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

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Report

This report aims to illuminate the availability, scope and quality of the ethnicity data collected by the Children and Family Court Advisory Service (Cafcass) in England, and to make a substantive contribution to the knowledge base around ethnic diversity in the family justice system.

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Executive summary

Over the last five years, the Children and Family Court Advisory Service for England (Cafcass) has made a considerable effort to improve the recording, analysis and reporting of a range of diversity characteristics, including ethnicity, which has been identified as an important first step in better understanding the diversity of children and families in the family justice system (Cafcass 2021). In April 2016, Cafcass started to collect data on the ethnicity of all children and adults in both public and private law cases far more systematically, enhancing the potential of this data for research.

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

- examine the quality and completeness of Cafcass data regarding ethnicity

- describe the ethnic diversity of children and adults in public and private law cases in England, both nationally and by region

- consider, against the national picture, whether particular ethnic groups are under- or over-represented in the family justice system in England.

About the data

This study used anonymised, population-level data on all children and adults involved in public and private family law cases in England between 1 April 2007 and 31 March 2020. The cohort consisted of 2.8 million individuals:

322,000 children and 444,000 adults in public law cases

808,000 children and 1,230,000 adults in private law cases.

National ethnicity estimates are from the publicly available Office for National Statistics (ONS) 2019 experimental statistics (ONS 2021). This report uses the same 5 ('high-level') ethnic group categories and 18 (sub) categories as the ONS and 2011 census.[1]

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

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[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. Roma were included in the 2021 census for the first time, bringing the current number of sub-categories to 19. For further details see: https://www.ethnicity-facts-figures.service.gov.uk/style-guide/ethnic-groups

Quality and completeness of data

- There has been an overall improvement in the recording of ethnicity by Cafcass since 2015/16. Prior to this, ethnicity data was recorded for less than a third of individuals involved in family law cases. In more recent years (2016/17 to 2019/20), ethnicity has been recorded for around four-fifths of both adults and children. This is a major step forward in understanding an important dimension of diversity for the population of children and families involved within the family justice system.

- Throughout the study window (2007/8 to 2019/20), ethnicity was more likely to be recorded for adult women than men in public law cases. This reflects what we already know about the potentially marginal position of fathers in child protection and care proceedings and the dynamics of engagement with fathers in social work practice (Brandon et al. 2019; Brown et al. 2009; Critchley 2021; Philip et al. 2019). In contrast, however, there was little difference in the completeness of ethnicity data for men and women in private law cases. Given that male litigants account for a majority of applications (Cusworth et al. 2021a) in private law, this is an important new finding.

- There were some variations in the level of completeness of ethnicity data by region, and further research is needed into potential driving factors, including local practice. In addition, questions remain about whether the patterns of missing data are random or systematically biased.

Ethnic diversity of children and adults in public and private law cases

- According to the Cafcass data, in the three years between 2017/18 and 2019/20, the majority of adults and children involved in family justice proceedings were White, both in public and private law. While a higher proportion of adults were recorded as White than children, lower proportions were recorded in Mixed or multiple ethnic groups. Moreover, the ethnic diversity of both children and adults involved in family law cases has not altered in the last three years.

- A higher proportion of both adults and children are recorded as Asian or Asian British in private law cases than public law cases. Further work is needed to explore the underlying reasons for this notable difference.

How does the ethnic diversity of children and adults in the family justice system compare to the general population?

- The data showed that both adults and children in the Black, African, Caribbean or Black British, Mixed or multiple and Other ethnic groups were

over-represented in public law proceedings. This mirrors previous research showing that Black children and children from mixed ethnic groups are over-represented in the care population, while Asian children are under-represented (Bywaters et al. 2017, 2019; Owen and Statham 2009).

- We found that, as in public law, individuals in the Black, African, Caribbean or Black British, Mixed or multiple, and Other ethnic groups were over-represented in private law cases. However, a different picture emerged for those in the Asian or Asian British group, who were under-represented in public law cases, but not in private law cases – 8% of individuals in private law cases were of Asian heritage, the same proportion as in the the general population. Findings in relation to private law are entirely novel and provide new insights into the ethnic diversity of adults and children in private law proceedings.

- In both public and private law, ethnic disproportionality is most apparent for individuals of Mixed or multiple ethnicity.

  — The proportion of individuals in public law and private law cases was 6.7% and 6.3% respectively, around three and a half times higher than the proportion in the general population (1.9%).

- Although individuals from a White ethnic background are generally under-represented in the family justice system, significant differences are seen *within* the White ethnic group.

  — Individuals in the Gypsy or Irish Traveller ethnic group are over-represented in both public (0.7%) and private (0.1%) law, compared to the general population (<0.1%). Further research is necessary to explore ethnic disproportionality beyond the five broad ethnic group categories.

- There were some marked regional variations in the ethnic diversity of both adults and children in the family justice system when compared to the general population.

  — In all nine regions – East Midlands, East of England, London, North East, North West, South East, South West, Yorkshire and the Humber and West Midlands – there was greater ethnic diversity amongst individuals involved in both public and private law cases than in the general population, with lower proportions recorded as White. This suggests that across all regions in England a disproportionate number of children and adults from non-White ethnic backgrounds are involved in family law proceedings.

  — The most striking ethnic diversity of individuals in the family justice system is seen in London. While three-fifths (59.2%) of the general population is White, 43.7% and 42.4% of individuals involved in public and private law cases respectively were recorded as White.

  — In other regions, the pattern varies. For example, in the West Midlands, 8.5% of individuals in public law and 7.8% in private law had mixed or multiple ethnic backgrounds compared to 1.7% of the general population.

Conclusions and next steps

- Significant progress has been made, and continues to be made, in improving the recording of ethnicity within the case management data collected routinely by Cafcass.

  - Maintaining and reviewing the quality of this data will help to ensure reliable estimates of minority ethnic populations involved in the family justice system in future years.
  - While it is important to continue to progress reliable estimates using Cafcass data, it will also be beneficial to supplement the historical Cafcass data via data linkage, to provide ethnicity information from other sources, for example health data.

- Our provisional findings indicate that the family justice system works with a diverse population of families, in both public and private law proceedings.

  - Entirely novel findings in relation to private law – especially around the proportion of individuals from the Asian or Asian British group involved in proceedings – require further investigation.
  - More detailed analysis is needed to unpack these variations and understand the relationship with both the ethnic diversity of the underlying regional population and other factors, such as levels of local area deprivation and regional variation in terms of urban and rural areas.

- Given the ethnic diversity and the limited literature and analyses to date, more needs to be done – at both a quantitative and qualitative level – to recognise and respond to the needs of all ethnic groups in the family justice system.

Key concepts

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).

While data on ethnicity is now available for family justice research in England, we must keep in mind the complexity and potential bias in its recording, and thus interpretability. Although those devising and using information systems strive for objectivity through the development of standardised categories, both self-reported ethnicity and how professionals involved in recording data assign an individual to one ethnic group or another, can vary.

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, 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 – and the 18 sub-categories used in the 2011 census.[2]

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 independently advises the family courts in England 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 England, see Broadhurst et al. 2018).

- 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 England, see Cusworth et al. 2021a).

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[2] Roma were counted for the first time in the 2021 census, bringing the current number of sub-categories to 19.

Introduction

An effective and fair family justice system needs to understand how the system is used and experienced by children and adults, and whether 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 from different ethnicities. Progress has been made in understanding the proportions of children from majority and minority ethnic groups involved in child protection and the care system (Bywaters et al. 2016, 2017, 2019; Owen and Statham 2009; Webb et al. 2020). Although there is overlap, the same cannot be said about children and families specifically within public family law proceedings. Less still is known about those involved in private family law, which has somewhat of a 'Cinderella' status in the UK despite the persistent high volume of cases (Ministry of Justice 2020). This omission has continued, regardless of calls from academics, professionals and families alike, for a greater focus on understanding ethnic diversity in the experience of, and outcomes for, families who come before the family courts. Indeed, almost 20 years have passed since Julia Brophy and colleagues argued that family proceedings needed to be viewed through a 'cultural lens' (Brophy et al. 2003).

The limited attention given to questions of ethnicity in respect of family justice results from a number of different but interrelated issues. The family justice system has rarely reflected on the ethnic diversity of its users or whether there are any inherent racial biases in its processes or decision making. Routine collection of data on the ethnicity of children and families at a national level has not been of sufficient quality or completeness to enable robust analyses (Rehill and Roe 2021). There is also a general shortage of data scientists and analysts with the necessary expertise and interest in family justice to make use of large, complex and often messy national administrative datasets (Broadhurst et al. 2021). The Family Justice Data Partnership (FJDP) – a collaboration between Lancaster and Swansea Universities, funded by the Nuffield Family Justice Observatory – is pioneering the use of administrative data in family law research (see for example, Alrouh et al. 2019; Cusworth et al. 2020; Cusworth et al. 2021a, 2001b; Doebler et al. 2021; Griffiths et al. 2020, 2021; Pattinson et al. 2021) and in doing so is able to complete analysis that begins to address this longstanding issue.

Concerted efforts have been made within Cafcass (the Children and Family Court Advisory Service for England) to improve the recording, analysis and reporting of diversity (e.g. age, disability, ethnicity, gender, religion, sexuality), identified as an important first step in better understanding children and families in the family justice system (Cafcass 2021). In April 2016, Cafcass started to collect data on the ethnic group of all children and adults in both public and private law cases far more systematically, enhancing the potential of this data for research.

This report seeks to both illuminate the availability, scope and quality of this data, and make a substantive contribution to the knowledge base around ethnic diversity in the family justice system. The objectives of the study were:

- to examine the quality and completeness of Cafcass data regarding ethnicity

- to describe the ethnic diversity of children and adults in public and private law cases in England, both nationally and by region

- to consider, against the national picture, whether particular ethnic groups are under- or over-represented in the family justice system in England.

Methodology

Administrative data collected and maintained by Cafcass is held in the SAIL [Secure Anonymised Information Linkage] Databank (Ford et al. 2009; Johnson et al. 2020; Jones et al. 2014, 2020). The study used this anonymised, population-level data on all children and adults involved in public and private family law cases in England between 1 April 2007 and 31 March 2020 (see Bedston et al. 2020 for more information about the Cafcass data).[3]

The Cafcass cohort consisted of 2.8 million individuals:[4]

- 322,000 children and 444,000 adults in public law cases

- 808,000 children and 1,230,000 adults in private law cases.

See Table A.1 in the appendix for further details.

Following review of the project by the SAIL independent information governance review panel and by Cafcass, the research team was granted access to the ethnicity data for scoping.

National ethnicity estimates from the publicly available Office for National Statistics (ONS) 2019 experimental statistics (ONS 2021) were joined to the Cafcass data extract.[5] As population estimates for England are not available for different age groups, this analysis relates to all individuals (adults and children).[6] To facilitate comparability and replication (Connelly et al. 2016) the ONS 5-group and 18-group ethnicity categories were used (see Table 1).

Ethnicity can be recorded by Cafcass at any stage prior to the closure of a case, but the actual date of recording is not specified. We therefore used the date on which an individual's first case opened to examine the proportion of children and adults for whom ethnicity data was available within the Cafcass data in each fiscal year. We also evaluated the completeness of data recording by region, by individuals' role on their first application within the case, by gender, and by age group.[7]

Focusing on each of the three most recent years, from 2017/18 to 2019/20, we then explored recorded ethnicity of adults and children involved in public and

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[3] Involved as either an applicant, respondent, subject or other.

[4] Each child and adult contributed only once to their respective total for any year, regardless of involvement in additional cases in the same year.

[5] Ethnicity figures from the 2011 census are shown in Table A.6 to Table A.9 in the appendix, to enable comparison between using older, underlying population data (i.e. 2011 census) and the more recent, but experimental population data (i.e. ONS 2019 experimental statistics (ONS 2021)).

[6] ONS 2019 experimental statistics only provide ethnicity estimates by age group for England and Wales combined.

[7] The nine English regions are North East, North West, Yorkshire and the Humber, East Midlands, West Midlands, East of England, London, South East, and South West.

private family law cases each year, for England as a whole, and by region.[8] The ONS 5-group ethnicity categories are used, but due to small numbers the analysis cannot be disaggregated to the 18-group categories. With awareness that there may be potential bias in missing data towards certain ethnic groups (McGrath-Lone et al. 2021) the 'missing' category has been excluded from this analysis.[9] It is not currently possible to do in-depth investigation into the missing data to understand the potential bias introduced, as there are no other sources of ethnicity data for England linkable to the Cafcass data in the SAIL Databank.[10]

Table 1: ONS 5-group and 18-group ethnicity categories applied in this report[11]

Ethnicity (5-group)	Ethnicity (18-group)
White	English, Welsh, Scottish, Northern Irish or British
	Irish
	Gypsy or Irish Traveller
	Any other White background
Black, African, Caribbean, Black British	African
	Caribbean
	Any other Black, African, or Caribbean background
Asian, Asian British	Indian
	Pakistani
	Bangladeshi
	Chinese
	Any other Asian background
Mixed or multiple ethnic groups	White and Black Caribbean
	White and Black African
	White and Asian
	Any other mixed or multiple ethnic background
Other ethnic group	Arab
	Any other ethnic background
Missing	Refused
	Unknown
	Blank

Source: UK Government, n.d.

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[8] Due to high levels of missing ethnicity data in the Cafcass data in earlier years, comparisons are restricted to 2017/18–2019/20.

[9] The study's 'missing' category consists of refused (0.2%), unknown (5.4%) and blank (not collected, 94.4%).

