



Data First: family court linked to Cafcass and Census 2021 – England and Wales

Research Priorities

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, creating new research insights to better inform policy.

The Data First family court - Cafcass – Census 2021 linked dataset, in addition to existing and future outputs from Data First, will help researchers better understand end-to-end experiences of justice system journeys. This will 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 linked to Cafcass and Census 2021 linked dataset is available to access 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 (local authority intervention to protect children, for example, care or supervision proceedings) and private law cases (parental disputes concerning the upbringing of children, for example, arrangements for contact, access or custody) and their legal outcomes in England and Wales. The datasets include family court data up to January 2021 (which will hopefully be extended to March 2023) and the Cafcass data up to August 2023. Census 2021 for England and Wales data has been provided for most variables to SAIL Databank.

We strongly recommended contacting the Data First team on datafirst@justice.gov.uk to discuss feasibility of your research proposal if you are interested in using this linked dataset.

Research themes

Research interests collected from MoJ, Cafcass and key stakeholders are summarised below. Other research questions are also welcomed providing you can evidence policy-relevance. Please see the [MoJ Areas of Research Interest \(2020\)](#) which sets out the department's evidence priorities. 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 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?

Characteristics of cases involving litigants in person or legal representation

- 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 are their characteristics?
- What is the nature of family cases involving legal representation? What are their characteristics? Does legal representation in private family law cases lead to more positive and sustainable outcomes?

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 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.).

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? What are the characteristics of family court users where mediation is being 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.