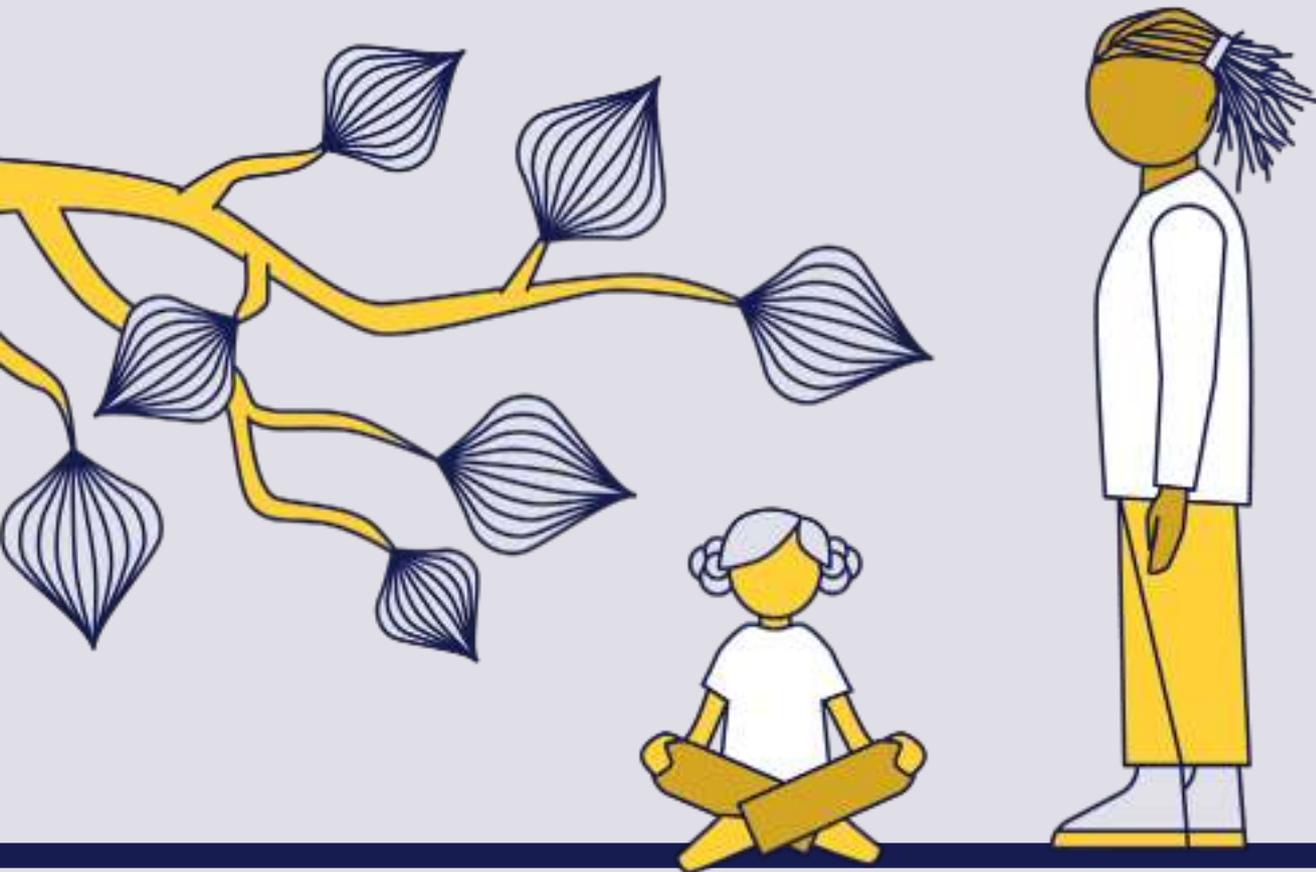


What do we know about ethnic diversity in the family justice system in Wales?



This summary highlights the main findings of a report analysing ethnic diversity in the family justice system in Wales.

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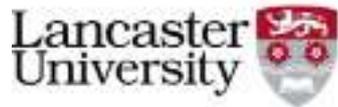
North, L. et al. (2022). *What do we know about ethnic diversity in the family justice system in Wales?* Nuffield Family Justice Observatory. <https://www.nuffieldfjo.org.uk/resource/what-do-we-know-about-ethnicity-in-the-family-justice-system-in-wales>

The full report is also available from the above link.