[10] Other sources for England might include Department for Education, census and health data (e.g. NHS Digital). Family Justice Data Partnership is currently carrying out a sister study in Wales, applying innovative methodology to link ethnicity records from various sources including census and health data to Cafcass Cymru data. However, this methodology is not without its limitations (see Bohensky et al. 2010; Gilbert et al. 2018; Hagger-Johnson et al. 2015; McGrath-Lone et al. 2021).

[11] In this study we apply the ONS 18 sub-categories used in the 2011 census. Roma were counted for the first time in the 2021 census, bringing the current number of sub-categories to 19.

Finally, again focusing on the three most recent years, we compared the proportion of individuals[12] in each ethnic group (using both the ONS 5-group and 18-group categories) in public and private law cases, and the general population, using ethnicity figures from the 2019 ONS experimental statistics. To consider the representation of different ethnic groups in public and private law cases, rates were calculated and expressed as the number of individuals from each ethnic group involved in a family law case between 2017/18 and 2019/20, per 10,000 of the general population.

Figures reported here are not directly comparable to Cafcass reported figures for a number of reasons, including differences in the data structuring, unit of analysis and data cleaning. In the Cafcass annual report (Cafcass 2021), ethnicity figures are provided for closed cases only. To provide a full picture of the availability of ethnicity data for research, we considered all cases (both open and closed) that started between 2007/8 and 2019/20. It is possible that ethnicity will not yet have been recorded in open cases, which would increase the level of missing ethnicity data.

Strengths and limitations

This is the first time, to our knowledge, that ethnicity data recorded by Cafcass has been independently analysed. This report documents the quality and completeness of Cafcass ethnicity data. It also examines the ethnic diversity of children and adults involved in public and private family law cases across the nine English regions, while considering the disproportionate representation of different ethnic groups in the family courts. Better understanding of the adults and children in the family justice system will further inform policy and practice in an effort to build strategies to reduce inequalities.

However, we acknowledge the following limitations.

- Studies based on administrative data are necessarily limited by the scope and quality of available data, which is collected primarily for organisational rather than research purposes.

- In terms of population estimates, we have used the ONS 2019 experimental statistics (ONS 2021). While more recent than the 2011 census data, it comes with limitations, including rounded base figures for the 18-group ethnic categories, from which the 5-group ethnic categories are calculated.

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

- To gain a fuller understanding of the role of ethnicity in family justice it will be necessary to examine the data further, controlling for additional relevant factors including age, location, area-level deprivation and socio-economic factors.

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[12] To compare to the national ethnicity figures, which include both children and adults, we combined the Cafcass children and adult sub-cohorts. In this combined cohort, a child or adult involved in a case starting between 2017/18 and 2019/20 contributed only once to the total regardless of involvement in additional cases within that period. For individuals involved in multiple cases in that period, ethnicity data was taken from their first case.

How complete is Cafcass ethnicity data?

This section describes the percentage of children and adults in the Cafcass cohort with ethnicity recorded in the data between 2007/8 and 2019/20. It also considers the level of missing ethnicity data by an individual's region, gender, age group and role on their first application within the case. A full breakdown of the demographic characteristics of adults and children by law type can be found in the appendix (Table A.2 to Table A.5).

Figure 1 shows the percentage of individuals for whom ethnicity was recorded, per fiscal year. A similar pattern was seen for adults and children, whether they appeared in public or private law.

Figure 1: Percentage of adults and children for whom ethnicity was recorded in the Cafcass database, by law type
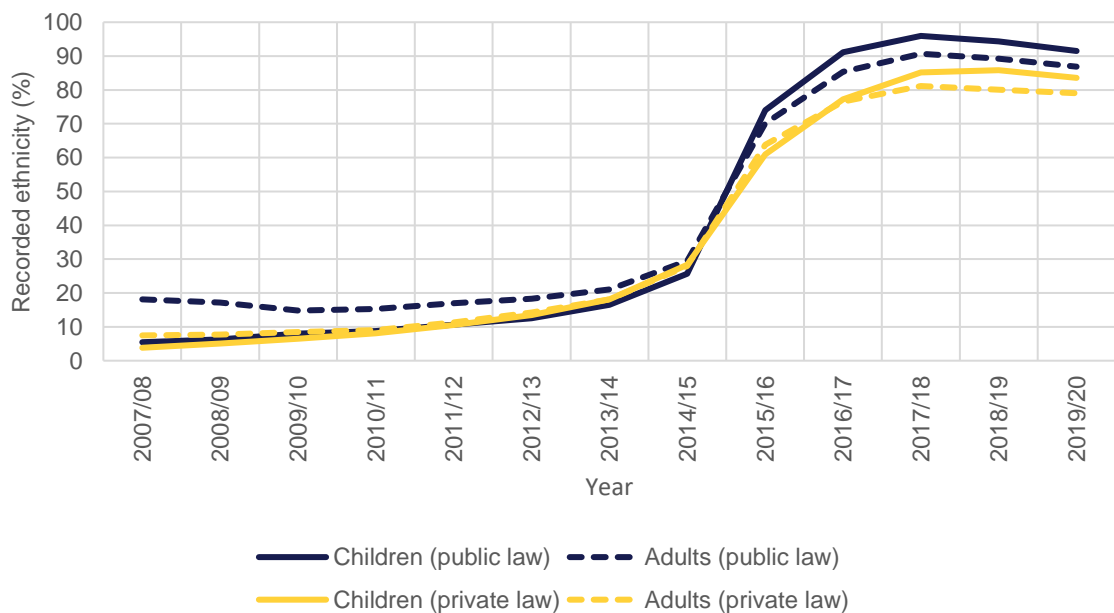
Ethnicity is available for less than a third of all adults and children prior to 2015/16, which corresponds to when Cafcass started to systematically record data on ethnicity.[13] In the following year, recording of ethnicity for individuals in both public and private law cases doubled, from around 30% to 60%, with further increases in the subsequent two years, rising to over 80% – markedly improving the data's usability. A small decrease in the level of recording can be seen in the most recent two years (2018/19 and 2019/20). One possible explanation might be

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[13] Prior to April 2016, records may show data if an individual was involved in long-running proceedings or if they appeared on a future case.

that recording of ethnicity remains outstanding in open cases and the more recent years of data include a greater proportion of such cases.

It can also be seen from Figure 1 that, since 2015/16, when there has been an increase in recording of ethnicity, data availability is generally higher for children than adults, and for individuals involved in public law than private law cases.

By region

Across the nine regions of England, similar patterns can be seen in the proportion of individuals for whom ethnicity was recorded, with relatively low levels of recording of ethnicity until 2015/16 (Figure 2). However, some regional variations exist in terms of data availablity, particularly for children in private law. For example, in 2019/20, ethnicity was recorded for 72.8% of children involved in private law proceedings in the South East, compared with 93.8% in Yorkshire and the Humber.

Figure 2: Percentage of individuals for whom ethnicity was recorded in the Cafcass database, by region

What do we know about ethnic diversity in the family justice system in England?
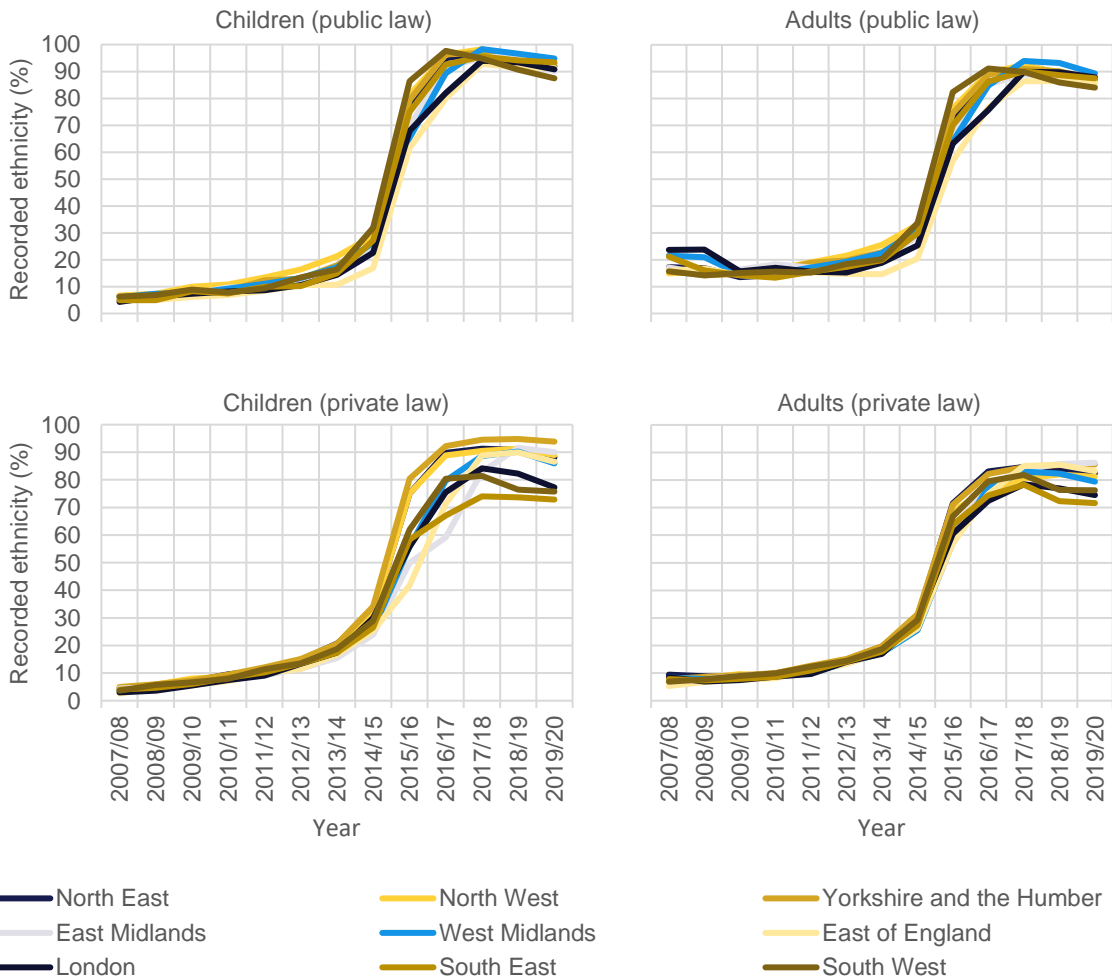
By gender

For children involved both in public and private law proceedings, the percentage of children for whom ethnicity was recorded is almost identical for girls and boys (Figure 3). Ethnicity was more likely to be recorded for adult women than men in public law cases, but little difference is seen in private law.

Figure 3: Percentage of individuals for whom ethnicity was recorded in the Cafcass database, by gender
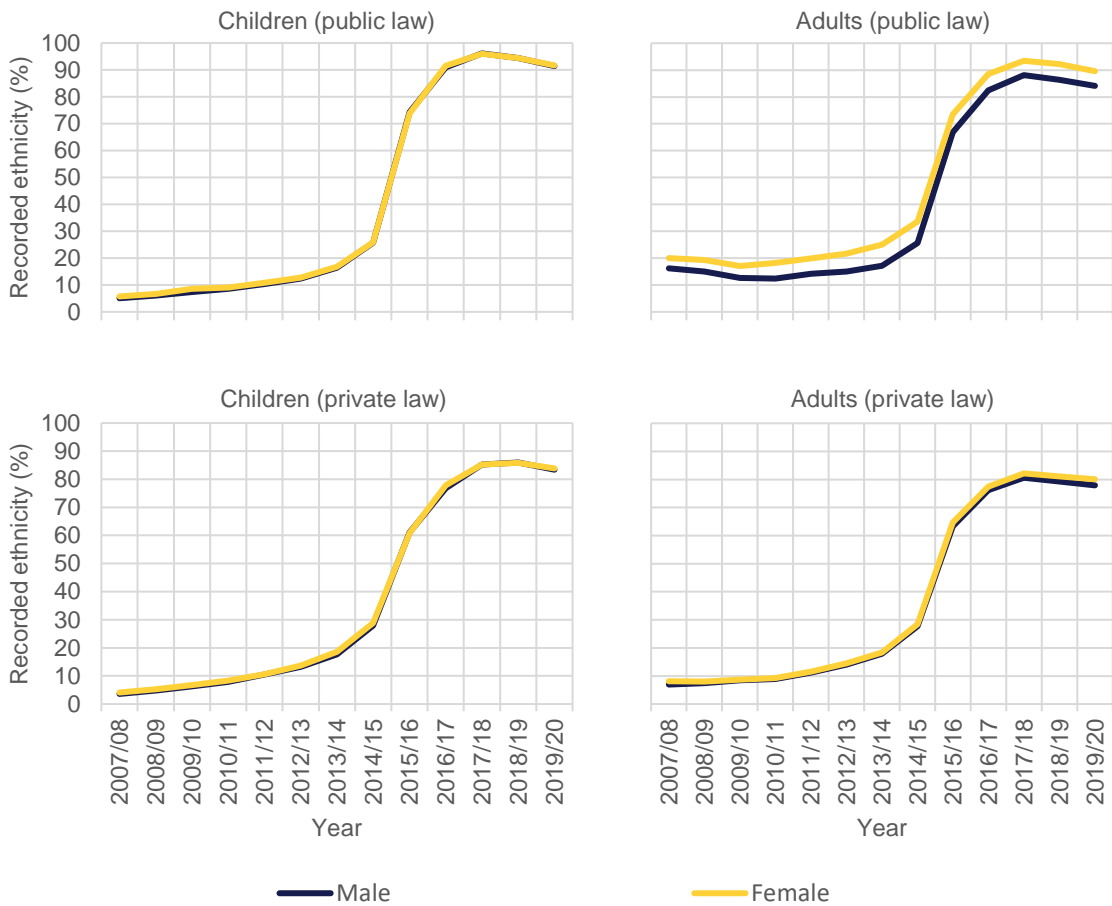
By age group

For adults, there is little difference seen in the proportion of each age group for whom ethnicity was recorded, for either law type (Figure 4). Adults aged 18–20 years old in private law cases are less likely to have ethnicity recorded, although they only make up around 1% of all adults in private law proceedings each year. The same overall pattern is seen for children, with little difference in the completeness of ethnicity data by age group. The oldest children in private law cases, those aged 16–17, are less likely to have ethnicity recorded.

