

**TRANSPARENCY IN THE FAMILY COURTS IMPLEMENTATION GROUP
DATA COLLECTION WORKING GROUP**

13 June 2022 at 1700 (on MS Teams)

MINUTES

1. Minutes from previous meeting **[Chair]**

26 April minutes were approved by the group.

2. Data Strategy – focusing on next steps **[Lisa and Natalie]**

Julie Doughty noted that a substantial amount of data was available from the Legal Aid Agency.

The Chair said it was difficult enough to get to the point of setting out a strategy, it would be even harder to get to the actual data needed to deliver on that strategy.

Natalie Byrom and Lisa Harker had met to discuss the approach to data. There were two options: Firstly, an issue based model such as that used by the Domestic Abuse Commissioner. In an issue by issue approach you collect a lot of data on each point but not as much about the system as a whole.

Secondly, and what was set out by Lisa in the previous meeting, to ask what is the minimum data that we need to keep a check on the system as a whole. Natalie and Lisa suggested we take this approach.

Natalie said that in Crime they had introduced a Victim's Scorecard (VS) that collects very basic data about the victim's experience, with a focus on wait times and other issues in the system.

NB: it appears that the scorecards have been renamed as Criminal Justice System Delivery Data Dashboard.

Natalie and Lisa thought that a similar method of collecting data of court users experiences might work in Family. It might be good to invite the Crime team to present to this group. VS had launched as an Alpha project, which meant they were planning on iterating and improving the product over time. We could build up and develop a family version over time with users of the family justice system.

Femi Ogunlende said he thought that the topic was very complex. He agreed that an issues based approach would not work as we were not able to support any particular issues for the long term. As a practitioner, the type of data that he was not aware of was regarding ethnicity across the system and someone that was a party to proceedings would also likely want to know this information. He thought that the first step was about getting the basic information from court users then down the line to refine it and analyse it.

Lisa shared a link to a piece of research from the Nuffield Family Justice Observatory on [what we know about ethnicity in the Family Justice System in England](#).

The Chair said that maybe something like a scorecard could be used to collect this core basic information.

Natalie said that was how the victim scorecards had worked.

MoJ Official said they thought that it was a good idea to speak to the team that is running the VS project. They noted VS were a manifesto commitment and therefore acquiring funding was more straightforward for that project. To get any funding for this on the Family side would be a longer journey.

Natalie agreed that we would need ministerial buy in to make this move. It was noted that the new Courts Minister was Lord Bellamy. Natalie had worked with Lord Bellamy previously on the Independent Review of Criminal Legal Aid.

Natalie said that if we decided that something like a scorecard would be a good way forward then we would need to take it to the President of the Family Division to discuss whether there were any avenues for funding. We would need to establish how we might move forward.

Olive Craig asked for clarity on what questions we would be asking at each level of in the strategy.

Lisa said that first of all it was acknowledging that data was needed for increased transparency. It was also bearing in mind that those within the system would need a better understanding of the data to improve the system. A court user or someone going through the process would be asked more detailed questions regarding their experiences. They were proposing a common framework but with access to different levels of detail. Currently there was a limited amount of data available via FamilyMan or Cafcass.

The purpose was to see this as an Alpha project that would be developed as it progressed.

Olive said she thought that there were two gaps; representation/access to justice, and currently the questions were very child focused.

Olive also noted that the VS had been set up as an acknowledgement of a problem, and that was the solution they were using to monitor progress. She thought the family justice system might not agree or acknowledge what the problem was to improve. She also asked what was happening with the Financial Remedies Court (FRC) group.

Natalie said that the problem recognised was that there was a lack of transparency, a method for collecting family court user data would increase transparency.

Natalie said she was part of the FRC group and there were problems with data collection. HMCTS were trying to extract data from a PDF form. It was clear that we would need resource and time to make a coherent family justice strategy.

HMCTS official thought that a method for collecting court user experiences, something like a scorecard, was a good idea. They agreed that a data strategy within family justice would be very beneficial. They also agreed that there were gaps in the current data collection and that something like the scorecard would bring an overview to the system. HMCTS official would discuss the data strategy proposal and the idea of a method for collecting court user experiences with the senior service manager in HMCTS and then feed back to the group.

Julie reminded the group of the point made by Olive previously, that increased transparency might not necessarily initially increase confidence in the family justice system. She asked what the problem was that we wanted to address other than just transparency.

