

# Data in the Family justice system: what is available and to whom

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## 1. Introduction

The National Centre for Social Research was commissioned by the Judicial Office, on behalf of the President of the Family Division (PFD) to investigate and map the available data in the family justice system across England and Wales. This work aims to support efforts to increase the transparency of family courts. Specifically, the PFD's Data Strategy sub-group identified six themes where data should be available to answer questions about how family courts are operating. The aim of this report was to establish (1) which data exists and (2) which data is routinely available to stakeholders who seek to answer such questions. This report outlines the findings of our desk research and interviews with stakeholders. We note that this piece of work is a synthesis of expert views rather than a first-hand deep dive into the data held in and around the family court ecosystem. As such, there may be some gaps and possible inaccuracies. Nevertheless, we believe this research acts as a starting point for those interested in how existing data aligns with the PFD's aim to improve transparency in the family court.

### 1.1 Context and research objectives

A report "Confidence and Confidentiality: Transparency in the Family Courts", published in 2021 by the PFD, highlighted the importance of improving data collection and gathering high quality data in the family justice system to enhance greater transparency and openness in the conduct of family proceedings. The PFD's report also emphasised the importance of gaining a deeper understanding of decisions made in family courts, identifying patterns and issues within them, and ultimately achieving improved outcomes. It also stated the importance of positively impacting any future initiatives to improve the flow of information and its utilisation in the family justice system. To take forward the recommendations outlined in the report, the PFD established a Transparency Implementation Group, and a Data Strategy sub-group (DSG). The DSG was established to develop and oversee a strategy for identifying, collecting, sharing and publishing the data that is necessary to improve the transparency of the family justice system.<sup>1</sup>

Transparency is crucial to building trust and confidence in and enhancing understanding of the family justice system. Different groups, including legal professionals (such as judges, magistrates, legal advisers, court staff, solicitors, and social care professionals), system leaders (like the Ministry of Justice (MoJ), HM Courts and Tribunals Service (HMCTS), Department for Education (DfE)), system users (such as parents involved in proceedings, individuals representing themselves, and support services), and the general public, all have varying needs for transparency based on their roles and interests.

At present, data about the family justice system is held across a network of government departments (such as MoJ, HMCTS, etc), local authorities, lawyers as well as non-departmental bodies such as Children and Family Court Advisory and Support Service (Cafcass) England and Cafcass Cymru, and it is likely that some of the required data is not currently collected or widely shared. This research has been commissioned to map the available data and identify gaps. It will support the work of the DSG and its

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<sup>1</sup> For more information on why transparency in the family justice system is important see the report on Transparency in the Family Court in 2021 <https://www.judiciary.uk/wp-content/uploads/2021/10/Confidence-and-Confidentiality-Transparency-in-the-Family-Courts-final.pdf>.

commitment to improving data collection, which could benefit the professionals working in family justice systems, a court user, or members of the wider society.

The DSG identified six areas where data is needed to improve the transparency of the family justice system, for members of the public, those who have oversight of the system and those who are working within it. They would like data to be available to answer the following questions:

1. What has happened to a family before they come to court?
  - What kind of support/interventions have families received before they get to court?
  - Was mediation offered/accepted? (in private law)
  - Was the case subject to a formal pre-proceedings process?
  - Was there a Family Group Conference? (in public law)
2. Who comes to court?
  - What is the number of cases, applications and orders made?
  - How do the characteristics of the children and families who come before the family court vary over time and across regions?
  - What is the ethnicity of children and parents?
  - Does the child / parent have a learning disability or difficulty?
  - Which cases and how many cases involve allegations of domestic abuse?
3. What are families' experiences of court?
  - What proportion and type of hearings are heard remotely or in person?
  - Do parties join by phone / video?
  - Does a child attend court and meet the judge?
  - How does this vary regionally?
  - What is the level of child participation in proceedings?
  - How are legal aid restrictions affecting who comes to court?
  - What is the level of support available to parties to enable them to fully participate?
4. How is the family court operating?
  - How long are cases taking?
  - How many judges/magistrates are there?
  - What is the gender/age/ethnicity of the judiciary and magistracy?
  - Who hears which cases and how does this vary regionally?
5. What decisions are being made about children?
  - What decisions are being made?
  - How do decisions vary regionally and over time?
6. What are the immediate and ultimate outcomes of those decisions?
  - What do we know about the medium-term (e.g., 5-years) impact of decisions?
  - How many cases return to court?
  - How does this compare to other court areas?

Specifically, the primary objective of this report is to (1) identify what data exists and in what format and (2) map what data is made routinely available to different stakeholder groups to answer these questions. The DSG has identified four groups of stakeholders/audiences of interest such as:

- Court staff and legal professionals: for example, judges, magistrates, legal advisers, court staff, barristers, solicitors, social work professionals, family court advisors, Local Family Justice Boards (LFJBs).
- System leaders: For example, the PFD, MoJ, DfE, HMCTS, Cafcass, Cafcass Cymru, Family Justice Board.
- Users: parents in proceedings, advice and support services, litigants in person.
- General Public: citizens not using the courts, people who are not members of a particular organisation or who do not have any special type of knowledge.

## 2. Overview of approach

To achieve the core objectives of our research on identifying data availability in the six key areas stated above, NatCen undertook ten interviews with key stakeholders across a number of government departments and statutory agencies. For the purpose of this report efforts were made to assemble information from diverse sources and individuals to offer valuable insights. Nevertheless, it is important to note that this report is subject to certain limitations. For instance, we found no single stakeholder possesses a complete overview of the entire family justice data system, and NatCen lacks direct access to internal case management systems. While we have strived to gather information from all relevant parties, we recognise the possibility of omissions and errors despite our best efforts.