Figure 4: Percentage of individuals for whom ethnicity was recorded in the Cafcass database, by age group
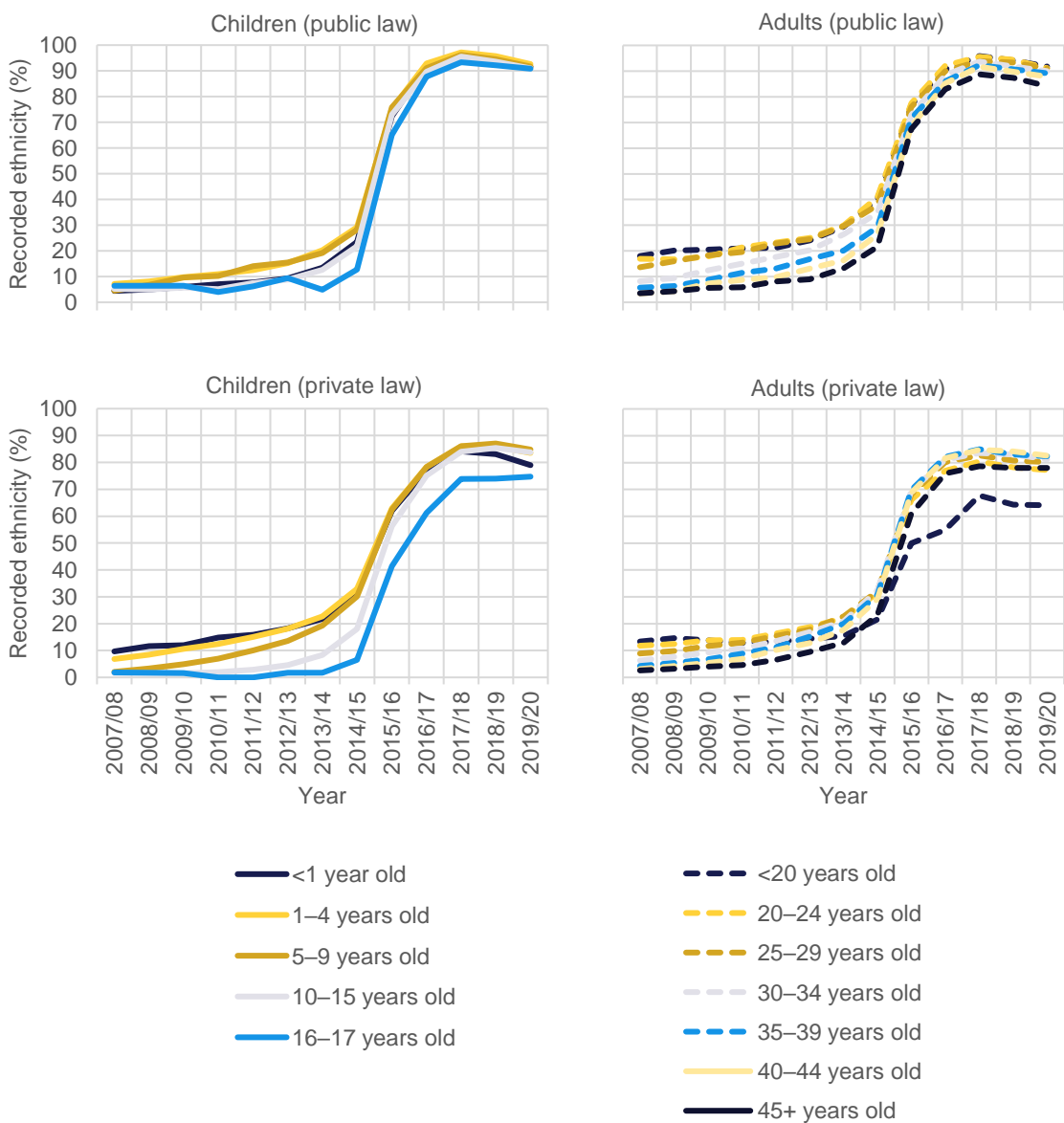
By role on application

In general, a similar pattern is seen for all types of individuals, with significant increases in the recording of ethnicity since 2015/16. However, we can see individuals whose role on the application was recorded as 'other' are less likely to have their ethnicity recorded than applicants, respondents and subjects (Figure 5).[14] This difference is more noticeable for individuals in private law cases.

Figure 5: Percentage of individuals for whom ethnicity was recorded in the Cafcass database, by role on application

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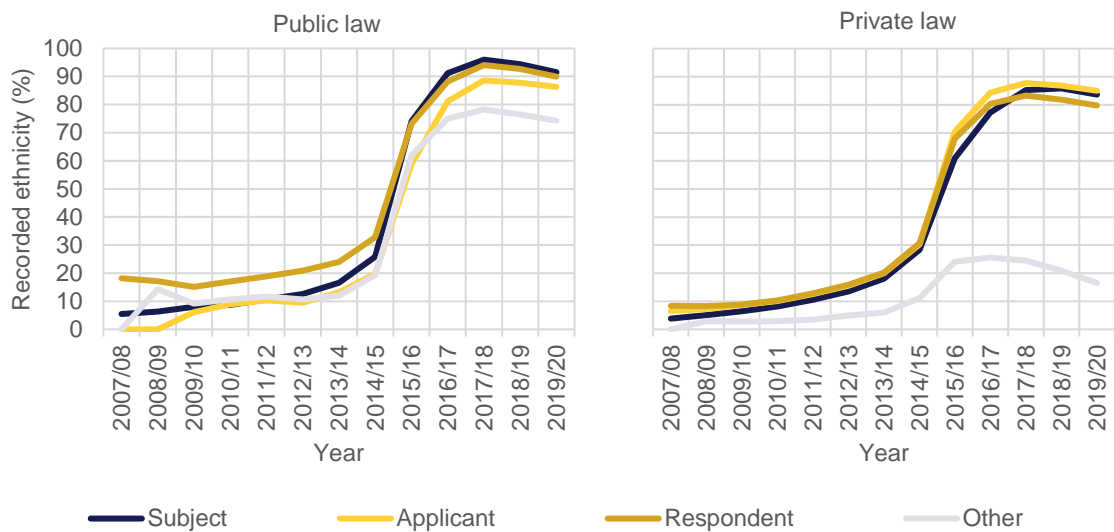
[14] 'Other', as defined by Cafcass, is a category for those individuals who are named on the application, but who are not the applicant, respondent or subject – e.g. members of the extended family. On average, the proportion of adults recorded as 'other' was 18.6% in public law and 11.4% in private law, between 2010/11 and 2019/20, although this fluctuated over the period (refer to Table A.3 and Table A.5 in the appendix).

What is the ethnicity of individuals in the system?

Focusing on each of the three most recent years of data – 2017/18 to 2019/20 – this section details the recorded ethnicity (using the ONS 5-group categories) of adults and children involved in public and private law proceedings, including variation by region.

As seen in the previous section, the proportion of individuals with missing ethnicity data – comprising blank (94.4%), unknown (5.4%) and refused (0.2%) – was considerable, even in the later years when recording had improved. Between 2017/18 and 2019/20, the proportion of missing data was:

- between 4.0% and 8.5% for children and between 9.3% and 13.2% for adults in public law cases

- between 14.8% and 16.3% for children and between 18.8% and 21.0% for adults in private law cases.

The 'missing' category has been excluded from the analysis in this section, and caution should be applied when interpreting the results.

Figure 6: Percentage of individuals in each ethnic group, as recorded by Cafcass between 2017/18 and 2019/20
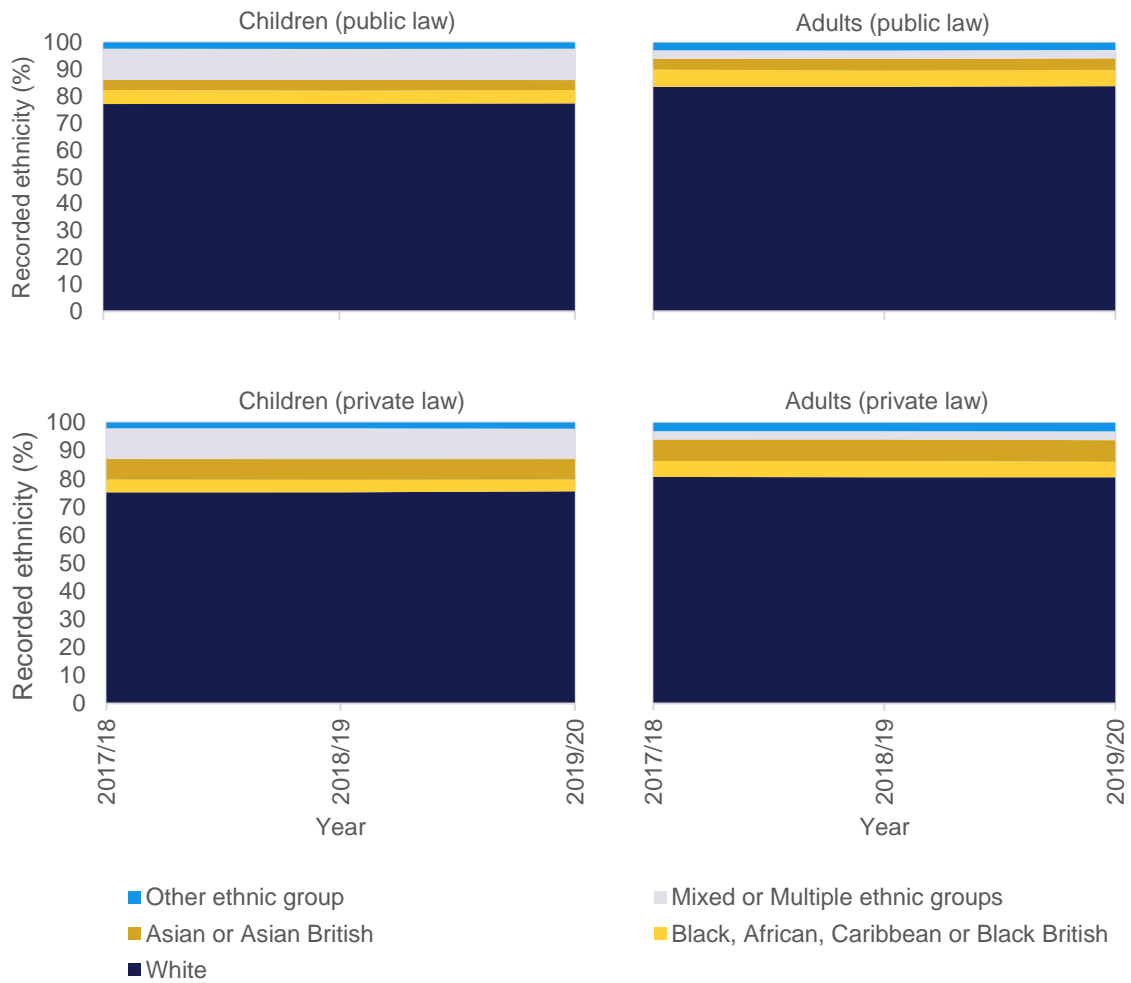
The recorded ethnicity of both children and adults involved in family law cases has not altered in the last three years, as can be seen Figure 6.

Overall, the majority of individuals, both adults and children, are White, both in public and private law.

We can also see that while a higher proportion of adults are recorded as White than children, lower proportions of adults are recorded in the Mixed or multiple ethnic groups.

The proportion of both adults and children recorded as Asian or Asian British in private law cases is higher than in public law cases.

Ethnic diversity by region

The recorded ethnicity of individuals involved in family law proceedings varied markedly across the nine regions of England (Figure 7 to Figure 10). The most striking difference is the ethnic diversity of individuals in family justice proceedings in London, compared to those in other regions. This clear difference is evident both for those in public and private law cases, and for both children and adults.

The overall pattern is similar for children (Figure 7) and adults (Figure 8) in public law cases, with the greatest ethnic diversity seen in London, and the least ethnic diversity seen in the North East and South West of England. For example, on average over the three years, 38.9% of children and 48.6% of adults in public law cases in London were White, compared with 91.2% and 94.3% in the North East.

