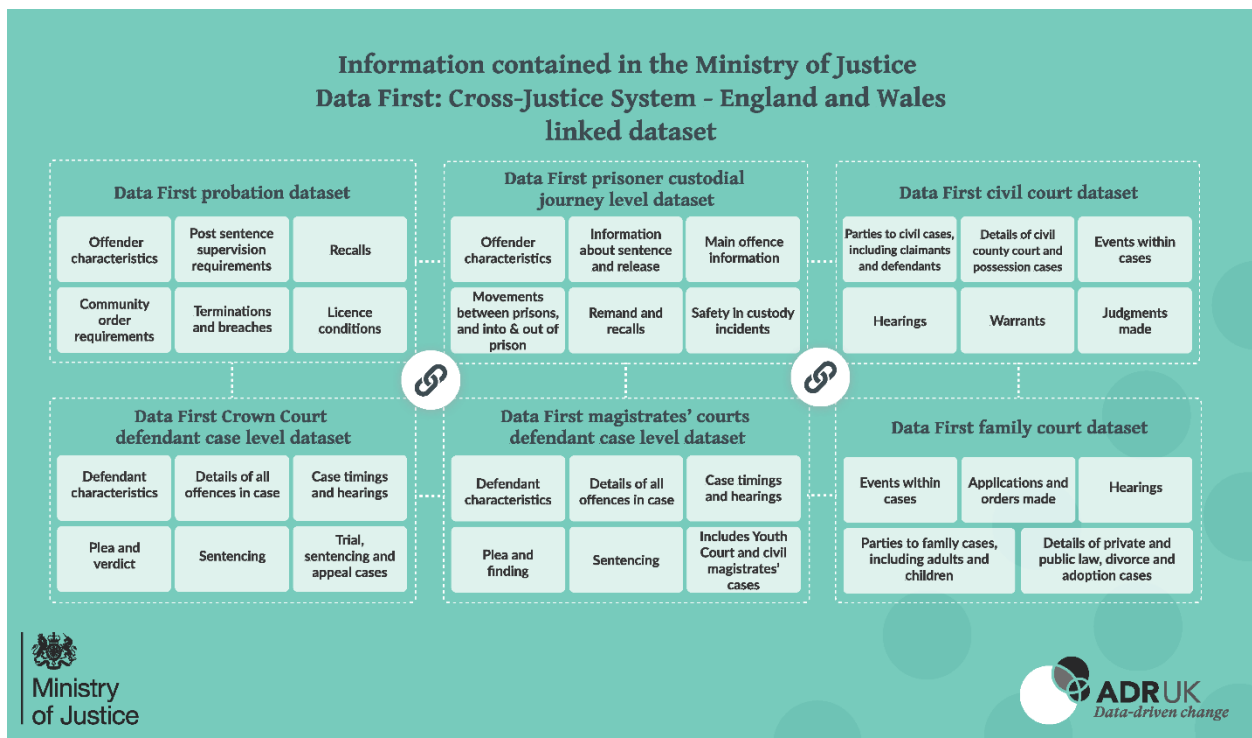- Civil court dataset: this data is focused on cases, people and organisations that are parties to civil cases

Figure 1: Information contained in the Cross-Justice System – England and Wales linked dataset

2.1. *The potential and limitations of administrative data*

Administrative data is information created when people interact with public services, such as the courts, and is collected by government. Public bodies need the data for operational purposes: to enable them to carry out day-to-day work, to monitor and improve their performance, and to keep providing services in an effective way. What sets it apart from other types of data, such as survey data, which depends on people actively participating, is that it includes everyone who interacts with a particular service. When de-identified and linked to other datasets, administrative data can give us a broadly representative picture of society.

MoJ Data First data holds records on all defendants, cases and offenders in custody or under supervision in England and Wales. It can broadly help to address questions about how these groups interact with the justice system. This is broken down into the ways people interact with the justice system, the process and timings involved, and the outcomes of their interactions, such as sentencing or repeat appearances. Bringing together these representative datasets helps map out people's justice system journeys unlike ever before and can enable detailed analysis of experiences of people with different ethnicities, offences or case types.

But this data has its limits. It cannot provide insight into unmet needs, circumstances and experiences of those engaging with justice services. Currently, it cannot demonstrate longer-term outcomes and provides little information on the judiciary, court and prison staff, and legal professionals. There is also limited data available on some groups of public users, including victims and witnesses. However, analysing this data against qualitative research on lived experience can help fill in some of these gaps.

3. Research priorities for the linking dataset

Following an introduction to the dataset, Data First project partners and the User Representation Panel discussed their research priorities for the linking dataset. Discussion broadly focused on:

- issues people face (such as housing or family issues) and how people attempt to resolve them as they move between different parts of the justice system
- better understanding of flows into the justice system, reasons for re-entry, and the impact of external organisations on improving policy and practice
- understanding links between users of civil and family courts and users of the criminal justice system
- maximising the impact of the data.