Disclaimer

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This summary and the full report were written in partnership with:



Population Data Science
at Swansea University



An effective and fair family justice system needs to take account of how it is used and experienced by children and adults, and how this experience differs for different families.

One way to consider this is to examine whether there are variations in the experiences and outcomes of families with different ethnicities.

Currently there is limited data relating to the ethnicity of children and families who appear in family justice court proceedings (Rehill and Roe 2022). This summary highlights the main points from research that used linked data to carry out an analysis of the situation in Wales.

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Introduction

The objectives of this study by the Family Justice Data Partnership – a collaboration between Lancaster University and Swansea University – were to:

- produce an overview of the ethnic diversity of children and adults in public and private law cases in Wales
- consider, against the national picture, whether particular ethnic groups are under or over-represented in the family justice system in Wales
- set out recommendations regarding data collection and analysis.

About the data

This study used anonymised individual-level, population-scale data on children and adults involved in public and private law cases in Wales between 1 April 2011 and 31 March 2020.

The Cafcass Cymru cohort included approximately 122,500 records:

- 14,000 children and 19,500 adults in public law cases
- 37,000 children and 52,000 adults in private law cases.

National ethnicity estimates are from the publicly available 2011 census and the Office for National Statistics (ONS) 2019 ethnicity experimental statistics (ONS 2021). The report uses the same 5 ('high-level') ethnic group categories as the ONS and 2011 census.¹

The analyses in this report are descriptive and should be treated as preliminary.

1 The five high-level ethnic groups are: Asian or Asian British; Black, African, Caribbean or Black British; Mixed or multiple ethnic groups; White; and Other ethnic group (ONS 2021).

Key concepts

Public and private family law

Family justice, which deals with public and private matters, concerns the law relating to children and families. Underpinned by the principles of the Children Act 1989, public and private family law cases are dealt with in the family court, which operates a common administrative framework for all family court cases. Cafcass Cymru independently advises the family courts in Wales about the best interests of children.

- Public law cases – primarily care proceedings – are brought by local authorities when children are considered at risk of actual or likely significant harm (for further details of public law cases in Wales, see Alrouh et al. 2019).
- Private law children cases relate to disagreements or disputes – usually between parents after relationship breakdown – about arrangements for a child’s upbringing, such as who they should live with and/or who they should see (for further details of private law cases in Wales, see Cusworth et al. 2020).

Understanding ethnicity – conceptual and analytic challenges

Concepts of ethnicity are subjective, multifaceted and have a changing nature (ONS 2022, 21 April). Membership of an ethnic group is self-defined and subjective to the individual, linked to common ancestry and elements of nationality, history, culture, religion, language and physical appearance (Brown and Langer 2010; Connelly et al. 2016; Platt 2007).

It is important to keep in mind the complexity and potential bias in recording and interpreting data related to ethnicity. Although those devising and using information systems strive for objectivity through the development of standardised categories, there are variations in the way people record or self-report ethnicity data.

Moreover, the challenge of precisely defining an individual’s ethnicity can lead to problematic levels of missing data (Broadhurst et al. 2021). Such challenges are not particular to Cafcass Cymru, rather they are true of most reporting systems.

This report uses the same 5 high-level ethnic group categories used in the 2011 census in England and Wales – Asian or Asian British; Black, African, Caribbean or Black British; Mixed or multiple ethnic groups; White; and Other ethnic group.