Figure 7: Percentage of children in public law in each ethnic group, as recorded by Cafcass between 2017/18 and 2019/20, by region
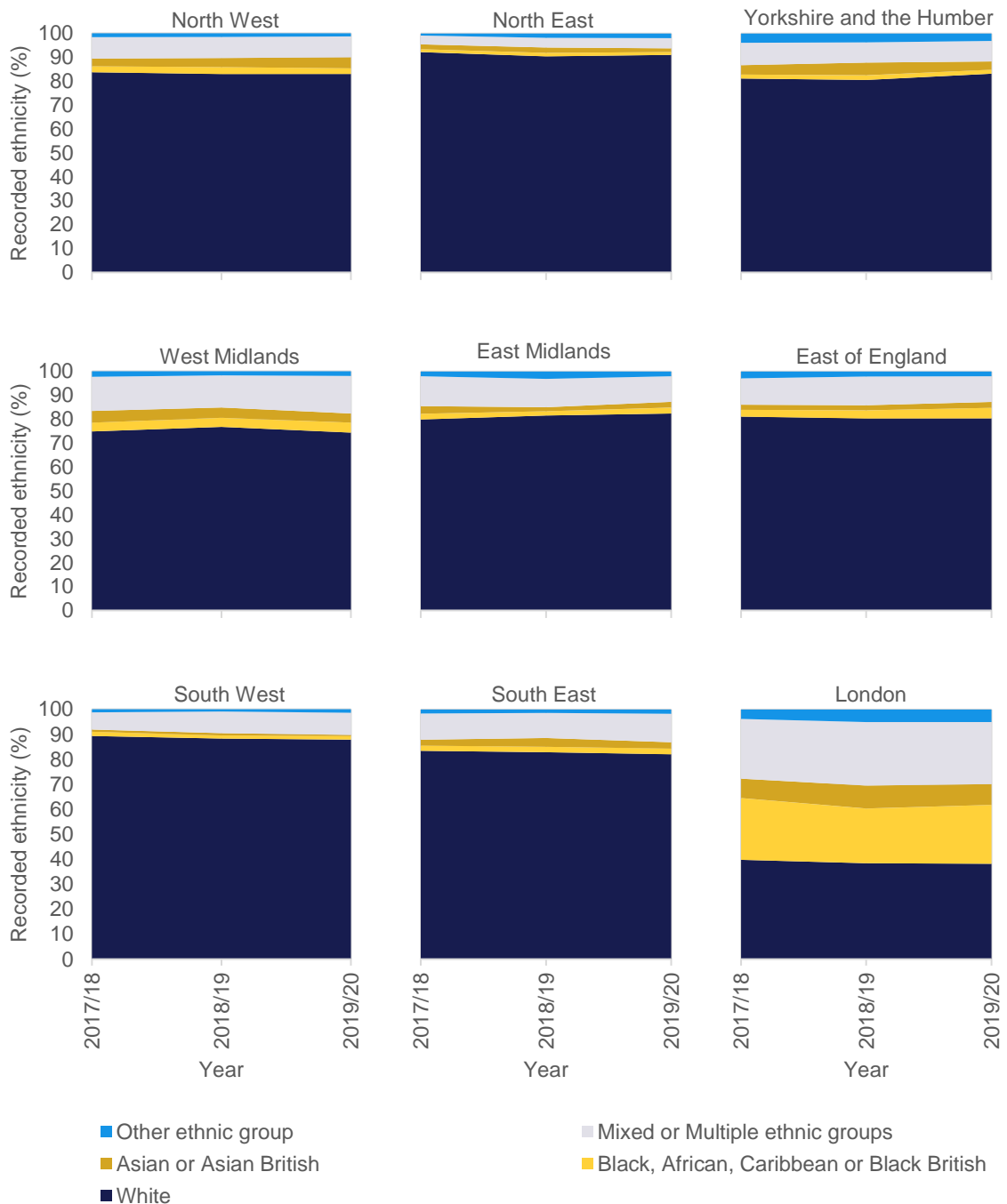
Figure 8: Percentage of adults in public law in each ethnic group, as recorded by Cafcass between 2017/18 and 2019/20, by region
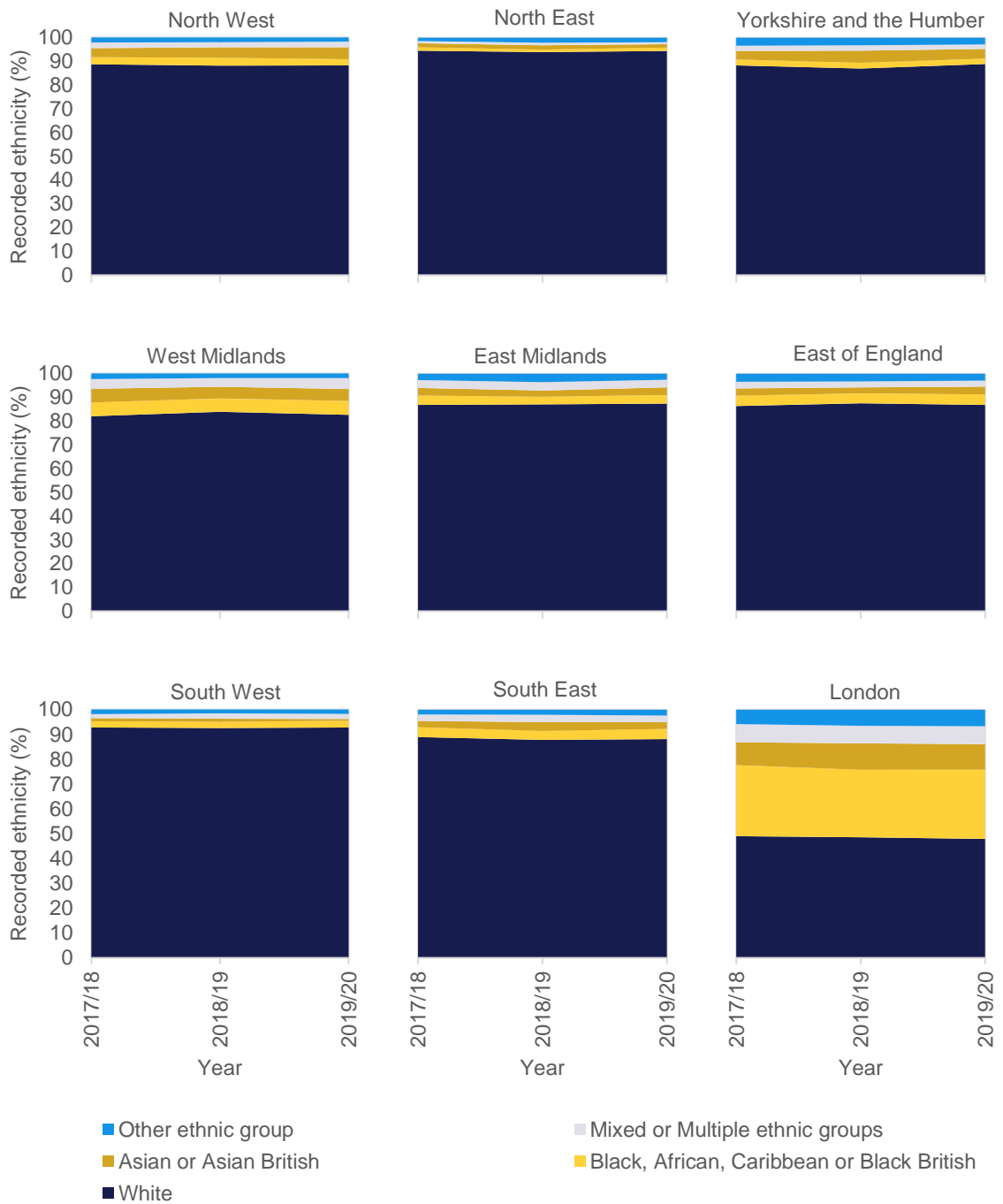
Turning to private law, similar overall patterns were seen in the recorded ethnicity of children (Figure 9) and adults (Figure 10), with greater diversity seen in London and the West Midlands, and a greater proportion of children recorded as having mixed or multiple ethnic backgrounds than adults in all nine regions.

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Figure 9: Percentage of children in private law in each ethnic group, as recorded by Cafcass between 2017/18 and 2019/20, by region
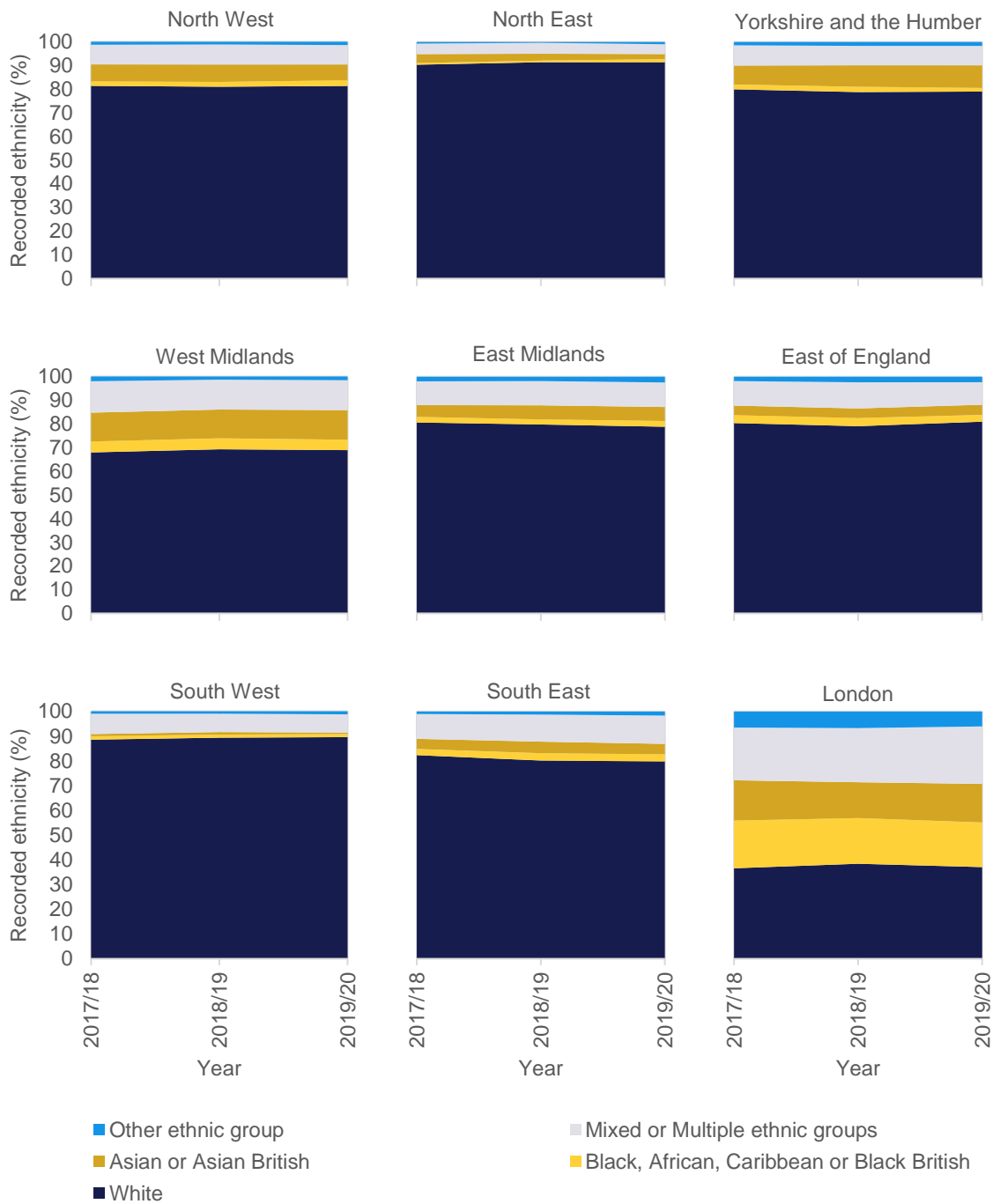
Figure 10: Percentage of adults in private law in each ethnic group, as recorded by Cafcass between 2017/18 and 2019/20, by region
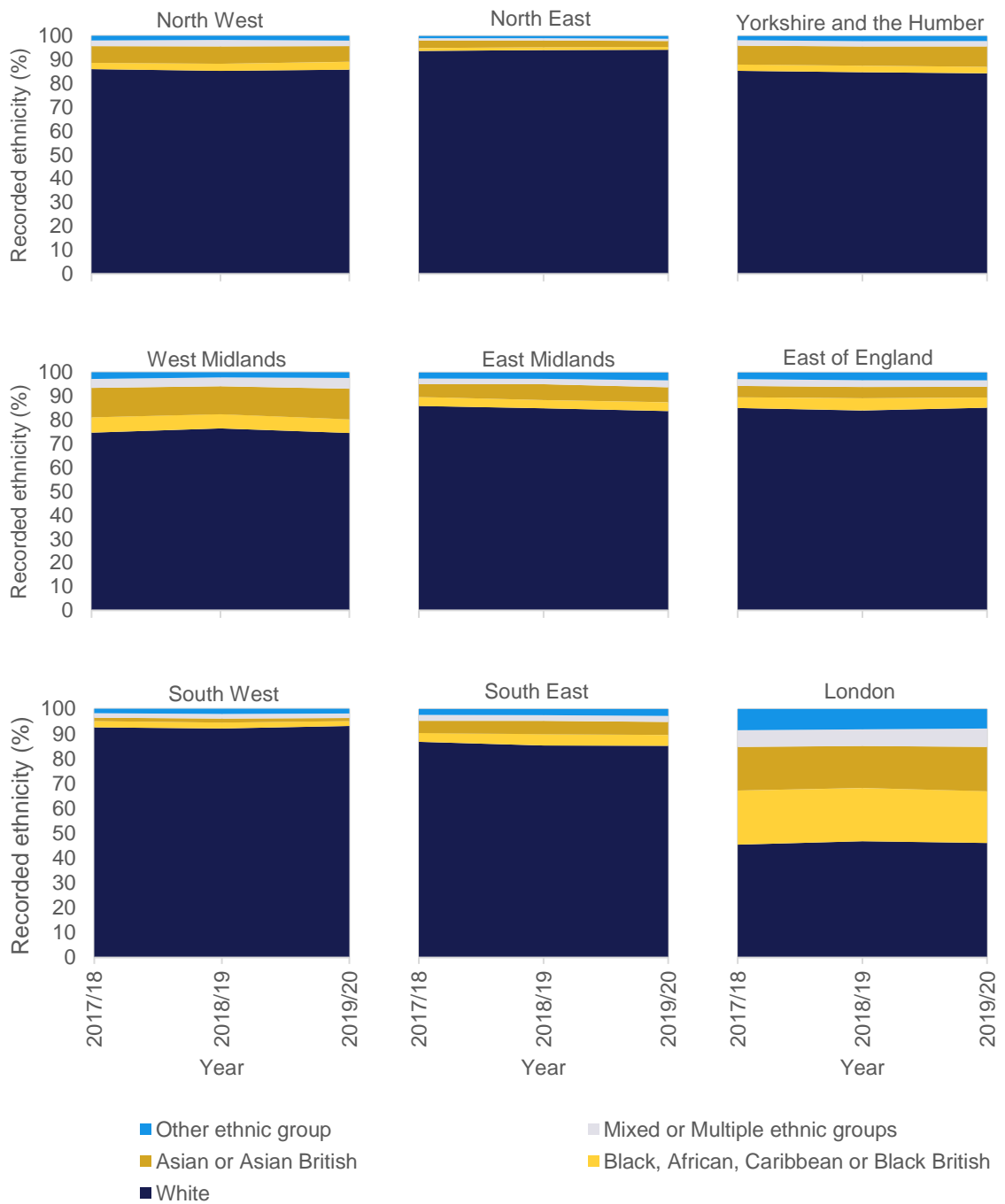
How does the ethnic diversity of individuals in the family justice system compare to the general population?