First, NatCen identified key datasets and key stakeholders across relevant organisations with the help of Lisa Harker, Director of the Nuffield Family Justice Observatory. Our focus was on national administrative datasets, not locally held data (e.g., in a specific court), or research datasets<sup>2</sup>. Specifically, three case management systems were agreed as the primary focus of this research:

- FamilyMan-** This is a case management system where information is held by HMCTS for all cases heard in the family court in England and Wales. The family court data included in this system is sourced from the court administrative system. The information is primarily used by court staff for case management purposes, to access information regarding case progression through the family court in both private and public law.
- Child First-** This is a case management system used by Cafcass England, which is an arm's length body of the MoJ. Cafcass's mission is to support children and represent their interests in the family court. The data they collect is child centric, enabling them to offer informed guidance to family courts concerning the best interests of the children involved in legal proceedings. Cafcass England is usually involved in all public law cases and about 78% of private law cases. Involvement in private law cases ends at the first hearing in around two-thirds of proceedings.

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<sup>2</sup> We acknowledge that substantial efforts have been made across Government to increase researcher access to data through initiatives such as Data First. However, our focus was on data that can be used internally to generating monitoring and evaluation insights in a routine and regular manner rather than one off analyses and reports that may be conducted by academic or third sector researchers.

- (c) **IRIS (Integrated Recording Information System)**- This is a case management system managed by Cafcass Cymru, which comes under the remit of the Welsh Government. Cafcass Cymru provides expert child-focused advice and support, ensuring the safeguarding of children and advocating for their views to be heard in family courts throughout Wales. Their system collects child level data, however being under the Welsh Government's jurisdiction, their data collection is governed by supplementary regulations or limitations. Cafcass Cymru is also typically involved in all public law cases and around 80% of private law cases. However, their involvement might not be from the start to the end of all cases.

Additional data sources were also covered, as discussed below.

Stakeholder interviews were carried out with individuals from the Nuffield Family Justice Observatory, Cafcass England, Cafcass Cymru, HMCTS, MoJ, and DfE. These individuals held various roles including researchers, data professionals, family court experts, and statisticians. These stakeholders were selected based on familiarity and understanding of the content of these case management systems and their secondary uses (e.g. to generate national statistics). Stakeholders were identified in October 2023 and invited to participate in semi-structured interviews (November 2023 to March 2024). The interviews typically lasted around 60 minutes and were most often conducted individually with each stakeholder, but occasionally in pairs if more than one person from an organisation was spoken to

Discussions covered relevant data each organisation holds as well as the accessibility of FamilyMan, Child First and IRIS data to various groups such as legal professionals and external users (e.g. researchers, journalists and the general public), and outputs derived from these sources. Questions covered the following topics:

- A description of what data was collected across the six themes.
- Quality of the data that is being collected (e.g., frequency, completeness, timeliness, and consistency).
- Arrangements for accessing, aggregating and analysing the existing data.

After the interviews, participants were asked to send additional contributions to NatCen's research team. This was agreed beforehand in cases where points were missed during the interview, or because a participant needed to check specific information. Information gathered in these interviews enabled NatCen to map what data is held and to identify gaps in relation to the DSG's six key themes.

The interviews also enabled us to identify upcoming case management systems such as Core Case Data (CCD), a reformed case management system replacing FamilyMan to record information on family court proceedings. Through conversations with various experts, NatCen was also able to further explore the changing family court data landscape more generally. Additionally, various experts provided insights on whether data in relation to the six key themes prioritised by the DSG was provided routinely to various stakeholders in the form of aggregated statistics, reports etc. This information was assessed for four groups of stakeholders: court staff and legal professionals, system leaders, users of the court system and wider public (outlined in section 4).

To synthesise the information from the interviews and to provide a coherent set of findings, NatCen developed summary tables (outlined in Appendix 1) describing the data held in each case management system alongside this report. The purpose of the summary tables was threefold:

1. To present the evidence on what data is available, shared and missing in a coherent way;
2. To present an assessment of the quality of the data in a structured way; and
3. To help NatCen draft recommendations.

This summary table also outlines which data is present in a structured way in the form of statistics as well as the data that is held in the court files (outlined in section 3). Additionally, NatCen developed a table (outlined in section 4) to display which information is routinely available to each of the audiences (based on the inputs from some of the interviewees), that enables them to answer questions pertaining to the six key themes prioritised by the DSG.

### 3. Findings

Two formats of data were identified by interviewees: (1) structured monitoring and administrative information that allows for database queries, and (2) case files with extensive free text that requires manual summarisation and aggregation. Conversations with experts revealed that FamilyMan, Cafcass England and Cafcass Cymru house significant data in these formats, which is accessible to court staff and the judiciary on demand. Moreover, stakeholders such as the judiciary, HMCTS, MoJ, DfE and other legal professional/advisers can access information stored in FamilyMan and conduct some basic analyses on case progression within the family court system. While existing monitoring data can address some enquiries about court-involved families, many queries from the DSG necessitate access to, and analysis of, detailed case files or free text. This requires significant efforts to convert unstructured free text into a usable format, which is not easily achieved, consequently making its usefulness for monitoring and evaluation very limited. Many data gaps within the case management systems are due to factors such as the data collection not falling within the current scope of the organisation, as well as legal constraints limiting their ability to gather, store, or share data with specific audiences. This further impedes comprehensive access to, and analysis of, the Family Justice System and its cases as per the DSG's requirements.