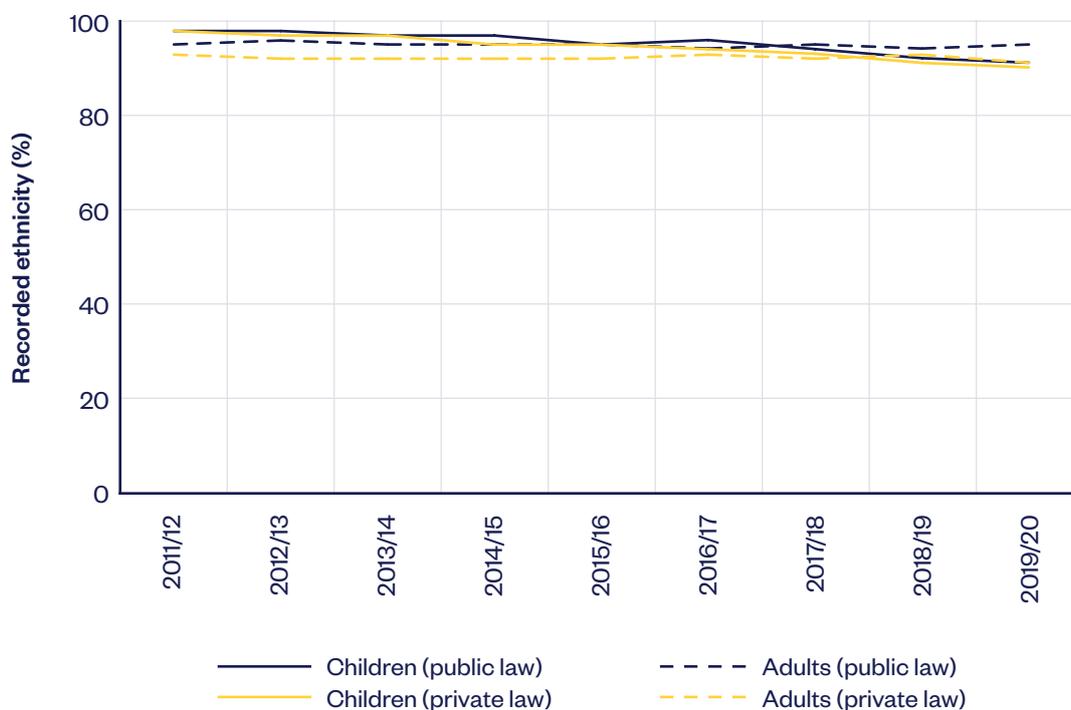
Key findings

How complete is the ethnicity data?

- Work is ongoing to improve the quality of ethnicity information routinely collected by Cafcass Cymru – the organisation that independently advises the family courts in Wales about the best interests of children – as part of its case management data.
 - Maintaining and reviewing the quality of ethnicity and other individual characteristics (such as language, religion, disability, household vulnerabilities, sexuality and gender identity) are critical to better understanding the profiles and needs of those involved in the family justice system.
- In the absence of comprehensive case management data on ethnicity over the time period (2011/12 to 2019/20), the research team used a novel data linkage methodology – linking multiple data sources that record ethnicity and are available within the Secure Anonymised Information Linkage (SAIL) Databank, such as hospital admissions, and 2011 census data – to analyse ethnicity within the system.²
- When using the linked data method per fiscal year by law type and age, coverage of ethnicity remains above 90% for both public and private law cases for adults and children in Wales.