In this section, we investigate how the recorded ethnicity of individuals involved in the family justice system compares to that of the general population of England, using the ONS 5-group and 18-group categories.[15] National ethnicity estimates from the ONS 2019 experimental statistics (ONS 2021) are used.[16] As population estimates for England are not available for different age groups, this analysis relates to all individuals (adults and children).[17]

We consider the proportion of individuals in each ethnic group in public law cases, private law cases and the general population (Figure 11), and the rate of individuals in each ethnic group in a public or private law case within a three-year window (2017/18 to 2019/20) per 10,000 general population (Figure 12). We then go on to explore variations at a regional level.

Comparisons to the general population

Individuals in the general population were predominantly White (84.2%) (Figure 11). Just under a tenth of the population were recorded as Asian or Asian British (8.3%), 3.7% were Black, African, Caribbean or Black British, with individuals in the Mixed or multiple and Other ethnic groups each making up less than 2% of the population.

Similarly, the largest proportion of individuals in both public (80.7%) and private law (78.2%) cases were White, although these are slightly smaller proportions

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[15] Data for both 5-group and 18-group categories can be found in Table A.6 and Table A.7 in the appendix for comparisons to the general population, and Table A.8 and Table A.9 for regional variation.

[16] Ethnicity figures from the 2011 census are in Table A.6 to Table A.9 in the appendix, to enable comparison between using older, underlying population data (i.e. 2011 census) and the more recent, but experimental population data (i.e. 2019 ONS experimental statistics).

[17] ONS 2019 experimental statistics only provide ethnicity estimates by age group for England and Wales combined.

than in the general population of England (84.2%). These figures indicate that overall, individuals from a White ethnic background are under-represented in the family justice system. However, differences are seen within the White ethnic group; while individuals in the majority of sub-groups are under-represented in both law types, individuals in the Gypsy or Irish Traveller ethnic group are over-represented in both public (0.7%) and private (0.1%) law, compared to the general population (<0.1%) (see Table A.6 in the appendix).

Figure 11: Ethnicity (ONS 5-group) of adults and children in public and private law cases (2017/18 to 2019/20), and the general population of England (2019 ONS estimates)
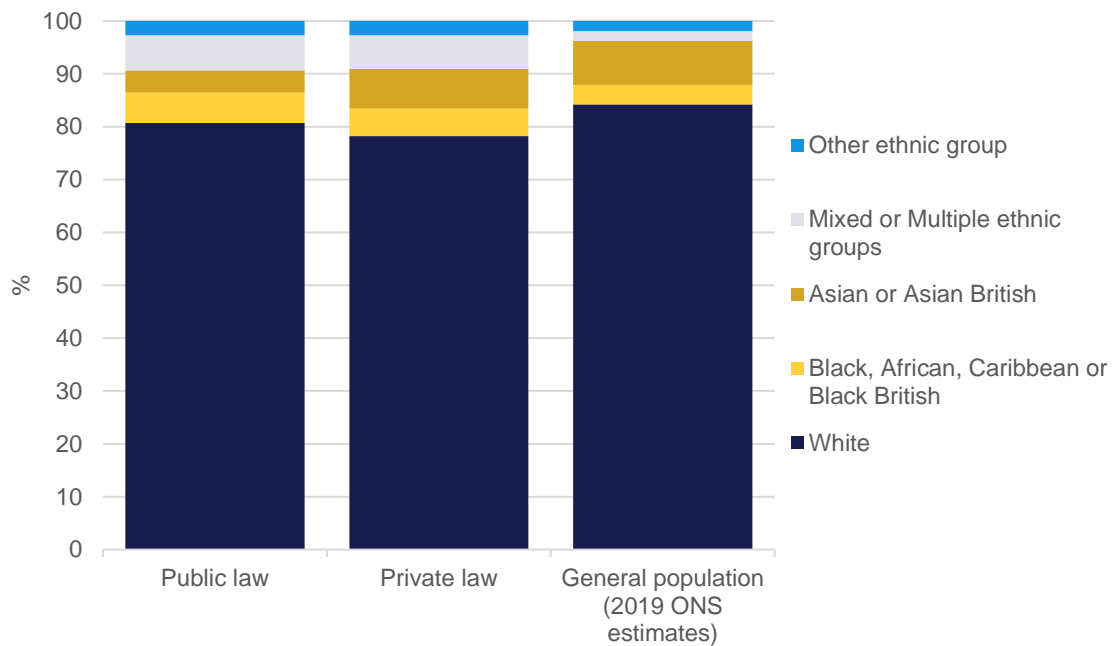
Compared to the national ethnicity figures, individuals in the Asian or Asian British group are under-represented in the family justice system, particularly in public law – just 4.1% of individuals in public law cases were recorded as Asian or Asian British, compared with 8.3% of the general population. Looking in more detail, we observe that the same pattern is seen for all the sub-groups, except for individuals in the Pakistani ethnic group, who are over-represented in private law (3.4%), compared to the general population (2.4%).

Previous research (Bywaters et al. 2017; Owen and Statham 2009) has observed that Black children and children from mixed ethnic groups are over-represented in the care population. Here, we found a similar pattern for individuals (adults and children) in the family justice system, in both public and private law. The most notable difference was among Mixed or multiple ethnic groups, where the proportion of individuals in public law and private law cases was 6.7% and 6.3% respectively – around three and a half times higher than the proportion in the general population (1.9%). This difference is heightened further when considering the more detailed sub-groups, which showed that the proportion of individuals with mixed White and Black Caribbean backgrounds was almost six times higher in public law and four times higher in private law cases, than in the general population.

Individuals with other recorded ethnicities (the Other ethnic group category) were also slightly over-represented in both public and private law, compared to the

general population. Looking in more detail, this over-representation was attributed to those with 'Any other ethnic background', while there were similar proportions of individuals in the Arab ethnic group in both public law (0.4%) and private law (0.5%) as in the general population.

In terms of incidence rates – that is, the number of individuals in the family justice system within the three-year period per 10,000 general population – we can see in Figure 12 that these were higher in private than public law across all 5 ethnic groups and 17 of the 18 sub-groups (Table A.7).[18] This reflects the general trend that more than twice the number of private law cases commence each year compared with public law cases – in 2019 there were 54,930 private law cases compared with 18,393 public law cases (Ministry of Justice 2020). The greatest disparity between law types was seen for those in the Asian or Asian British group, where 57 individuals per 10,000 population were involved in a private law application, three and a half times the rate of individuals in public law cases. Within this group, incidence rates in the Pakistani ethnic group were six and a half times higher in private law than public law.

Figure 12: Rate of adults and children in public and private law cases (2017/18 to 2019/20) per 10,000 general population (2019 ONS estimates), by ethnicity group
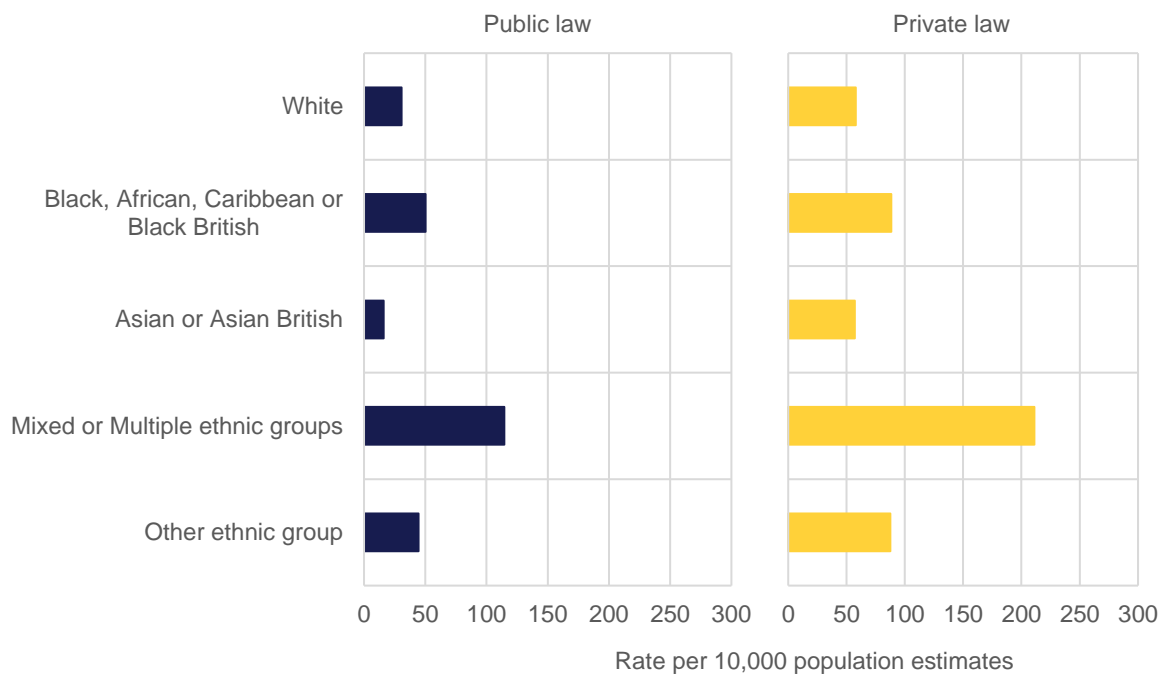
In public law, all ethnic groups except Asian or Asian British, had higher incidence rates than the White group, at 31 individuals per 10,000 population. The highest rates (115 per 10,000) were seen in the Mixed or multiple ethnic group. For those in the Asian or Asian British group, just 16 individuals per 10,000 population were involved in a public law case. When considering the 18 ethnic sub-groups, the differences are exaggerated further, with the lowest incidence rates (less than 10

[18] Incidence rates in the Gypsy or Irish Traveller ethnic group were found to be over three times higher in public law than private law.

per 10,000) seen for the Irish, Indian and Chinese ethnic groups, and the highest (903 per 10,000) seen for Gypsy or Irish Traveller group.

In private law, the incidence rates for all ethnic groups, except Asian or Asian British, were again higher than for the White group. But here, the incidence rate for Asian or Asian British (57 per 10,000 population) was very similar to that for individuals of White ethnicity (58 per 10,000). There are some differences within the Asian or Asian British group, with rates of 20 and 90 per 10,000 in the Chinese and Pakistani groups respectively. However, larger disparity is seen within the White group, with the lowest incidence rate (less than 20 per 10,000) seen for the Irish sub-group, and the highest (288 per 10,000) seen for the Gypsy or Irish Traveller group. This is a similar pattern to that seen in public law. Within the Mixed or multiple ethnic groups all sub-groups had incidence rates (exceeding 200 per 10,000), while the White and Asian ethnic group had a rate of 144 per 10,000.

Comparisons to the general population by region

This section considers the proportion of individuals in public law cases, private law cases, and the general population in each of the five main ethnic groups, by region.[19] The ethnic diversity of individuals involved in family law proceedings across England, and how this compares with the underlying population, can be seen in Figure 13. In all nine regions, there was greater ethnic diversity among individuals involved in both public and private law cases than in the general population, with lower proportions recorded as White. This suggests that across all regions in England a disproportionate number of children and adults from non-White ethnic backgrounds are involved in family law proceedings.

The most striking ethnic diversity of individuals in the family justice system is seen in London, perhaps unsurprising given the level of ethnic diversity in the general population. However, while three-fifths of the general population of London (59.2%) was recorded as White, this was 43.7% and 42.4% of individuals involved in public and private law cases, suggesting that a disproportionate number of children and adults from non-White ethnic backgrounds are involved in family law proceedings in London. In other regions, the pattern varies. For example, in the West Midlands, 1.7% of the general population were from mixed or multiple ethnic groups, compared to 8.5% of individuals in public law and 7.8% in private law.

[19] It was not possible, due to small numbers, to consider the ONS 18-group ethnicity by region.