Some high-level findings in relation to the availability of data on the six themes are described below (more detailed information is given in Appendix Table 1):

- **Lack of pre-court information:** There are gaps in information and its accessibility in relation to data on what happened to families before entering the court system, with these gaps being more prominent in public law compared to private law. Pre-proceedings data encompasses information gathered before the formal legal proceedings commence. For private law, this mostly comprises records of mediation attempts, and support offered to families. For public law, pre-court information includes pre-proceedings data (such as reports from social workers, assessment of family circumstances, arrangements needed



beforehand) as well as details of a Family Group Conference (FGC)<sup>3</sup>. Cafcass England and Cafcass Cymru do not collect any data on pre-court information as it is not a part of their organisational remit. In terms of FamilyMan, this information is notably sparse and inconsistently compiled, and the existing information on support received by families before coming to court predominantly exists in the form of unstructured data. While some headline statistics on mediation offered and/or accepted are available through Legal Aid Statistics<sup>4</sup>, it is only available for publicly funded mediation showcasing a partial picture. In cases of public law, accessing detailed pre-proceedings and FGC data often requires viewing unstructured court files or local authority files.

- **Gaps in comprehensive data on the characteristics of children and parents:** FamilyMan lacks comprehensive data on the characteristics of children and parents, notably missing ethnicity and disability information and offering minimal demographics. Cafcass England gathers detailed child level data on all demographics and provides most of it publicly in an aggregated form in their annual reports, except ethnicity or disability data as it is considered confidential. These are also not typically reported at a regional level, however their internal staff can view regional variation. Cafcass Cymru has recently initiated the collection of demographic data at child level which currently includes gender and date of birth, although it is not currently accessible to the public. Accredited researchers can access the demographic information available in Cafcass England and Cafcass Cymru datasets via Secure Anonymised Information Linkage (SAIL<sup>5</sup>) from which it would be possible to inspect regional variations.
- **Inconsistencies in data collected by local authorities:** Local authorities collect some data on public law cases such as information on pre-proceedings and FGCs as well as the characteristics of children and families coming to court. However, there have been issues identified around the robustness of this data collection as it is mostly captured in an unstructured manner. Moreover, local authorities differ in practices of capturing data on family court cases, resulting in information being captured in a non-standardised format with different local authorities capturing different variables, making analysis on local variations very challenging. Additionally, local authority case files are usually for internal use and are not publicly available either for analysis or published in the form of headline statistics.
- **Uncertainty around operational aspects of hearings:** Some experts mentioned that capture of information on hearings being held in-person or remotely is limited. Information on how the parties join these hearings (such as by phone, video, or in person) is also sparsely recorded. For example, Cafcass England and Cafcass Cymru will capture this information if they are present during the hearings, and they make this information available via SAIL. FamilyMan does not capture this information, but some of the detail is present in

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<sup>3</sup> Family Group Conferencing (FGC) is a process by which family and their network collaboratively make informed decisions regarding children and young people, working alongside professional services to ensure positive outcomes.

<sup>4</sup> <https://www.gov.uk/government/collections/legal-aid-statistics>

<sup>5</sup> SAIL Databank is a rich and trusted population databank, providing ISO 27001 certified and UK Statistics Authority accredited environment to reduce risks regarding storing and accessing sensitive information. Only accredited researchers can get access to SAIL, contingent on a successful application.

a separate system called the List Assist Diary system<sup>6</sup>, which is for internal use. However, interviewees suggested capturing this information is treated as a box ticking exercise and may not always be accurately captured. Hence accessing these details requires a meticulous review of individual case files that only court staff can access as they are confidential documents. There were attempts by MoJ to publish this information and some information on how the hearings were held, for example, data was published from June 2020 to May 2021. However, this was halted after the Covid-19 pandemic and currently this information is not publicly available. Information on timeliness of cases (average duration between the case being issued and the final order of the disposal) is comprehensively recorded for both public and private law. For private law, MoJ shares these statistics on their website through a visualisation tool<sup>7</sup>. For public law this information will be made available to the public once the CCD data amalgamation exercise is concluded.

- Level of support provided to families:** There is a varying degree of financial and non-financial support offered to participants during proceedings, including the provision of legal aid; however, this is often not documented in a structured way. While information on financial support through publicly funded legal aid is present, non-financial support (such as advocates, specialist support for disabilities, independent domestic violence advisors, etc.) largely remains missing or unstructured. Some details on special measures requested and granted, e.g., to support people with disabilities, might be found in court orders or in the notes section of FamilyMan but the details are not systematically captured or readily available. Additionally, information on the impact of legal aid restrictions on families and their full participation in court proceedings remains largely absent.
- Child engagement in proceedings:** None of the case management systems consistently record the level of a child's participation in the proceedings. This participation can include meeting the judge or attending court. Most of this information is largely available in court files, in the form of free text, and forms filed by Cafcass England and Cafcass Cymru.
- Nonlinear recording of domestic violence data:** Some legal professionals underscored the need for agreed definitions, particularly for concepts such as 'domestic abuse', which is also not being systematically recorded. The only available indicator of potential domestic abuse is a harm flag on FamilyMan, which covers broader harm than the child might have experienced, including domestic violence. An additional limitation of the harm flag is that it is only documented at the initial application stage of a family court case. Consequently, the recorded harm allegations may be underestimated since this information is not revised after the case initiation, even if harm is identified later. This likely introduces bias towards cases where the applicant initially flags harm. Hence, the quality assessment of harm flags emerged as another crucial consideration as they are not specifically used to record domestic abuse allegations. Cafcass

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<sup>6</sup> ListAssist' is a tool for listing hearings across the crime, civil, family and tribunal jurisdictions in England and Wales. Its primary function is to court staff in managing schedules and listing hearings on behalf of the judiciary.

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<https://app.powerbi.com/view?r=eyJrljoiOTk3ODdlYzktZWZmZC00ZTE2LTgyNTctYjRmZTRjYmNmYTk3liwidCl6ImM2ODc0NzI4LTcxZTYtNDZmZS1hOWUxLTJlOGMzNjc3NmFkOCIsImMiOj9>

England has methods for documenting domestic abuse, accessible through SAIL. This is not necessarily recorded in a standardised way as it relies on the professional judgement of practitioners who assess risk and harm using tools and convey their recommendations to the court.