Below are the main findings from the discussion.

3.1. *The impacts of wider issues and how people attempt to resolve them as they move through different parts of the justice system*

An identified area of research interest by the MoJ is to better understand the impacts of wider issues, such as debt, housing, substance misuse or family issues, and how people attempt to resolve them as they move through different jurisdictions across the justice system. This was confirmed by members of the User Representation Panel as an under-researched area that needs more attention.

A representative from User Voice spoke of a recent consultation on the impact of overall probation experience and intervention programme experience on helping perpetrators of domestic abuse avoiding further incidents of domestic abuse.

A representative from the Centre for Justice Innovation noted the focus of this area of research speaks to the impact on decisions taken by the justice system. Although the data is largely focused on the adult population, understanding impacts on children and young people can provide deep insights into the wider impacts of the circumstances of an individual experiencing the justice system. For instance, knowing whether or not young people get access to preventative interventions, how this impacts their education or what happens in families when a child is removed by the family court are key to better understanding an individual's outcomes. It was advised analysis of this data can be enhanced by a deeper understanding of young people's experiences and actions before and upon which they engage with the justice system. The MoJ and ADR UK are supporting research in this area via two fellowships, one focused on the analysis of the MoJ-Department for Education linked dataset and another on data from the family court.

3.2. *Flows into the justice system, reasons for re-entry, and the impact of external organisations on improving policy and practice*

Another area of research interest as identified by the MoJ is greater understanding of the flows into the justice system and reasons for entry (or re-entry). For example, whether changes in practice or policy in other areas of the justice system affect the number of claims in the civil courts or how wider pressures (such as the cost-of-living crisis) contribute to cases in the civil courts, etc. Related to this is also a greater understanding of the impact of external organisations and their activities, including improving policy and practice. These organisations include those beyond the MoJ umbrella, from the police and the Home Office to charities and the third sector and private businesses, which may influence welfare policies, the cost-of-living crisis, impacts of Covid-19, etc., and whether these pressures increase the risk of escalation to the criminal courts.

Research in this area is timely and ongoing by various advocacy groups. User Voice has held several consultations on experiences of Covid-19 and the justice system, most recently in relation to the impact of prisoner lockdown (2022). It was advised that due to current financial circumstances, focusing on welfare policy and the cost-of-living crisis should be prioritised over experiences of Covid-19, as experiencing another pandemic is unlikely and the public is expected to experience the consequences of the financial situation for some time.

3.3. *Understanding links between users of civil and family courts with users of the criminal justice system*

A primary area of investigation for the MoJ is into overlapping experiences of individuals within the justice system. Research in this area could include better understanding how individuals in the justice system vary and compare across different areas of the system, for instance in relation to differences in protected characteristics or socio-economic background. Figure 2 shows some examples identified of overlaps that are of particular interest; criminal justice system cases are in teal circles, civil cases in grey circles and family court cases in orange circles. Further investigation into these overlaps can help understand, for instance, the links between people who use the civil and family courts, and those who interact with the criminal justice system. Another area of research could be to examine how problems (such as employment, debt, hosing, family issues, etc.) interact and sometimes impact one another.
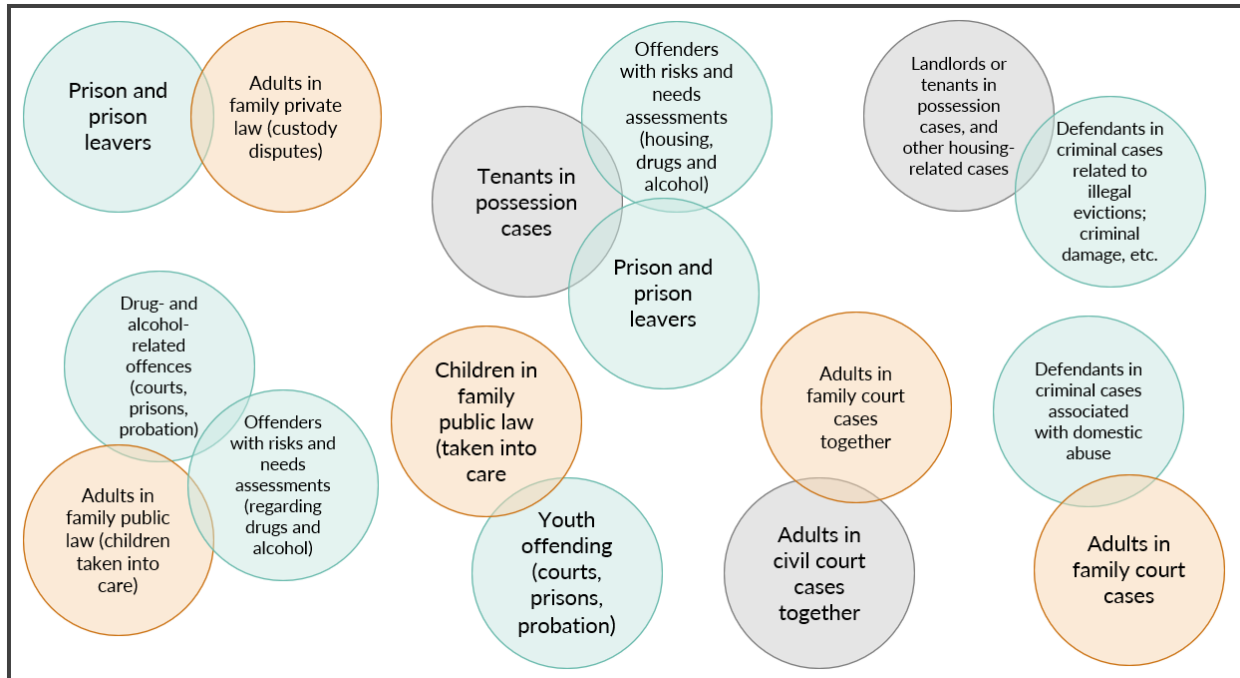
Figure 2: Population overlaps of potential interest

