

Using administrative data to quantify overlaps between public and private children law in England

Background: A distinction is drawn between public and private children law in England, yet there is evidence that many cases are in fact ‘hybrid’ and children involved in private law cases may go on to be subject to public law applications. Research that focuses solely on private or public law may miss the true extent to which children appear in family law proceedings in England over their childhood.

The research question: We investigated the size of the overlap between the populations of children involved in private and public family law applications. Using the Children in Family Justice Data Share (CFJDS), which provides linked data from the family courts, Cafcass and social care services, we found:

- There were roughly 32,000 to 45,000 private law (section 8) applications per year between 2011 and 2016, involving between 48,000 and 66,000 children.
- **Of the 60,008 children involved in section 8 applications in 2011, 18% had further private law proceedings and 3.4% were involved in a public family law case by March 2015 (i.e. within 4.25 years).**
- The identification of welfare concerns (i.e. a section 7 or 37 report being ordered or a rule 16.4 appointment) at the initial private law did not appear to predict return to court.

Results in context: Repeated involvement in family private and public law is known to be common, affecting around 1 in 4 to 5 children after their first court case. These results show that cross over between court systems. **3.4% of children subject to private law become involved in public law proceedings within 4.25 years. This is far higher than the 1-2% expected child lifetime rate of involvement in public family law for all children.** Strategies to reduce the large numbers of children experiencing repeated family law involvement need to be informed by research into parental and family characteristics associated with recurrent court proceedings, and violence, abuse or neglect of children or partners.

The CFJDS and Micro Data Lab: The CFJDS is a unique data resource to examine children’s experience of family courts over their childhood. Our recommendations (detailed in full in the accompanying report) seek to improve the resource for research and service evaluation. In particular:

- The linked data resource should be updated regularly.
- Complete and linked FamilyMan and Cafcass data should be made available.
- Information on linkage and processing would enable researchers to account for uncertainty in data linkage.
- Information on caregivers available in Cafcass could be added to inform policy makers about caregiver characteristics associated with repeat proceedings, violence, abuse and neglect.
- Further use of the Micro Data Lab by researchers in collaboration with the MoJ could lead to continual improvements in the quality of data resource and use for research and practice.