- **Information on the judiciary and the magistracy:** The demographic details of the judiciary and magistracy is not recorded by the three case management systems and does not come under their remit. However, this information is available publicly in diversity of judiciary statistics<sup>8</sup>. It is not specifically available for family law cases but more broadly for all jurisdictions. Similarly, it is difficult to know the ethnicity or the number of judicial office holders present during hearings as well as variations across regions or local authorities.
- **Legal outcomes of the court proceedings:** The legal decisions in family court cases are documented in case management systems in a comprehensive way. This information is available in an aggregated form in the Family Court Quarterly Statistics<sup>9</sup> which contain aggregate figures on orders issued in both public and private law proceedings throughout England and Wales. However, insights into regional and over time variations of legal outcomes are absent in these statistics, although external researchers with access to the SAIL database could explore this through analysis of case level data.
- **Medium-term impact data gap:** There is a notable gap in data on the longer-term effects of decisions, particularly over a five-year period. Although some informal data exists regarding families revisiting court, its quality is uncertain, and it lacks the organisation needed for thorough analysis of post-court proceedings outcomes. Monitoring court users over the medium and long term will heavily rely on linking data across various sources and government departments. The Data First program has made significant strides in linking administrative datasets from the justice system and granting accredited researchers access to datasets from FamilyMan. However, it does not appear that similar work is being done for non-researchers as data on return cases is limited and information on the impact on families that do not return to court does not currently exist.

Overall, three main case management systems, FamilyMan, Cafcass England and Cafcass Cymru, offer distinct capabilities and limitations in addressing the questions posed by the DSG. FamilyMan, encompassing all cases in England and Wales, fulfils a broader purpose of administering and tracking court proceedings, extending beyond monitoring and evaluation. Consequently, the data collected primarily serves court staff in family justice proceedings, with no additional data gathered for other purposes. Conversely, Cafcass (England and Cymru) adopt a child-centric approach, providing invaluable data not found in FamilyMan. However, Cafcass England has its own constraints, notably incomplete coverage of data as they are not involved in all private law cases. Furthermore, Cafcass England, even though involved in all public law cases, may not be involved from start to finish in both public and private law cases limiting their ability to collect overall data on proceedings. Cafcass Cymru on the other hand have

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<sup>8</sup> <https://www.gov.uk/government/statistics/diversity-of-the-judiciary-2023-statistics/diversity-of-the-judiciary-legal-professions-new-appointments-and-current-post-holders-2023-statistics>

<sup>9</sup> <https://www.gov.uk/government/collections/family-court-statistics-quarterly>

recently started systematically recording information, especially on the demographics of children involved in the family justice system. While some limited administrative data is accessible through SAIL such as the child's demographics (gender, age, and location etc.), number of cases and applications made, and the child's engagement in court, their data strategy is still evolving. In some respects, Cafcass Cymru operates similarly to Cafcass England as they only document data when they are engaged in a case and for the hearings they are involved in, which would encompass all public law cases and approximately 70-80% of private law cases. While it may be possible to expand the data collected by these three case management systems to answer the questions posed by the DSG, much of this is not currently within their remit and no one is compelling them to do so<sup>10</sup>.

It was emphasised that certain aggregated data, such as statistics on applications, case numbers, characteristics of children and orders made, are made available to a broader audience through sources like Family Court Statistics and Cafcass England's annual reports<sup>11</sup>. However, typically the detailed data present in the case management systems can only be accessed through trusted research environments (such as the Office for National Statistics Secure Research Service<sup>12</sup> and SAIL), which does not entirely enable transparency for the audiences targeted by the DSG as it is predominantly used by researchers and other individuals that request data. Additionally, some experts have mentioned issues accessing FamilyMan data via SAIL such as delayed provision of data as well as it containing some errors. Conversations with experts also revealed that organizations are constrained by legal frameworks regarding data privacy and related risks associated with enhancing data accessibility. These constraints further limit their capacity to make data widely available.

In summary, the data currently available from case management systems does not answer all of the questions posed within the six key themes of the DSG. This is not an entirely surprising finding given that the case management systems we investigated are designed to fulfil administrative functions rather than to support monitoring activities and transparency. Crucially, there appears to be an absence of an overall system-wide data strategy and oversight of data collection specifically aimed at enhancing the routine availability of information that enhances transparency and offers a comprehensive overview of the family justice system. When taking the family justice system as a whole (rather than distinct data management systems with their own functions, strategies and objectives), it appears that there is no existing record of what data is available to whom and in what form. It is difficult to (1) determine what exists as current data and (2) establish future plans for data collection. No single organisation or authority has complete oversight or ownership of all data within the family justice system, which likely leads to a fragmented approach towards storing data and making it available to different audiences. In our interviews we found instances of stakeholders having partial and sometimes contradictory views on data availability. The lack of a single organisation

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<sup>10</sup> It should be noted that any developments or strategies involving Cafcass Cymru will also require buy-in from the Welsh Government.

<sup>11</sup> <https://www.cafcass.gov.uk/about-us/our-reports-and-publications/our-annual-reports>

<sup>12</sup> The Office for National Statistics (ONS) Secure Research Service (SRS) is a Trusted Research Environment (TRE), that give accredited or approved researchers secure access to a wealth of de-identified, unpublished data to work on research projects for the public good.

tasked with strategic oversight of collecting and disseminating family court data further hinders attempts to effectively address the questions raised by the DSG.

#### 4. What data can be routinely accessed?

In the previous section we took a broad assessment of the types of data that exist in the family justice system, regardless of whether it is currently used and with minimal consideration of its accessibility to stakeholders. In this section we map out which stakeholder groups are currently able to routinely access information that enables them to answer the questions outlined by the DSG (for example, in the form of reports or statistics). We focus on four different stakeholder groups identified by the DSG: court staff and legal practitioners, decision makers, users of the family court system and the wider public.