Figure 13: Ethnicity (5-group) of adults and children in public and private law cases (2017/18 to 2019/20), and the general population (2019 ONS estimates), by region
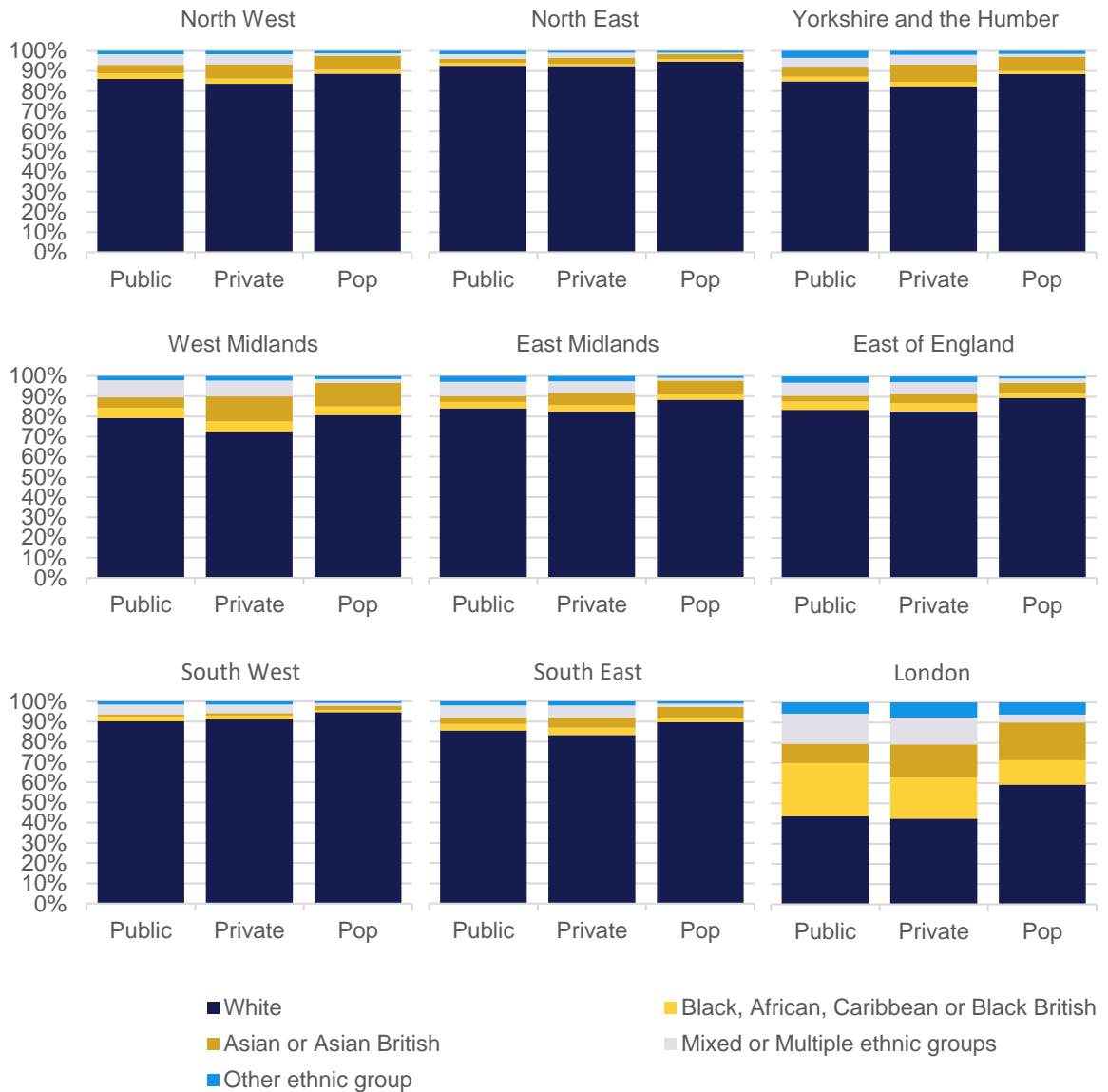
In terms of incidence rates by region – that is, the number of individuals involved in public family law proceedings between 2017/18 and 2019/20 per 10,000 population –we can see in Figure 14 that the Asian or Asian British ethnic group has the lowest incidence rates within all regions of England, with a low of 12 per 10,000 population in both London and the East Midlands. The White ethnic group has the second lowest incidence rate in all 9 regions, ranging from 17 per 10,000 in London to 61 per 10,000 population in the North East. In contrast, the Mixed or multiple ethnic group has the highest incidence rate across all regions of England, with the highest rates (184 per 10,000) in the North West.

Figure 14: Rate of adults and children in each ethnic group in public law cases (2017/18 to 2019/20) per 10,000 general population (2019 ONS estimates), by region

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

Rate per 10,000 general population (2019 ONS estimates)

■ White
■ Black, African, Caribbean or Black British
■ Asian or Asian British
■ Mixed or Multiple ethnic groups
■ Other ethnic group
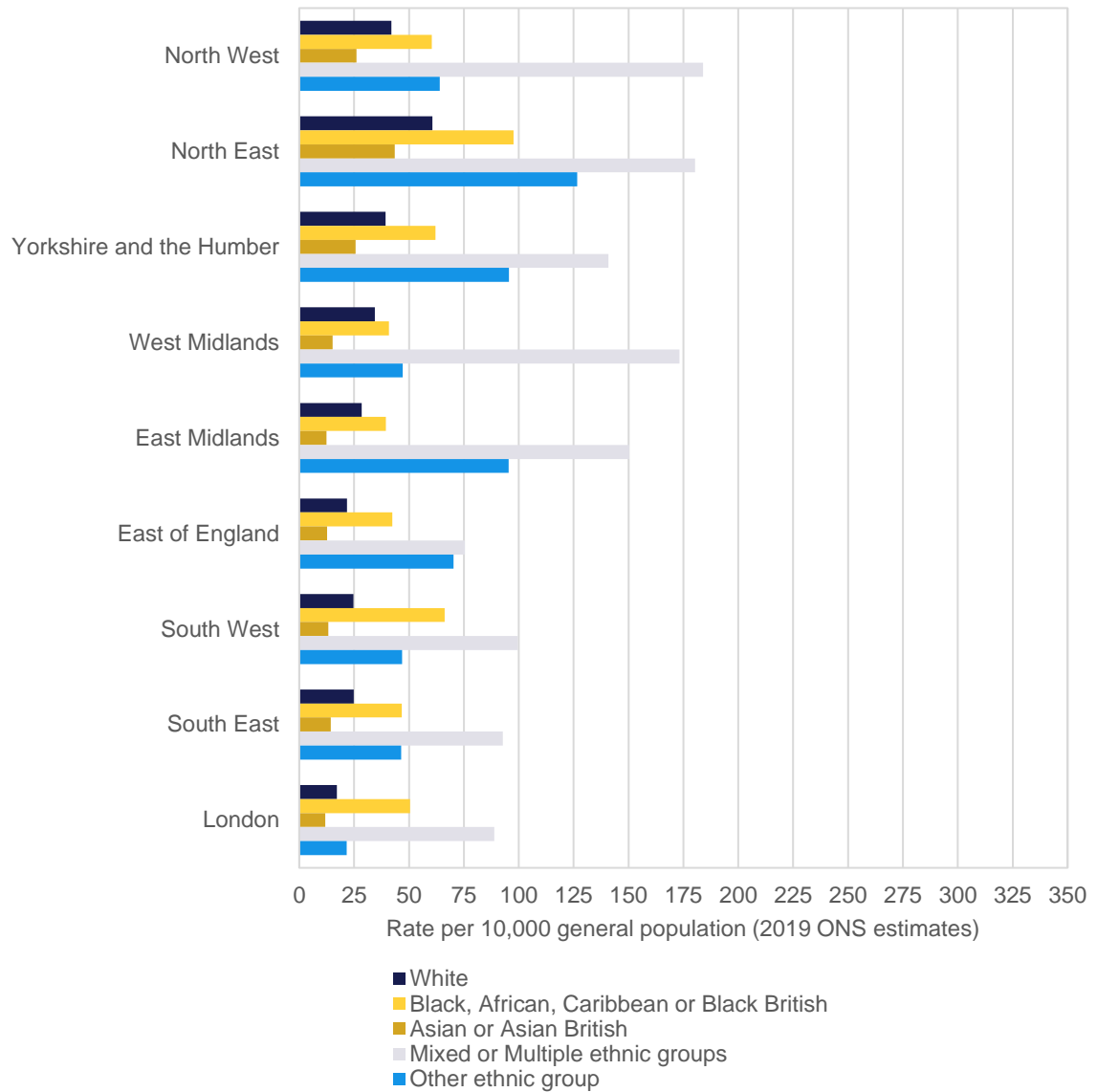
By region, the highest public law incidence rates were mostly seen in the North East. Conversely, the lowest incidence rates were seen, for all ethnic groups except the Black, African, Caribbean or Black British ethnic group, in London.

Figure 15: Rate of adults and children in each ethnic group in private law cases (2017/18 to 2019/20) per 10,000 general population (2019 ONS estimates), by region

Rate per 10,000 general population (2019 ONS estimates)

- White
- Black, African, Caribbean or Black British
- Asian or Asian British
- Mixed or Multiple ethnic groups
- Other ethnic group
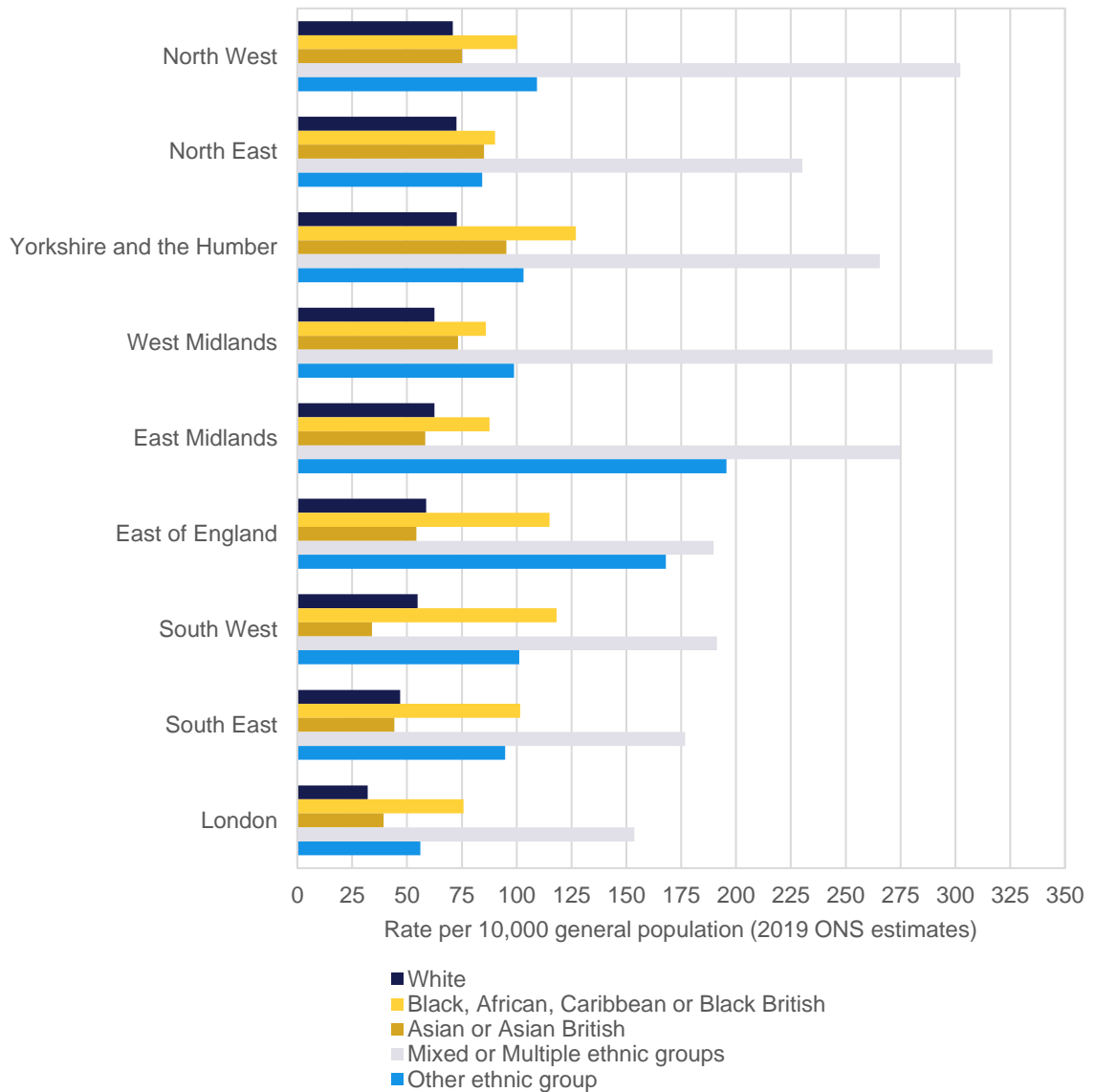
As in public law, the highest private family law incidence rates, across all nine regions of England, were seen among Mixed or multiple ethnic groups, with the highest rates in the West Midlands and North West (317 and 302 per 10,000 respectively) and the lowest rates (154 per 10,000) in London. The White and Asian or Asian British ethnic groups have the lowest rates across England. By region, the lowest incidence rates were consistently seen, for all ethnic groups, in London and the South East, although there was less consistency in where the highest rates were seen for each ethnic group.

Conclusion

This report has highlighted the improvement in the recording of ethnicity by Cafcass since 2015/16. This is a major step forward in understanding an important dimension of diversity for the population of children and families involved within the family justice system. Nevertheless, gaps remain, with levels of missing data fluctuating by gender and region. The independent analyses provided in this report will aid Cafcass in further improving the quality of this highly valuable national data set.

In terms of completeness, we have seen an overall improvement in data recording. Prior to 2015/16, ethnicity data was available for less than a third of individuals involved in family law cases. In more recent years (2016/17 to 2019/20), ethnicity has been recorded for around four-fifths of both adults and children. The most recent annual report published by Cafcass, for 2020/21, indicates that further improvements have been made (Cafcass 2021).