² See: <https://saildatabank.com/>

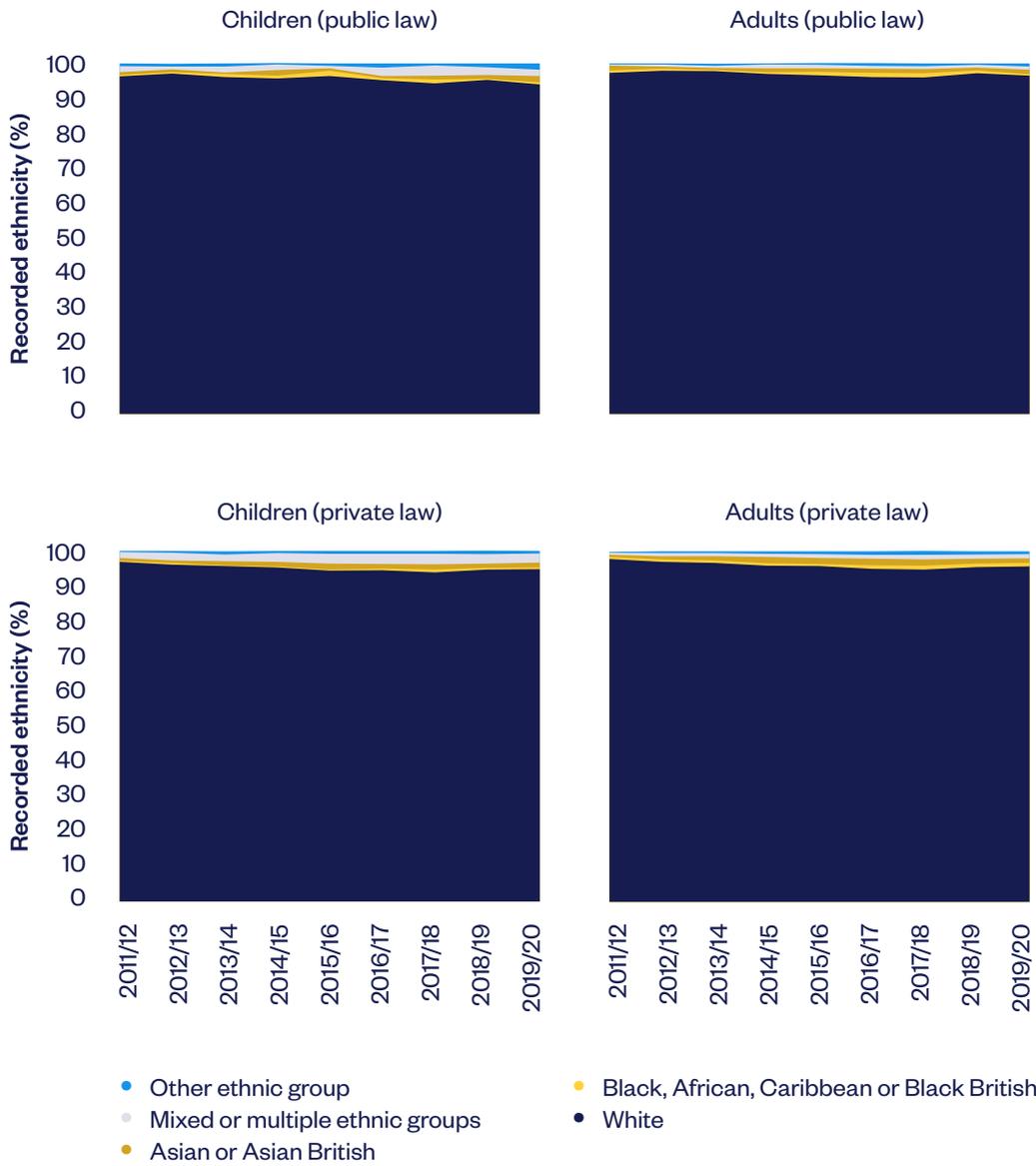
Figure 1: Percentage of individuals involved in the family justice system that have an ethnicity recorded using the linked data method



What is the ethnicity of people in the family justice system?