Our findings are shown graphically in table 1 below. Red is used to show data is not available to any of the stakeholders in each field, green shows the data is available to all the stakeholders in each field, and amber represents either some data is available, or all of the data is available to only some of the stakeholders. Overall, it is clear there is very limited data that is available routinely to all the stakeholders in the form of reports or statistics. However, experts working at Cafcass England, Cafcass Cymru and HMCTS did say that system leaders and decision makers could access relevant data on request (if it exists in a usable format), but they are not able to view the regional variations without conducting comparative analysis of regional data. Individual organisations can in theory view the data they hold regularly from their case management systems. For instance, Cafcass England collects child-level ethnicity and disability data on their system and hence the information is available for internal staff to view. For court users most of this data is only available on their individual cases so they do not typically have the ability to see answers to these questions at a regional or national level. Court users and the general public are able to view some headline statistics through sources such as Cafcass annual reports, family court quarterly statistics and legal aid statistics. However, some legal professionals highlighted that public statistics might lack explanations for all the data presented in the tables limiting the ability of service users and the general public to interpret the information. Hence, while the information is routinely accessible, its interpretation may pose challenges due to the lack of comprehensive explanations.

**Table 1. The accessibility of data for various stakeholders (Red/ No= None of them have routine access, Green/ Yes= All of them have routine access, Amber/ Partial= Some of them have routine access to all or partial information)**

Who sees which data?	Court staff & legal professionals <sup>13</sup>	System Leaders <sup>14</sup>	Users <sup>15</sup>	General Public <sup>16</sup>
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 and how they 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
Whether parties join by phone / video.	No	No	No	No
Child attending court and meeting the judge.	No	No	No	No
How does children's attendance 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 this varies regionally.	No	Partial	No	No
What decisions are being made and what they mean.	Partial	Partial	Partial	Partial
How 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

<sup>13</sup> Court staff and legal professionals: Judges, magistrates, legal advisers, court staff, barristers, solicitors, social care professionals, family court advisers, Local Family Justice Boards (LFJBs)

<sup>14</sup> System leaders: The PFD, MoJ, DfE, HMCTS, DfE, Cafcass, Family Justice Board

<sup>15</sup> Users: Parents in proceedings, advice and support services, litigants in Person

<sup>16</sup> Ordinary individuals, especially all the people who are not members of a particular organization or who do not have any special type of knowledge

## 5. Rollout of Core Case Data (CCD) management system

As part of the HMCTS Reform Programme, data for public law has migrated to the Core Case Data (CCD) store, intended to be an improved case management system. CCD serves as a central hub for case data, linking various data sets to streamline information on case proceedings for internal staff. Legacy cases remain on FamilyMan as this is still in transition phase; however, CCD is set to replace it entirely as it offers potential enhancements such as improved access to case details and streamlined data analysis.

CCD collects some additional data which is not collected by FamilyMan in relation to the six themes, such as specific details on case applications, orders issued, and specifications on the conduct of hearings, providing a slightly more comprehensive overview of case proceedings. It also aims to capture more nuanced information on mediation by providing details of the C100<sup>17</sup> form along with the information on Mediation Information and Assessment Meeting (MIAM)<sup>18</sup> compliance of non-court dispute resolution. However, most of the data on pre-proceedings, and Family Group Conferences will not be captured by CCD, and the data on mediation that will be recorded might not be in a format that allows easy extraction. Therefore, details about the support offered to families prior to court involvement will be either unavailable or found in unstructured files held by courts or local authorities.

The CCD system will also be able to showcase demographic characteristics (similar to FamilyMan, i.e., date of birth, gender and local authority) on the children and parents as well as the variations across the regions. However, the ethnicity and disability data will not be captured similar to FamilyMan. Interviewees suggested this is because there has not been a strong need identified to collect or display this sensitive information to court staff, decision makers and system leaders. CCD also does not entirely plug data gaps on the child's experiences of court, whether children meet judges, and the support available to families to enable participation. However, it will make the details of hearings (such as in person or remote hearings) and how the parties joined them more accessible to court staff.

This new data system will provide more detailed information about case duration by tracking the number of hearings required to conclude each case and the judicial resources involved for public law cases. Previously, this data was fragmented and not easily accessible to staff. In private law cases, most of the case data still exists in FamilyMan which records the number of hearings along with the tier of judiciary, although not in a consistent format. However, efforts are being made to transfer the private law case data onto CCD to replace FamilyMan entirely. There will be similar information on decisions being made in court available through CCD as with FamilyMan, however analysis on regional variations might be more efficient through CCD. It was also highlighted that information on the intermediate outcomes or impact of those legal

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<sup>17</sup> C100 form- this is the child arrangements order form used in family law cases (in private law) which then is submitted to court and Cafcass (if they are involved)

<sup>18</sup> MIAM is a Mediation Information and Assessment Meeting that provides an opportunity for the parties involved to explain their situation, and the issues that need to be decided. The parties are also informed about mediation processes and other options for reaching agreements

decisions on families will not be captured in CCD as the court systems do not record this information. Additionally, there will also be no improvement in the data on return cases and its variation across regions.

Overall, it was believed that CCD aims to address some previous shortcomings in data accessibility and analysis by providing a more user-friendly interface and facilitating data linkage for court staff as well as other system leaders. Currently, it does not answer all the questions raised by the DSG and the additional data CCD is providing is currently restricted to public law cases. We note that HMCTS plans to launch a digital service for private law cases that will act as an integrated case management system to compile data on private law. Like FamilyMan, CCD primarily serves internal purposes, that is, administration of the courts. One interviewee told us that efforts are underway to explore avenues for external data publication and research collaborations to contribute to a wider understanding of the family court system. However, this will be introduced in the future depending on the need, since the primary focus of CCD is to improve internal data accessibility. As such, there is a lack of clarity on how this new system will address the data gaps that DSG is interested in for a wider audience.