Regarding variation in the levels of missing data, there are some perhaps expected findings. For example, ethnicity was more likely to be recorded for adult women than men in public law cases. This reflects what we know already about the potentially marginal position of fathers in child protection and care proceedings and the dynamics of engagement with fathers in social work practice (Brandon et al. 2019; Brown et al. 2009; Critchley 2021; Philip et al. 2019).

In contrast, however, there was little difference in the completeness of ethnicity data for men and women in private law cases, which is an important new finding given that male litigants account for a majority of applications (Cusworth et al. 2021a).

There were some variations in the level of completeness of ethnicity data by region, and further research is needed into potential driving factors, including local practice. In addition, questions remain about whether the patterns of missing data are random or are systematically biased.

In terms of substantive questions, focusing on 2017/18 to 2019/20, we found that the majority of both adults and children involved in family justice proceedings, are White, both in public and private law. We also saw that while a higher proportion of adults are recorded as White than children, lower proportions are recorded in Mixed or multiple ethnic groups. Moreover, the ethnic diversity of both children and adults recorded as involved in family law cases has not altered in the last three years.

For the first time, we can see some differences however, between the ethnic diversity of individuals by law type. A higher proportion of both adults and children are recorded as Asian or Asian British in private law cases than public law cases. Further work is needed to explore the underlying reasons for this notable difference.

It has also been possible to produce some provisional analyses regarding questions of ethnic group disproportionality in the family justice system. We already know from previous research that Black and mixed ethnicity children are

over-represented, and Asian children under-represented, in the care population (Bywaters et al. 2017, 2019; Owen and Statham 2009). This is mirrored in our findings for both adults and children involved in public law proceedings, where individuals in the Black, African, Caribbean or Black British, Mixed or multiple and Other ethnic groups were over-represented in public law cases.

Findings in relation to private law are entirely novel and provide new insights into the ethnic diversity of private law adults and children. We found that, as in public law, individuals in the Black, African, Caribbean or Black British, Mixed or multiple, and Other ethnic groups were over-represented in private law cases. However, a different picture emerged for those in the Asian or Asian British group, who while under-represented in public law cases, were not in private law cases: 8% of individuals in private law cases were of Asian heritage, the same proportion as in the the general population.

There are also, as might be expected, some marked regional variations in the ethnic diversity of both adults and children in the family justice system, compared to the general population. The most noticeable difference is the ethnic diversity of individuals involved in proceedings in London, compared to those in the other regions. This clear difference is evident both for those in public and private law cases, and for both children and adults. As stated above, 43.7% and 42.4% of individuals involved in public law and private law proceedings in London respectively were White, compared to 59.2% of the general population. In the North East, the equivalent figures were 92.6%, 92.4% and 94.8%. This indicates that individuals from a White ethnic background are under-represented in the family justice system, and this is more apparent in London, where the underlying population is more ethnically diverse.

In summary, significant strides have been made, and continue to be made, towards improving the recording of ethnicity within the case management data collected routinely by Cafcass. Maintaining and reviewing the quality of this data will help to ensure reliable estimates of minority ethnic populations involved in the family justice system in future years. While it is important to continue to progress reliable estimates using Cafcass data, it will also be beneficial to supplement the historical Cafcass data via data linkage, to provide ethnicity information from other sources, such as health data.

Our provisional findings have indicated that the family justice system works with a diverse population of families, in both public and private law proceedings. Entirely novel findings in relation to private law, especially around the proportion of individuals from the Asian or Asian British group involved in proceedings, require further investigation. More detailed analysis is needed to unpack these variations and understand the relationship with both the ethnic diversity of the underlying regional population and other factors, such as levels of local area deprivation and regional variation in terms of urban and rural areas.

Given the ethnic diversity and the limited literature and analyses to date, more needs to be done – at both a quantitative and qualitative level – to recognise and respond to the needs of all ethnic groups in the family justice system.

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Appendix A

Table A.1: Cafcass data cohort

Sample	2007/8	2008/9	2009/10	2010/11	2011/12	2012/13	2013/14	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20	Total
Children (public law)	15,560	16,720	20,410	21,240	22,920	24,580	24,520	25,030	28,050	31,230	31,450	30,840	29,500	322,050
Adults (public law)	21,070	23,270	27,940	27,580	30,630	33,450	33,510	34,130	38,950	43,540	44,120	43,850	41,770	443,810
Children (private law)	55,460	59,800	67,970	65,550	62,230	67,420	67,540	50,830	55,040	60,650	61,860	65,720	68,000	808,070
Adults (private law)	75,060	82,490	97,610	107,840	103,170	110,360	110,400	80,400	85,830	92,310	90,840	95,950	97,530	1,229,790
Total	**167,150**	**182,280**	**213,930**	**222,210**	**218,950**	**235,810**	**235,970**	**190,390**	**207,870**	**227,730**	**228,270**	**236,360**	**236,800**	**2,803,720**

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

Table A.2: Characteristics of children in public law cases

	2007/8	2008/9	2009/10	2010/11	2011/12	2012/13	2013/14	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20
N (100%)	15,560	16,720	20,410	21,240	22,920	24,580	24,520	25,030	28,050	31,230	31,450	30,840	29,500
Ethnicity (%)													
White	4.5	5.1	6.3	6.6	8.2	9.7	12.5	19.7	57.2	70.3	73.9	72.8	70.7
Black, African, Caribbean, Black British	0.3	0.4	0.5	0.6	0.5	0.8	1.1	1.3	3.8	4.6	5.0	4.5	4.6
Asian, Asian British	0.1	0.2	0.1	0.3	0.3	0.4	0.5	1.0	2.8	3.5	3.5	3.8	3.4
Mixed or multiple ethnic groups	0.5	0.5	0.9	1.1	1.3	1.5	2.2	3.1	8.4	10.6	11.1	10.9	10.6
Other ethnic group	c	c	0.0	0.0	0.1	0.1	0.2	0.6	1.7	2.1	2.3	2.3	2.2
Missing	94.5	93.7	92.0	91.3	89.4	87.5	83.4	74.2	26.0	8.8	4.0	5.6	8.5
Region (%)													
North East	7.9	6.8	7.4	8.2	8.4	7.6	6.4	6.9	7.6	8.8	8.1	9.3	9.6
North West	14.4	16.2	16.3	16.2	16.2	16.8	17.6	18.3	17.3	17.8	18.2	17.8	18.0
Yorkshire and the Humber	12.9	12.6	12.3	12.7	12.8	11.7	11.8	11.9	11.6	11.4	12.0	12.1	12.9
East Midlands	7.8	7.4	7.4	7.3	7.8	7.7	7.8	8.5	8.2	8.0	8.4	7.8	7.8
West Midlands	10.5	10.6	11.2	10.6	11.1	12.6	12.8	12.1	11.0	10.6	11.4	11.6	11.2
East of England	8.8	8.4	8.8	9.6	8.9	8.9	8.8	8.5	8.7	8.9	8.4	8.4	7.7
London	13.4	16.1	15.3	13.3	13.5	13.5	13.6	12.5	12.3	13.6	12.7	11.8	11.4
South East	13.0	12.1	12.4	13.2	12.7	12.0	12.0	12.1	13.4	12.5	12.8	12.7	12.8
South West	9.3	7.8	7.7	8.4	8.4	9.1	8.9	8.8	9.7	8.2	7.9	8.3	8.4
Missing	1.8	1.8	0.9	0.3	0.0	0.0	0.0	0.0	0.0	c	0.1	0.0	0.0
Gender (%)													
Male	50.6	51.8	50.7	51.4	51.9	51.8	51.5	51.0	51.3	51.4	51.4	51.1	51.4
Female	49.3	48.2	49.2	48.6	48.1	48.1	48.5	48.8	48.5	48.5	48.6	48.8	48.5
Missing	c	c	c	c	c	c	c	0.1	0.1	0.1	0.1	0.1	0.1
Age group (%)													
<1 year old	23.2	25.1	24.1	23.5	25.3	26.2	24.9	23.0	21.3	20.7	21.0	21.1	21.6
1–4 years old	27.0	29.3	30.2	31.7	31.3	30.1	28.5	27.4	26.6	25.4	24.7	24.8	24.8
5–9 years old	24.0	22.9	22.9	23.4	22.9	23.4	24.9	26.4	26.7	25.6	25.2	24.7	23.9
10–15 years old	21.9	19.3	19.5	18.3	18.0	18.3	19.6	20.7	22.7	25.2	25.7	26.0	25.8
16–17 years old	2.0	1.9	1.5	1.2	1.4	1.3	1.7	1.9	2.2	2.6	2.9	2.9	3.3
Missing	1.7	1.5	1.8	1.8	1.0	0.7	0.4	0.5	0.4	0.4	0.4	0.5	0.4
Role on application (%)													
Subject	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0

Note: c refers to censored data (where raw counts <10)

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

Table A.3: Characteristics of adults in public law cases

	2007/8	2008/9	2009/10	2010/11	2011/12	2012/13	2013/14	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20
N (100%)	21,070	23,270	27,940	27,580	30,630	33,450	33,510	34,130	38,950	43,540	44,120	43,850	41,770
Ethnicity (%)													
White	15.5	14.4	12.5	13.1	14.6	15.7	17.8	24.9	58.9	71.5	75.7	74.5	72.7
Black, African, Caribbean, Black British	0.9	1.2	1.0	1.0	1.0	1.1	1.3	1.7	4.1	5.1	5.8	5.4	5.3
Asian, Asian British	0.6	0.6	0.5	0.5	0.6	0.6	0.7	1.2	3.0	3.6	3.6	3.9	3.7
Mixed or multiple ethnic groups	0.5	0.4	0.4	0.5	0.6	0.6	0.8	0.9	2.2	2.9	2.8	2.8	2.7
Other ethnic group	0.4	0.4	0.3	0.2	0.3	0.3	0.4	0.7	1.9	2.3	2.6	2.6	2.4
Missing	81.9	82.8	85.2	84.7	83.0	81.7	79.0	70.5	29.8	14.6	9.3	10.8	13.2
Region (%)													
North East	8.0	7.1	7.4	8.1	8.3	7.4	6.9	7.4	8.0	9.0	8.6	9.7	9.9
North West	14.2	15.6	15.6	15.8	16.3	16.4	16.8	17.6	17.2	17.2	17.5	17.3	17.9
Yorkshire and The Humber	14.0	14.2	12.9	13.7	13.8	12.9	12.8	12.7	12.6	12.3	12.6	12.5	13.5
East Midlands	7.8	7.5	7.6	7.3	8.0	8.0	7.9	8.7	8.4	8.1	8.6	8.1	7.9
West Midlands	10.2	10.5	11.0	10.5	10.5	11.8	12.6	11.9	10.9	10.6	11.3	11.4	11.2
East of England	9.0	8.2	9.0	9.7	8.9	8.7	9.0	8.8	8.9	8.8	8.5	8.3	7.7
London	11.4	13.8	13.5	11.1	11.5	12.3	12.1	11.5	11.0	12.6	11.7	11.0	10.7
South East	13.5	12.5	13.4	14.1	13.4	12.6	12.4	12.2	13.3	12.8	12.9	13.0	12.8
South West	9.7	8.5	8.6	9.1	9.0	9.7	9.3	9.2	9.6	8.4	8.1	8.6	8.3
Missing	2.1	1.8	0.9	0.4	0.1	0.0	0.1	0.0	0.1	0.0	0.1	0.1	0.1
Gender (%)													
Male	47.7	48.1	48.9	48.3	48.2	48.7	49.1	49.2	49.0	49.3	49.4	49.8	49.9
Female	51.6	51.4	50.6	51.1	51.2	50.8	50.4	50.1	50.4	49.8	49.9	49.7	49.9
Missing	0.6	0.4	0.5	0.6	0.6	0.5	0.5	0.7	0.6	0.9	0.7	0.6	0.1
Age group (%)													
<20 years old	5.3	5.5	6.1	6.4	6.1	5.9	5.2	4.6	4.3	4.2	3.8	3.9	3.5
20–24 years old	11.5	12.8	13.7	14.9	15.6	15.5	15.0	13.6	13.0	11.9	11.3	11.0	11.1
25–29 years old	12.5	13.4	14.1	14.7	15.3	15.3	16.1	16.7	16.1	16.1	15.6	15.6	15.3
30–34 years old	12.1	12.4	12.4	13.0	13.9	14.7	15.4	15.6	16.3	16.1	16.9	17.5	17.8
35–39 years old	11.6	12.2	11.1	11.4	11.2	11.2	11.5	12.4	12.9	13.6	14.4	14.9	15.2
40–44 years old	8.3	8.1	8.4	8.3	8.4	8.5	9.0	9.0	9.0	9.5	9.3	9.3	9.8
45+ years old	9.4	10.0	10.1	10.6	10.4	11.3	12.1	13.3	14.7	15.6	16.7	16.6	16.7
Missing	29.0	25.4	23.8	20.7	19.0	17.4	15.7	14.6	13.7	13.0	11.9	11.1	10.5

Role on application (%)

Applicant	c	0.0	1.2	7.3	6.3	6.0	6.4	5.9	5.8	5.1	5.4	5.4	5.1
Respondent	100.0	99.6	96.1	74.6	76.1	75.1	75.1	75.5	75.2	76.2	75.5	75.1	76.5
Other	0.0	0.3	2.7	18.0	17.6	18.9	18.6	18.5	18.9	18.7	19.2	19.4	18.4

Note: c refers to censored data (where raw counts <10)

