

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

Tuesday 15 February 2022 at 1645 (on MS Teams)

Attending

Nicola Shaw (Chair)
Olivia Kirkbride (Secretary) (Coram Chambers)
Dr Natalie Byrom (Director of Research and Learning, The Legal Education Foundation)
Lisa Harker (Director, Nuffield Family Justice Observatory)
Dr Julie Doughty (Senior Lecturer in Law, Cardiff University)
Olive Craig (Senior Legal Officer - Rights of Women)
HMCTS Official (Family Service Manager, HMCTS)
MoJ Official (Head of Public Law Policy Team)
Clare Walsh (Family Rights Group)
Senior Analyst, Cafcass
Femi Ogunlende (Barrister, No.5 Chambers)
FJYPB Co-ordinator, Cafcass
Senior Policy Advisor, Office of the Domestic Abuse Commissioner

Apologies

DfE Official – Family Justice Policy
Assistant Director Safeguarding,
Worcestershire CC
Chief of Staff, Office of the Domestic Abuse Commissioner
Member of the FJYPB

1. Minutes of the previous meeting for approval

Action: Lisa to prepare an outline for what an annual report could look like and the data that would be needed to feed into such a report.

Action: Lisa to provide a draft data strategy for the group and the President to consider.

The Chair asked the group if they were happy with the revised objective in the previous minutes.

There was a discussion about the connection between the media pilot and data collection. The Chair said that the thought behind data collection being incorporated into the main pilot locations was to avoid extra burden falling on a wider spread of courts. It may be that data collection was not needed as quickly as the media pilot, and it may not be necessary to pilot the collection of data in the same way. It was noted that an evaluation of the media attendance pilot would require a form of data collection, although this may remain within the pilot groups remit.

The Chair met with the Chairs of the other sub-groups to enable greater coordination across the groups, this would become a regular meeting.

The group agreed the previous minutes and the amended objective contained therein.

2. Actions arising update

- *HMCTS Official to provide information on what data fields are currently collected by FamilyMan and what will be collected by CCD.*

HMCTS Official provided Natalie Byrom with a breakdown of the data fields. Natalie is compiling the list of data fields that the group considers essential.

- *Natalie Byrom and HMCTS Official to have a pre-meet before the next meeting to discuss the data fields on CCD and how it operates.*

Natalie and HMCTS Official met on 9 February.

- *HMCTS Official to demo how the data will be collected on CCD at the next meeting.*

HMCTS Official provided a demonstration of the private law digital application form Solicitor journey. HMCTS Official to provide a recording of the full form completion to the group by **25 February 2022**.

- *Natalie Byrom to set out what information she considers would be needed from HMCTS and the approach other jurisdictions (inc. Civil) have had towards data collection.*

Natalie in the process of collating what data fields the group consider to be essential into a shortlist, this to be provided by **23 February 2022**.

- *Natalie Byrom to set out how the Shadow Senior Data Governance Panel approaches data.*

Action carried forward to the next meeting, 1 March 2022.

- *Lisa Harker to provide the NFJO list of data fields they would like to be collected to aid their research.*

This list has been shared with Natalie who is compiling the data shortlist.

- *Olive Craig to provide list of data that Rights of Women would like access to for their work.*

This list has been provided to Natalie for inclusion in the data shortlist.

- *President's Private Secretary to invite a member of the Domestic Abuse Commissioner's staff to join the group.*

DAC Chief of Staff has joined the group.

- *Julie Doughty to ascertain the projected timeline for the pilots and the anonymisation guidance.*

Action carried forward to the next meeting, 1 March 2022.

- *Chair to liaise with other Working Group chairs to understand their approaches.*

The sub-group Chairs met on 7 February.

3. Presentation and discussion led by HMCTS Official on HMCTS data capture and CCD

HMCTS Official took the group through the solicitor pathway for a private law application on screen.

Some information was captured using tick boxes or drop down options, others used free text boxes. For example, the solicitor could mark the application as urgent and then provide a free text reason why. HMCTS were working with the Judicial Working Group to add a reminder at this point that the final determination on urgency was a matter for the court.

It was noted that it would be easier to extract data from the pre-set responses (tick box, drop down) than the free-text responses. However, the data from free-text responses could be extracted but it would take more time and there would be resource implications.

When the group considers what data is required it would be good to also think about how that data was being captured and whether it was through a pre-set or a free-text option. It was noted that given the complexity of family cases some fields would need to be free text.

Some information collected in the process was mandatory and some was additional information (optional). It would be helpful for the group to have a comprehensive list of which data was mandatory and which was additional.