In summary, CCD will improve functionality of the courts and system leaders, but as per FamilyMan, it is not designed to monitor and evaluate the family courts. As such, more significant ambition and effort will be required to develop systems that provide answers to the questions posed by the DSG.

## Conclusions

The PFD has made it clear that improvements in transparency are needed to build confidence in the Family Courts. In doing so, the DSG has developed six questions (and a total of 24 specific sub questions) that they believe should be routinely answered. We found that current practice around administrative data provides most stakeholders very limited options to know the answers to these questions. For instance, there is a notable absence of data or statistics on the support provided to families before they enter court proceedings. Likewise, information on what happens to families after court decisions are made is very limited and relies on work by researchers. While the reasons are multiple and vary according to the question at hand, we point to three practical reasons why many of these questions cannot currently be answered: some data is not being captured at all, some data is being captured in a way that is not currently accessible (e.g. in text and case files), and a lack of routine and timely data linkage to other sources. None of these reasons are insurmountable, but substantial and sustained effort will be required to make improvements. There have been some strides made by both MoJ (through the Data First programme and HMCTS data panel) and Cafcass (England and Cymru) to have shared data with Trusted Research Environments to enable analysis of FamilyMan and Cafcass data. However, addressing the monitoring and evaluation enquiries raised by the DSG should not be delegated to non-governmental researchers alone. A more comprehensive strategy is necessary to expand this effort internally, possibly through regular reports, as well as comprehensive documentation and tracking of what type of data is available, who may access data, and how it is requested.



Our research underscores the critical need for a system-wide data strategy to ensure regular access to information in the family justice system. Such a strategy is essential for transparency, addressing key questions, and improving outcomes. Other public services and government departments have such strategies in place, and it is likely that much can be learned from them. For example, the DfE's strategy aims to support data collection in local authorities, make improvements to dashboards, and increase sharing of information across departments.<sup>19</sup>

If such a data strategy is to be developed and implemented for family justice, there is a need for leadership and accountability. At present, it is not clear who is responsible for the oversight and development of family justice data. This leadership is especially important because the main sources of data come from organisations whose primary purpose is not monitoring and evaluation. It is therefore unrealistic to expect them to spontaneously take on this role without guidance from the wider sector on what is needed and for who. Developing and assigning responsibility for a family justice data strategy is our first recommendation.

Our second recommendation is to capitalise on existing efforts to digitise family justice data. The CCD and the use of online and/or digital forms opens up opportunities to link and access more data with less effort. There is a need to explore whether there are opportunities to provide better monitoring and evaluation data to fill some of the data gaps we have identified in this report. It may also be fruitful to explore the options for answering questions from existing systems. This might include data linkage to assess longer term outcomes. Another option could involve scoping the possibility of applying machine learning to make better use of the text data that does exist in case files. We are aware there will many challenges with doing so and refer back to the need for strong leadership and a consensus on strategy.

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<sup>19</sup> <https://www.gov.uk/government/publications/childrens-social-care-data-and-digital-strategy/childrens-social-care-data-and-digital-strategy> - this covers England only

## Appendix:

**Table A1. Which data exist in Cafcass England and Cafcass Cymru and FamilyMan that relate to the DSG's key questions**

Key Questions	Sub-questions	Data Availability on Cafcass (England and Wales)	Accessibility of data on Cafcass (England and Wales)	Data Availability on FamilyMan	Accessibility of data on Family Man
Q1. What has happened to a family before they come to court?	a. What kind of support/ interventions have families received before they get to court?	a. Cafcass England and Cafcass Cymru does not record this data consistently, however some references might be indicated in unstructured data.	a. N/A	a. This data is not available on FamilyMan; some of this information can be acquired by a review of case files but it is not captured in the files in a comprehensive way.	a. The data is not structured in an accessible way for generating statistics. Although court staff and the judiciary have access to case files, the information is not captured in a complete way. Other legal professionals may possess individual-level information that is not accessible or available to the court.
	b. (in private law) Was mediation offered/accepted?	b. This data is not recorded in a structured way by Cafcass England. The C100 form includes some information on whether a MIAM was offered or exempted, but not on whether it was accepted. Cafcass Cymru does not collect this information.	b. Some information is available through the SAIL databank for Cafcass England, however only on mediation offered not accepted. Cafcass Cymru does not record this.	b. There is a lack of systematic information on this. However, the C100 form indicates MIAM attendance/initiation, and additional details can be accessed by reviewing the case file.	b. General headline statistics on mediation assessments offered and accepted is publicly accessible through Legal Aid Quarterly Statistics. Additionally, MoJ published mediation statistics on an ad hoc basis in 2021, but not since then. However, case level data is internally

					available to staff as and when required.
	c. (In public law) was the case subject to formal pre-proceedings process? Was there a Family Group Conference?	c. Child's plan created by Cafcass England indicates pre-proceedings (which is only available internally, but there is no structured data on Family Group Conferences (FGC). This information is not routinely collected by Cafcass Cymru.	c. Not available as it is not a part of Cafcass England's and Cafcass Cymru's remit.	c. Data on pre-proceedings including Family Group Conferences is not available on FamilyMan and can only be identified through individual case files; however, this information is sometimes held by individual local authorities in their internal files (some of which are a part of court files), which are not publicly available	c. No information is available
Q2. Who comes to court?	a. What is the number of cases, applications and orders made?	a. Cafcass records information on cases and applications but only for those cases where Cafcass England and Cafcass Cymru are directly involved.	a. The public can access monthly demand data on cases and applications in both private and public law through Cafcass England's website as well as through their annual reports. Cafcass Cymru on the other hand does not publish this data. Researchers can access this data via SAIL	a. The FamilyMan system records data on cases, applications, and orders, which are published in MoJ Family Court Quarterly Statistics for both private and public law cases.	a. General national and regional statistics are published quarterly and are publicly available through Family Court Statistics. Accredited researchers can access detailed FamilyMan data via Data First <sup>20</sup> or through the data access panel of HMCTS. This data can also be accessed