The User Representation Panel confirmed these areas of focus are similar to some of their priority research areas. The Centre for Justice Innovation has started research on fine repayment and suggested using this data to investigate the scale and enforcement of government debt. This builds on a recent publication on support services for those experiencing low-level crime (2022). Better understanding the relationship between unpayable fines in the magistrates' courts and evictions could provide more insight into people experiencing low-level crimes, such as repayable debts.

Research from User Voice speaks loudly to the areas of interest regarding the experiences and outcomes of children in care. Based on their research, there is a disproportionately high amount of people in prison with experiences of care. A 2021 consultation on young offenders from minority ethnic backgrounds and young people involved in serious crime, found experiences of care to have a prominent impact on their outcomes. User Voice will undertake a consultation this year on custodial remand, an emerging area of focus over the last few years.

Feedback from the MoJ indicated encouragement for specific questions around how processes or policies in family law might divert young people away from entering or re-entering the criminal justice system, by reviewing a range of outcomes in similar public law cases. This is to identify whether there are ways the family court can handle cases which are associated with better outcomes for individuals.

3.4. Maximising the impact of this data

While this data, and all others made accessible by ADR UK, follow legal regulations for data sharing and use, and adhere to the Office for National Statistics Five Safes best practice safeguarding framework, there are still wider implications to consider when using this data. Administrative data is drawn from interactions people have with services every day. Members of the User Representation Panel believe speaking directly to people with experience of the justice system can provide a wealth of insights for research priority setting.

A representative from the Sentencing Academy noted one of the end users of this research will be the courts. Magistrates are responsible for sentencing, therefore communicating recommendations of research from Data First to magistrates and the Sentencing Council may yield practical applications of the data analysis. Other end users include those working within prison and probation services, academia, policy, and other government departments.

Conclusion

This meeting with the User Representation Panel highlighted the multifaceted dimensions of the justice system, and the need for greater understanding of the wider context surrounding individuals who experience the justice system. It further reinforces the need for linking data from across the justice system and beyond to better understand what policies and practices are working and which need to be improved.

Members of the User Representation Panel belong to organisations which produce their own evidence on crime and justice system reform. Many take the form of qualitative research which, when married with data analysis, can help to form a more complete picture of the experiences of individuals and evidence gaps.

Acknowledgements

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Appendix 1: List of attendees, ordered alphabetically by organisation[1]

Chair: Shayda Kashef, Administrative Data Research UK

Data First project partners	Representatives
Administrative Data Research UK	Shayda Kashef, Senior Public Engagement Manager
Ministry of Justice	Georgina Eaton, Statistician & Social Researcher, Evidence & Partnerships Hub
Ministry of Justice	Kylie Hill, Statistician, Evidence & Partnerships Hub
Ministry of Justice	Eke Bont, Social Researcher, Evidence & Partnerships Hub
Ministry of Justice	Tamsyn Webster, Analyst, Evidence & Partnerships Hub
Ministry of Justice	James Doherty, Analyst, Evidence & Partnerships Hub
Ministry of Justice	Johannes Huber, Social Researcher, Evidence & Partnerships Hub
Data First User Representation Panel	
Cafcass	Saif Ullah, Senior Research and Evaluation Manager
Centre for Justice Innovation	Stephen Whitehead, Head of Data and Evidence
The Prison Advice & Care Trust	Max Banfield, Data & Performance Information Manager
Sentencing Academy	Julian Roberts, Executive Director
User Voice	Christopher Purnell, Research Manager

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[1] Invitations were also extended to other organisations within the Data First User Representation Panel who were unable to attend.