It would be helpful to have a comparison of what information was being collected in this new process compared to the previous form.

Action: HMCTS Official to provide a breakdown by each service of the information that was being collected (identifying what was additional compared to the previous form). Identifying which data was mandatory or optional.

There was a suggestion that it might be helpful for the questions regarding *Parental Responsibility, relationship and currently lives with* to have a pre-set selection as this would allow the information to be easily extracted for data analysis.

There was a question regarding how ethnicity data would be collected. A Protected Characteristic Questions (PCQs) form was not yet integrated into the system but would be included in the journey.

The plan was for the PCQs form to be attached to the end of the user journey and be optional. This would not be available until the citizens dashboard was developed and launched. The PCQ form had been tested with other systems but not with the private law process. Other options were being looked into and it was suggested that a link to the diversity form could be automatically sent to the applicant, so that completion did not rely on them accessing the dashboard or complete a printed form. HMCTS were in discussions with the PCQ team as to how it could be integrated into the journey.

The group asked HMCTS Official to provide a video recording of the full application process, completing all fields, so that the group could review what data was being collected and how it would be input at the application stage.

Action: HMCTS Official to provide a recording of him completing an application form using a training version of the solicitors pathway by Friday 25th February and the group undertook to watch the video before the meeting on the 1st March.

HMCTS Official talked through the next stage of the process. Once the application was submitted by the solicitor it would go to the local court staff to be checked, at which point they could reject the application if the information was incorrect. Court staff could also add missing information at this stage.

The application would then be sent through to the local gatekeeping team that would make an allocation. This part of the process was due to begin in August 2022. There would be input from the Judge and the HMCTS case worker at this stage.

The Chair asked if Public law reform had reached the case management stage of the process. HMCTS Official confirmed that they had but he would need an update from the team on the latest position. It was noted that the Public Law case management stage of the process was still in pilot.

Action: MoJ Official to contact the public law HMCTS team for an update.

HMCTS Official said that the Common Components team were developing a way to link cases across Family and other jurisdictions. The global search feature would not apply to cases on the old system FamilyMan, but on CCD a case worker could be able to undertake a global search which would return all ongoing and previous cases. The team were working towards hyperlinks being added to cases to link cases on the system. This would be accessed by HMCTS staff. The aim was for this to be available by June 2022.

Natalie noted that when she undertook her report there was a large concern around privacy issues in linking cases. Privacy concerns were being considered by the team.

The group asked if the Common Components team could provide a timeline of the roll out of each component and a short summary of what it involves.

Action: HMCTS Official to pass the request to the Common Components team for a timeline and summary of each component.

The Chair asked what the data retention policies were for each type of case (i.e. public, adoptions, private etc.). It was noted that the retention policies for each type of case was going to be the same as for the previous paper applications. Natalie provided a link to the retention policies: [Record retention and disposition schedules - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/611111/Record-retention-and-disposition-schedules-2022.pdf)

The Chair said that it was clear that the CCD platform was designed to administer a case from start to end. It was not designed to draw conclusions from multiple cases, measure the scale of challenge for local areas or larger trends. Important for the group to think through whether we were going to be able to use what was in place and extrapolate the analysis from there or whether something additional was required.

Natalie had started pulling together a list of core data requirements for research and for reporting annually. Once completed the list can be sent to HMCTS asking them whether this information was recorded, where it was recorded, who inputs it and how it could be extracted.

It was noted that the collection of ethnicity data, as currently proposed, relying on the individual to self report and include, may well not lead to significant capture of information. Further thought about alternate routes to collecting ethnicity data might be required.

It was suggested that the HMCTS Analysis and Performance team might be a good group to contact to understand how they analyse and use the data currently and expect to do so with the new CCD.

It was noted that the MoJ had created their own data linking platform, through data first, and they have the technology to enable anonymised records to be linked and to follow the user through the journey.

It was agreed that the starting point would be to agree a shortlist of essential data and start from there.

It was discussed whether Cafcass could also be a source for data gathering. Cafcass Senior Analyst said that most of the data held by Cafcass was not their original data but from others.

Action: Cafcass to provide an overview of where they get their data from and what fields are included.

It was proposed that the Professor Rosemary Hunter, who is co-designing the DAC data gathering pilot, would present their plans to the group. The Chair agreed.

It was important for any new data fields to be agreed with HMCTS before or during the case management phase of the private law pilot.

4. AOB

5. Date of next meeting

Tuesday 1 March 2022 at 16.45 (MS Teams)