<sup>20</sup> Data First programme is a project that aims to unlock the potential of the wealth of data already created by the Ministry of Justice (MOJ), by linking administrative datasets from across the justice system and enabling accredited researchers, from within government and academia, to access the data in an ethical and responsible way.

			through a data order application.		through Trusted Research Environments like ONS SRS and SAIL, while judges can view case numbers.
	b. How do the characteristics of the children and families who come before the family court vary over time and across regions?	b. Cafcass England captures more data points on child-level characteristics than FamilyMan and high-level statistics are published in their Annual Report and Accounts. Cafcass Cymru has recently started recording diversity data, like gender, age and location.	b. Cafcass England publishes headline statistics on child characteristics, with detailed data accessible to researchers through SAIL. Cafcass Cymru provides this information exclusively through SAIL via data orders.	b. FamilyMan records limited demographic information such as date of birth and gender of children along with the local authority they reside in. However, detailed demographic information on children and family is not available.	b. Aggregated child age information is published in Family Court Quarterly Statistics. Demographic data (such as gender, month/year of birth, local authority of residence, and local area of residence) is available, approved researchers can access it via Trusted Research Environments such as the ONS SRS or SAIL.
	c. Ethnicity of children and parents.	c. Cafcass England holds data on the ethnicity of both children and parents. Cafcass Cymru does not record this data.	c. Cafcass England makes ethnicity data accessible through SAIL, while headline statistics are available on their website. Cafcass Cymru does not record this data.	c. Ethnicity is not recorded in FamilyMan.	c. No information available.

	d. Whether child / parent has a learning disability or difficulty.	d. Cafcass England maintains information on whether a child or parent has a learning disability or difficulty. Cafcass Cymru has not started recording this information.	d. Cafcass England makes this information available via SAIL and some headline data is in the annual reports, but only for children. Cafcass Cymru does not record this data.	d. FamilyMan may not record information on learning disability or difficulty according to some legal professionals, Others suggest it might be available in case documents or free text.	d. No information available.
	e. Cases involving allegations of domestic abuse.	e. Cafcass England records cases involving allegations of domestic abuse, focusing on those within private law. These allegations are identified through caseworker analysis and utilized to select practice tools for further risk assessment and analysis. Cafcass Cymru does not routinely record or share this information currently.	e. Recording this information is not part of Cafcass's remit. Cafcass England records limited information on domestic abuse, however, to access that dataset on SAIL a special permission is required where a researcher must specify their need for this access to Cafcass England. Cafcass Cymru does not record this data.	e. FamilyMan includes a flag indicating whether an applicant has raised an allegation of harm, though not specifically domestic abuse hence this data is limited and cannot easily identify allegations of domestic abuse.	e. The harm flag is accessible to approved researchers via ONS, SRS or SAIL.
Q3. What are their experiences of court?	a. What proportion and type of hearings are being heard remotely or in person?	a. Cafcass England and Cafcass Cymru record the type of hearings and their format (remote/in-person) for the cases that they are involved in.	a. This information is available via SAIL. The information has been recorded since 2020, following the first national lockdown and has been evolving over time.	a. Some HMCTS experts mentioned availability of this information through the List Assist Diary system <sup>a</sup> accessible by court staff and the judiciary, while others noted that the MoJ ceased publishing it in May 2021.	a. No information available.

	b. Do parties join by phone / video?	b. Cafcass England has been recording this information since 2020 (as mentioned in Q3a). Cafcass Cymru does not record this information.	b. This information is available via SAIL for Cafcass England.	b. Some legal professionals indicated availability of this information via List Assist. Others highlighted the challenge of determining the number of in person and remote attendees due to the hybrid nature of cases and tick-box recording.	b. No information available.
	c. Whether a child attends court and meets the judge.	c. Cafcass England does not structurally record children meeting judges. There is some uncertainty around the collection of this information as it is dependent on child meetings with the judge and Cafcass filing a Section 7 report. Cafcass Cymru records this information through a closure form for public law.	c. This information is largely unavailable externally for Cafcass England, however Cafcass Cymru provides some of it through SAIL. For Cafcass England some of this information may be available in the internal case management system; researchers can apply to conduct research directly with Cafcass and access case files for their research, but there is a high threshold for approval.	c. Opinions varied on data availability, with some suggesting a need to review a court file, while others pointed to the possibility of finding it in the free text; however, it is not easily accessible.	c. No information available.
	d. How does that vary regionally?	d. Regional information on the child's participation/ attendance in court may not be easily accessible.	d. N/A	d. Only available via review of case files.	d. No information available.

	e. What is the level of child participation in proceedings?	e. Cafcass England records child engagement details during enquiries (in person, phone, video). Attendance at court is not systematically recorded but might be found in the Child's File. Cafcass Cymru records some information on child engagement with the court, including meeting the judge, how the outcome is delivered to them etc.	e. Recorded since 2020 after the first national lockdown, with data recording evolving over time for Cafcass England. Not available in SAIL for Cafcass Cymru	e. Only available via review of case files or free text.	e. No information available.
	f. How are legal aid restrictions affecting who comes to court?	f. Cafcass (England and Cymru) does not record Legal Aid information as it is not part of their remit.	f. N/A	f. There is some uncertainty in identifying the availability of data due to the separation of the Legal Aid Agency from HMCTS and a need for improved data sharing.	f. There is a possibility of the Legal Aid Agency providing this information.