Lisa shared the aim of the Victim Scorecards:

The Government is publishing these scorecards to increase transparency, increase understanding of the CJS and support collaboration, particularly at a local level through Local Criminal Justice Boards (LCJBs).

The Chair said she was also struck by the point that transparency might not increase confidence in the short term and discussed this with the President. The Chair considered that it was a risk, but a risk worth taking, as over time you would begin to act on the data and improve the system. It may feel challenging at the start, but it was with the aim to improve over a longer term.

Natalie agreed. For the public to have increased confidence and trust in the family justice system the first thing that needs to happen is to remove the perception of it being 'secret'. To build trust you need to demonstrate that you are trustworthy, which includes being willing to reflect on and examine the challenges within the system and work to address them. Two of the Data First projects in the criminal justice system had demonstrated that if you were from a black or ethnic minority background you would receive worse outcomes and longer sentences in the criminal Magistrates and Crown courts. It was not just enough to collect and publish the data you would also need the resource to then improve the system.

Femi said that based on his experience as a practitioner he was not at all surprised that increased transparency could lead to less confidence in the system in the short term.

The Chair said that the hope was that revealing to a wider audience the very large volume of cases going through a system would give some context to their situation and any delays.

The group agreed that a data strategy would be an important output for the group.

Action: Look at the specific questions that would be being asked at each level of data sharing. (Lisa and Natalie)

3. Any questions for Julie following Listing and Transparency update [Julie]

Julie Doughty had spoken to Celia Kitzinger on listing transparency in the Court of Protection (CoP). It was noted that CoP cases were generally heard in public court rather than private, whereas family cases were held in private.

The President's transparency review mentioned listing in the context that press/legal bloggers would need to know which cases to attend, this would require further information to be added to court lists.

List Assist was a digital scheduling and listing tool that had been rolled out nationally. There were initially some issues with adding detail to CoP public court lists, but this was being resolved by the digital team.

Action: PFD Office official to get an example of how CoP cases appear in court lists when using List Assist.

4. Data Group Outputs next steps [Chair]

Annual report

The President was aiming for the end of the year for the first report.

A suggested table of contents:

- A summary of the year from the President
- The progress made on collecting data over the course of the year.
- Update on data strategy and the proposed actions to move forward for year ahead.
- Themes for investigation and a consultation on the themes for the year.
- In future annual reports there would then be a chapter discussing the themes that had been investigated
- Appendix data summary of the year.

Roadmap

Need to think about what specific questions are being asked at each level and whether something like a family scorecard would be a good way of acquiring this data.

Funding

Action: Olivia Kirkbride to take forward the work looking at the potential costs of preparing a scorecard and strategy overtime.

We aim to be able to say we would need a certain amount of money per year to proceed with the proposals.

Lisa said that were different kinds of annual report. One was to report on the work of the Transparency Implementation Group (TiG) the other was focused on the system itself. She had assumed that the report was more of a vehicle to explain to the public what was happening in the family justice system as a whole rather than the work of the TiG. This was the view of the Group as a whole.

The Chair said that the report would likely expand and grow as we progress. She had proposed a focus on data for the first year as transparency would rely a lot on data. It depended on what was taken forward as an outcome that would shape the annual report in the future.

The Chair asked the group to bring further thoughts and questions on the Annual Report and Roadmap to the next meeting.

5. AOB – Care Review Final Report call for better data

[Julie]

Julie Doughty had shared an extract from the [Independent Review of Children’s Social Care](#) (Care Review), which applied to Children’s Services in England, in advance of the meeting. The Review had referred to data collection within the family justice system.

The report highlighted regional variation and focused on data and feedback loops to understand the decisions made and children’s outcomes. The report also said that ‘data already collected by HMCTS should be regularly published to bring transparency and understanding to improve the system.’

There was a reference to the Government Integrated Data Service, which would replace the secure research data service within ONS. It would be a cloud based system with a view to enabling data sets to be linked.

ECHILD was a linked dataset between children’s social care and health data for all children in England. If we were able to link that data with family court data that would enable research to

take place to answer a lot of our questions on outcomes. ECHILD was at the Beta stage and was not fully being used. It required Government departments to share their data.

Data First were already working with this new system. We could maybe look to use this system to find out about child/family outcomes in the future.