Table A.4: Characteristics of children in private law cases

	2007/8	2008/9	2009/10	2010/11	2011/12	2012/13	2013/14	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20
N (100%)	55,460	59,800	67,970	65,550	62,230	67,420	67,540	50,830	55,040	60,650	61,860	65,720	68,000
Ethnicity (%)													
White	3.2	4.2	5.2	6.3	8.1	10.3	13.5	20.9	46.2	58.5	64.0	64.5	63.1
Black, African, Caribbean, Black British	0.1	0.1	0.2	0.2	0.3	0.5	0.7	1.3	2.3	3.1	3.9	3.8	3.5
Asian, Asian British	0.2	0.2	0.4	0.5	0.7	0.9	1.3	2.3	4.7	5.6	6.2	6.3	6.1
Mixed or multiple ethnic groups	0.3	0.5	0.7	0.9	1.3	1.5	2.2	3.4	6.6	8.5	9.3	9.4	9.0
Other ethnic group	0.0	0.0	0.1	0.1	0.1	0.2	0.3	0.5	1.1	1.5	1.8	1.8	1.9
Missing	96.2	94.9	93.5	91.9	89.5	86.5	81.9	71.7	39.1	22.8	14.8	14.2	16.4
Region (%)													
North East	5.1	4.7	5.1	4.8	5.1	5.4	5.0	5.2	5.2	5.3	5.2	5.1	5.3
North West	15.1	15.3	15.5	16.6	15.5	15.9	15.7	15.2	14.8	14.7	14.8	15.1	15.3
Yorkshire and the Humber	12.7	12.8	12.8	12.3	12.0	11.5	11.2	10.9	11.0	11.2	11.0	11.1	11.4
East Midlands	8.5	9.1	9.2	8.7	8.7	9.0	8.8	8.5	8.5	8.8	8.3	8.9	8.8
West Midlands	10.0	10.5	10.4	10.7	11.3	10.9	11.1	11.4	11.5	11.6	11.9	11.4	11.3
East of England	10.4	10.2	10.9	10.1	10.0	10.5	10.4	10.7	11.0	10.7	10.8	10.9	11.4
London	10.8	11.0	11.0	11.9	12.7	12.8	12.7	12.6	12.2	12.1	11.9	11.7	11.4
South East	14.3	14.8	14.7	14.9	15.0	14.3	15.0	14.9	15.0	14.5	15.3	15.2	14.8
South West	9.4	9.8	9.5	9.2	9.1	9.2	9.3	9.6	9.5	9.7	9.7	9.8	9.5
Missing	3.8	1.8	0.9	0.7	0.4	0.4	0.6	1.1	1.1	1.4	1.0	0.7	0.7
Gender (%)													
Male	51.0	50.9	51.1	50.8	51.2	51.4	51.2	51.1	51.1	50.8	50.7	51.0	51.3
Female	48.8	49.1	48.9	49.1	48.8	48.5	48.8	48.7	48.8	49.1	49.1	48.9	48.6
Missing	0.2	0.1	c	0.0	c	c	0.0	0.1	0.1	0.2	0.1	0.1	0.1
Age group (%)													
<1 year old	5.0	5.8	5.5	5.9	6.0	6.1	5.6	5.5	5.2	5.2	4.8	4.7	4.7
1–4 years old	30.5	32.2	34.1	34.2	34.5	34.8	33.6	33.1	32.0	30.9	29.9	29.2	28.9
5–9 years old	38.4	37.3	36.6	36.3	36.8	37.3	38.7	39.3	39.7	40.4	41.0	40.7	40.4
10–15 years old	24.8	23.6	22.7	22.4	21.5	20.8	20.9	20.9	21.7	22.2	22.9	24.0	24.4
16–17 years old	1.0	1.0	0.9	0.9	0.9	0.8	0.9	0.9	1.1	1.1	1.1	1.1	1.2
Missing	0.2	0.2	0.2	0.4	0.3	0.2	0.2	0.3	0.3	0.2	0.3	0.3	0.3
Role on application (%)													
Subject	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0

Note: c refers to censored data (where raw counts <10)

Table A.5: Characteristics of adults in private law cases

	2007/8	2008/9	2009/10	2010/11	2011/12	2012/13	2013/14	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20
N (100%)	75,060	82,490	97,610	107,840	103,170	110,360	110,400	80,400	85,830	92,310	90,840	95,950	97,530
Ethnicity (%)													
White	6.4	6.6	7.2	7.6	9.5	11.8	14.8	22.5	52.0	62.4	65.5	64.6	63.6
Black, African, Caribbean, Black British	0.3	0.3	0.4	0.4	0.6	0.8	1.0	1.7	3.3	4.0	4.6	4.6	4.3
Asian, Asian British	0.5	0.4	0.5	0.5	0.7	0.9	1.3	2.2	4.9	5.7	6.1	6.1	6.1
Mixed or multiple ethnic groups	0.2	0.2	0.3	0.3	0.3	0.4	0.6	0.8	1.9	2.3	2.4	2.4	2.5
Other ethnic group	0.1	0.1	0.1	0.2	0.2	0.3	0.4	0.7	1.7	2.1	2.4	2.4	2.4
Missing	92.5	92.3	91.5	91.0	88.7	85.8	81.9	72.0	36.2	23.5	18.8	19.9	21.0
Region (%)													
North East	5.4	5.1	5.3	5.2	5.8	5.7	5.2	5.4	5.4	5.5	5.4	5.3	5.4
North West	15.5	15.7	16.3	17.4	16.3	16.6	16.2	15.7	15.3	15.3	15.0	15.4	15.5
Yorkshire and the Humber	12.9	12.8	12.9	12.4	12.6	12.2	11.7	11.5	11.6	11.6	11.2	11.3	11.5
East Midlands	8.7	9.1	9.3	8.7	8.7	8.8	8.8	8.3	8.8	8.8	8.3	8.9	8.7
West Midlands	10.0	10.4	10.6	10.7	11.4	10.8	11.1	11.3	11.4	11.6	11.8	11.2	11.3
East of England	10.2	10.0	10.5	9.7	9.6	10.2	10.0	10.5	10.3	10.1	10.4	10.5	10.9
London	10.5	10.8	10.4	10.4	11.4	12.1	12.4	12.5	12.3	12.3	12.0	11.7	11.5
South East	14.2	14.5	14.4	15.6	15.1	13.9	14.4	14.0	14.4	13.9	14.6	14.7	14.4
South West	9.3	9.9	9.3	9.1	8.8	9.3	9.5	9.8	9.5	9.6	9.8	9.8	9.6
Missing	3.4	1.6	0.9	0.7	0.3	0.4	0.5	0.9	1.0	1.2	1.4	1.2	1.3
Gender (%)													
Male	47.0	47.5	48.0	48.9	48.8	48.9	48.8	48.9	48.8	48.6	48.5	48.9	49.7
Female	51.1	51.5	51.5	50.4	50.8	50.8	50.8	50.5	50.5	50.6	50.6	50.6	50.2
Missing	1.9	0.9	0.6	0.6	0.5	0.3	0.3	0.6	0.7	0.8	0.8	0.4	0.1
Age group (%)													
<20 years old	2.0	2.3	2.6	2.8	2.9	2.8	2.3	1.8	1.7	1.4	1.0	0.9	0.8
20–24 years old	9.6	11.2	12.3	11.7	11.6	11.9	10.7	9.3	8.4	8.0	7.5	7.0	6.6
25–29 years old	14.7	16.2	17.2	16.0	16.2	17.0	17.2	16.7	16.8	17.0	17.1	16.7	16.4
30–34 years old	16.8	17.2	17.6	16.3	16.7	17.4	18.2	18.7	18.9	19.6	20.6	21.3	22.0
35–39 years old	19.1	18.9	18.2	16.0	15.3	14.9	15.1	16.0	17.0	17.8	19.1	19.7	19.8
40–44 years old	13.7	13.8	13.8	13.1	12.7	12.7	13.0	13.5	13.6	13.5	13.9	14.0	14.2
45+ years old	12.3	13.7	14.1	14.8	15.3	15.1	16.2	16.8	17.0	17.3	18.1	17.9	17.5
Missing	11.9	6.6	4.2	9.4	9.3	8.2	7.3	7.1	6.6	5.4	2.6	2.5	2.7

Role on application (%)													
Applicant	49.4	49.4	47.7	41.6	41.8	42.4	42.6	43.5	44.7	45.6	46.6	46.6	47.3
Respondent	50.4	49.7	47.9	42.5	42.8	43.4	43.4	43.2	43.4	44.3	46.3	46.7	47.6
Other	0.2	0.8	4.4	15.9	15.4	14.1	14.0	13.3	11.9	10.1	7.1	6.7	5.1

Note: c refers to censored data (where raw counts <10)

Table A.6: Ethnicity of individuals in public and private law cases (2017/18 to 2019/20), 2011 census and 2019 estimates (England)

Ethnicity	Public law (%) [N = 180,116]	Private law (%) [N = 351,735]	2011 census (%) [N = 53,012,456]	2019 estimates (%) [N = 56,287,000]
White	**80.7**	**78.2**	**85.4**	**84.3**
English, Welsh, Scottish, Northern Irish or British	77.1	73.0	79.8	77.6
Irish	0.2	0.2	1.0	0.6
Gypsy or Irish Traveller	0.7	0.1	0.1	<0.1
Any other White background	2.6	4.9	4.6	6.0
Black, African, Caribbean, Black British	**5.8**	**5.2**	**3.5**	**3.7**
African	3.1	3.5	1.8	2.4
Caribbean	2.1	1.2	1.1	1.1
Any other Black, African or Caribbean background	0.6	0.4	0.5	0.2
Asian, Asian British	**4.1**	**7.6**	**7.8**	**8.3**
Indian	0.7	2.1	2.6	2.9
Pakistani	1.9	3.4	2.1	2.4
Bangladeshi	0.6	0.9	0.8	1.1
Chinese	0.2	0.2	0.7	0.6
Any other Asian background	0.8	0.9	1.5	1.3
Mixed or multiple ethnic groups	**6.7**	**6.3**	**2.3**	**1.9**
White and Black Caribbean	2.9	1.9	0.8	0.5
White and Black African	0.9	1.0	0.3	0.3
White and Asian	1.3	1.2	0.6	0.5
Any other mixed or multiple ethnic background	1.7	2.2	0.5	0.5
Other ethnic group	**2.7**	**2.7**	**1.0**	**1.9**
Arab	0.4	0.5	0.4	0.5
Any other ethnic background	2.3	2.2	0.6	1.5

Table A.7: Rate of individuals in public and private law cases (2017/18 to 2019/20) per 10,000 population (2011 census and 2019 ONS estimates (England))

Ethnicity	Public law (per 10,000)		Private law (per 10,000)	
	2011 census	2019 estimates	2011 census	2019 estimates
White	**32**	**31**	**61**	**58**
English, Welsh, Scottish, Northern Irish or British	33	32	61	59
Irish	6	9	12	18
Gypsy or Irish Traveller	244	903	78	288
Any other White background	20	14	71	51
Black, African, Caribbean, Black British	**56**	**50**	**99**	**88**
African	57	42	127	93
Caribbean	65	63	73	71
Any other Black, African or Caribbean background	36	77	55	119
Asian, Asian British	**18**	**16**	**64**	**57**
Indian	9	7	53	45
Pakistani	31	26	108	90
Bangladeshi	24	18	74	54
Chinese	8	9	18	20
Any other Asian background	17	19	40	44
Mixed or multiple ethnic groups	**101**	**115**	**187**	**211**
White and Black Caribbean	124	171	163	225
White and Black African	95	98	223	231
White and Asian	70	79	127	144
Any other Mixed or multiple ethnic background	109	101	272	253
Other ethnic group	**88**	**44**	**173**	**87**
Arab	35	31	88	77
Any other ethnic background	124	49	231	91

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

Table A.8: Rate of individuals in public law cases (2017/18 to 2019/20) per 10,000 population (2011 Census and 2019 ONS estimates (England)), by region

Ethnicity	North West	North East	Yorkshire and the Humber	West Midlands	East Midlands	East of England	South West	South East	London
2011 census									
White	43	62	41	36	30	23	26	26	19
Black, African, Caribbean, Black British	90	188	65	57	57	51	71	57	50
Asian, Asian British	31	41	26	18	14	15	16	17	13
Mixed or multiple ethnic groups	150	167	132	134	118	84	96	86	76
Other ethnic group	126	262	189	89	162	157	156	94	42
2019 estimates									
White	42	61	39	34	28	22	25	25	17
Black, African, Caribbean, Black British	60	98	62	41	39	42	66	47	50
Asian, Asian British	26	44	26	15	12	13	13	14	12
Mixed or multiple ethnic groups	184	180	141	173	150	75	100	93	89
Other ethnic group	64	127	96	47	95	70	47	46	22

Table A.9: Rate of individuals in private law cases (2017/18 to 2019/20) per 10,000 population (2011 Census and 2019 ONS estimates (England)), by region

Ethnicity	North West	North East	Yorkshire and the Humber	West Midlands	East Midlands	East of England	South West	South East	London
2011 census									
White	72	74	75	65	66	62	58	49	35
Black, African, Caribbean, Black British	149	174	133	121	127	139	126	124	75
Asian, Asian British	88	80	97	85	67	64	40	51	44
Mixed or multiple ethnic groups	247	213	249	245	215	211	184	165	131
Other ethnic group	215	175	204	186	333	376	336	192	108
2019 estimates									
White	71	73	73	63	62	59	55	47	32
Black, African, Caribbean, Black British	100	90	127	86	88	115	118	102	76
Asian, Asian British	75	85	95	73	58	54	34	44	39
Mixed or multiple ethnic groups	302	230	266	317	275	190	191	177	154
Other ethnic group	109	84	103	99	196	168	101	95	56

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 [England] 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