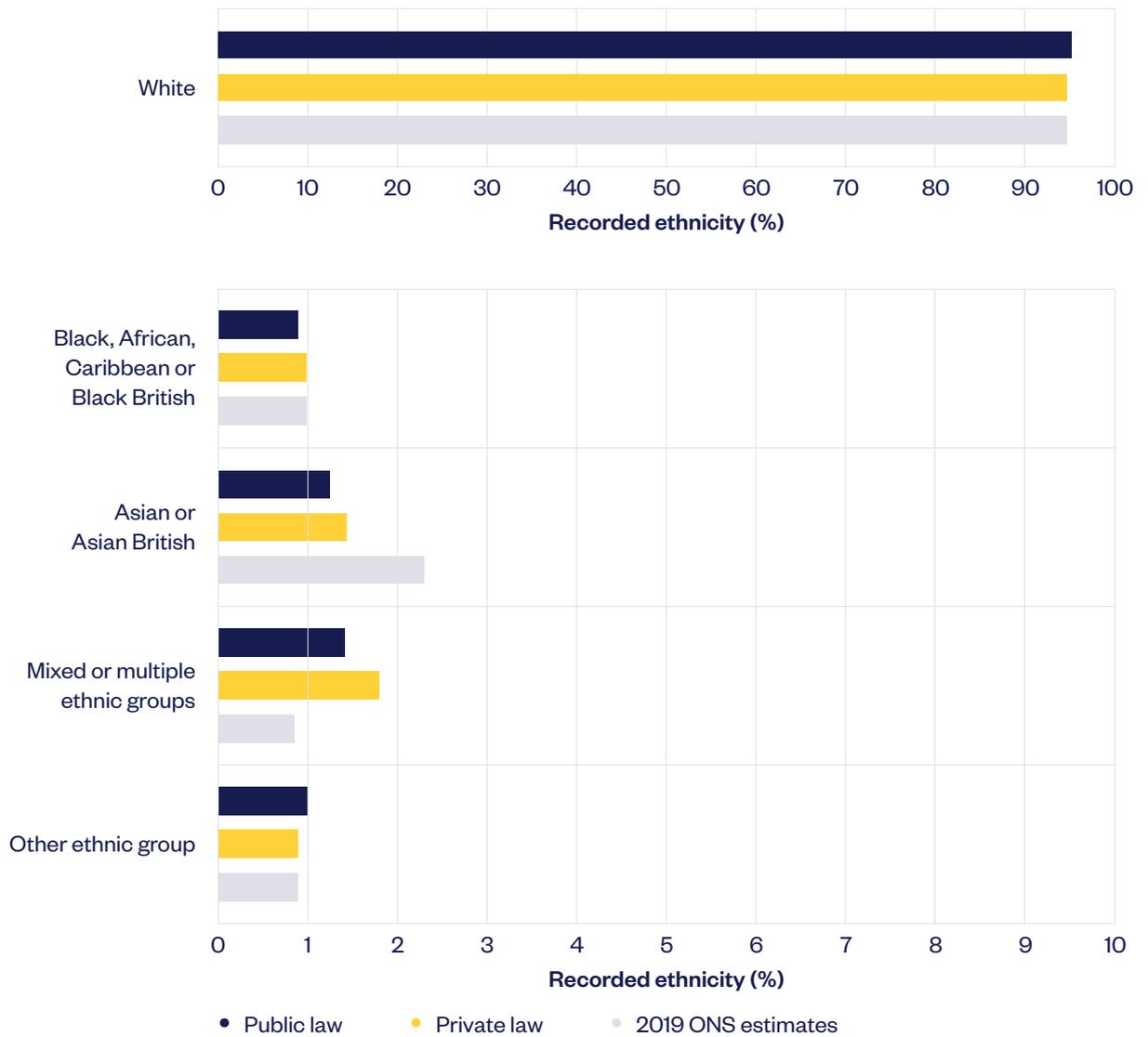
- Overall, most adults and children in the family justice system in Wales – both public and private law – are White (around 95%). There is a slightly higher proportion of adults recorded as White than children.
- The second largest proportion of individuals are recorded as being in Mixed or multiple ethnic groups, with a slightly higher proportion of children in both public and private law cases than adults. Individuals in the Other, Asian or Asian British, and Black, African, Caribbean or Black British groups combined make up between 2% and 3% of children and adults in both public and private law cases.

Figure 2: Percentage of individuals in each ethnic group, using the linked data method



What do we know about ethnic diversity in the family justice system in Wales?

Figure 3: Ethnicity of individuals in public and private law cases (2017/18 to 2019/20), and the general population (using 2019 ONS estimates)



Note: Different scales are used for White and the other ethnic groups to aid comparison.

Conclusions

- Our findings indicate that the family justice system works with a diverse population of families in Wales, in both public and private law proceedings. However, most adults and children involved in family justice proceedings are White, reflecting the ethnicity of the population across Wales.
- Given the limited literature and analyses to date, more needs to be done to confirm these findings, and to recognise, understand and respond to the needs of all ethnic groups in the family justice system.

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Nuffield Family Justice Observatory

Nuffield Family Justice Observatory (Nuffield FJO) aims to support the best possible decisions for children by improving the use of data and research evidence in the family justice system in England and Wales. Covering both public and private law, Nuffield FJO provides accessible analysis and research for professionals working in the family courts.

Nuffield FJO was established by the Nuffield Foundation, an independent charitable trust with a mission to advance social well-being. The Foundation funds research that informs social policy, primarily in education, welfare, and justice. It also funds student programmes for young people to develop skills and confidence in quantitative and scientific methods. The Nuffield Foundation is the founder and co-funder of the Ada Lovelace Institute and the Nuffield Council on Bioethics.

Family Justice Data Partnership

The Family Justice Data Partnership is a collaboration between Lancaster University and Swansea University, with Cafcass and Cafcass Cymru as integral stakeholders. It is funded by Nuffield Family Justice Observatory.

SAIL Databank

Cafcass Cymru data used in this study is available from the Secure Anonymised Information Linkage (SAIL) Databank at Swansea University, Swansea, UK, which is part of the national e-health records research infrastructure for Wales. All proposals to use this data are subject to review and approval by the SAIL Information Governance Review Panel (IGRP). When access has been granted, it is gained through a privacy-protecting safe-haven and remote access system, referred to as the SAIL Gateway. Anyone wishing to access data should follow the application process guidelines available at: www.saildatabank.com/application-process

Approval for the project was granted by the IGRP under SAIL project 0929.



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