	g. What is the level of support available to parties to enable them to fully participate?	g. Cafcass (England and Cymru) does not have data on the level of support available to parties in general as it is not a part of their remit.	g. N/A	g. This information can be requested from each court	g. No information available.
Q4. How is the family court operating?	a. How long are cases taking?	a. Cafcass (England and Cymru) provides data on the average length of closed cases in private and public law on both national and local levels when they are involved in a case. For private law, data is available only for the duration of Cafcass's involvement.	a. This data is publicly available in aggregated form, accessible on their website.	a. FamilyMan provides case start and end dates. Timeliness (average duration between the case being issued and the final order) of cases is published in MoJ Family Court Statistics for private law. However, for public law this was removed from Q1 2022 onwards due to the CCD rollout. Now that the CCD roll out is complete, the data series will be reinstated following conclusion of a data amalgamation exercise.	a. This case level information can be accessed via the One Performance Truth (OPT) database (private law) or Power BI Dashboard (public law), but only internally. Local Family Justice Boards can view DFJ level averages in court performance data (Power BI). Individual case duration details are available to approved researchers via ONS SRS or SAIL. Some aggregated averages and timeline metrics are published in the Family Court Quarterly Statistics.



	b. How many judges/magistrates are there?	b. Data on the number of judges/magistrates is not available.	b. No information is available.	b. FamilyMan does not record this information. However, the Judicial Office may be able to supply this information.	b. Judicial Office staff might have access to this information; but do not provide it publicly.
	c. What is the gender/age/ethnicity of the judiciary and magistracy?	c. Cafcass England and Cymru do not record data on the gender, age, and ethnicity of the judiciary.	c. No information is available.	c. FamilyMan does not record this information on the judiciary. The Judicial Office is suggested as a potential source.	c. The Judicial Office may be able to access information on the age and ethnicity of the judiciary and magistracy; but do not provide it publicly.
	d. Who hears which cases and how does this vary regionally?	d. In private law, Cafcass England captures whether a case was heard at a magistrates' court. Cafcass Cymru have some data on which judge attended what hearing but it is limited and potentially unreliable. However, for data related to the judiciary, HMCTS is the preferred option.	d. No information is available.	d. Data about the tier of judiciary to which cases are allocated and the tier that made the final order is available through FamilyMan.	d. Information on judiciary tiers is accessible to approved researchers via the ONS, SRS or SAIL. However, there is some uncertainty around the data quality. Quarterly national statistics are published on the number of cases heard in the High Court.

<p>Q5. What decisions are being made about children?</p>	<p>a. What decisions are being made?</p>	<p>a. Data on the legal outcome of a case is available if Cafcass (England and Cymru) has been involved in the final hearing. This is produced internally by Cafcass and would be available via SAIL.</p>	<p>a. Some information is available through SAIL but lacks details on the decision. A recent update to the case management system enables researchers to determine the child's residence before and after the conclusion of a case (at the point of closure for both Cafcass England and Cymru).</p>	<p>a. FamilyMan records case events, encompassing legal outputs that includes orders made.</p>	<p>a. Some legal experts stated that decisions made are available for those involved in the case. Additionally, Family Court Statistics Quarterly publishes the number of orders made at the national (England and Wales) level.</p>
	<p>b. How do decisions vary regionally and over time?</p>	<p>b. Regional variation in Section 31 proceedings is available in the child's file, including local authority area information. While not formally published, it is shared with limited system partners.</p>	<p>b. Not available explicitly by region. However, researchers can conduct analysis through SAIL as it will mention local authority and outcome of the application (for both public and private).</p>	<p>b. This data is not available in FamilyMan. However, MoJ publishes this information over time in their Family Court Statistics. Additionally, they have also started publishing a visualisation tool which showcases private law orders made regionally and over time.</p>	<p>b. This data is available to the public in the form of a visualisation tool published on the website of Family Court Statistics.<sup>21</sup></p>

<sup>21</sup> <https://app.powerbi.com/view?r=eyJrIjoiOTU3ODdlYzktZWZzc0ZTE2LTgyNTctYjRmZTRjYmNmYTk3IiwidCI6ImM2ODc0NzI4LTcxZTYtNDVmZS1hOWUxLTJlOGMzNjc3NmFkOCIsImMiOiJh9>

Q6. What are the immediate and ultimate outcomes of those decisions?	a. What do we know about the medium-term (e.g., 5-years) impact of decisions?	a. Cafcass England does not record any data after their involvement ends, except for feedback if provided. Cafcass Cymru does not record this information.	a. Not included in SAIL Databank; the feedback is internal Cafcass England's data only.	a. FamilyMan does not record information on the impact of decisions. If some applications involve individuals with a previous case, some information about the impacts of earlier decisions can be found in court or local authority files. However, these are not routinely reviewed, and the overall impact of decisions is not unknown.	a. N/A
	b. How many cases return to court?	b. There is a possibility of examining cases returning to court by linking unique IDs of children and parents to any case they are involved in. Cafcass England and Cymru can report on this if parties are linked to a previous case, but the data is not widely shared and is not publicly available.	b. Available in SAIL Databank in aggregated form and can only be accessed by linking the unique IDs of children.	b. Yes, this information is available but should be treated cautiously. For instance, if the same unique ID is presented in court, it is possible to determine how many cases have returned to court. Some experts also noted the possibility of some teams producing a report linking identified return-to-court cases, specifically when it is evident that the parties match.	b. Approved researchers have access to case and individual-level information, enabling them to examine the number of cases returning to court. Studies, such as those focusing on mothers whose children are placed in local authority care, provide insights, but no national statistics are published in this area.

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	<p>c. How does this compare to other court areas?</p>	<p>c. Returning cases can be investigated by conducting analysis; this information is internal or available via SAIL.</p>	<p>c. Internal Cafcass (England and Cymru) data only, however, some headline data is included in the Annual Report and Accounts. Additionally, the regional variation can be analysed through some aggregated data accessed via SAIL.</p>	<p>c. There is uncertainty around this information being easily accessible.</p>	<p>c. Researchers with approved access to case and individual-level information can explore numbers across various court areas. However, these figures are not regularly produced or reviewed.</p>
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