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Public experiences of and attitudes towards the family justice system

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The Ministry of Justice is responsible for achieving the Government's vision of a supportive and effective family justice system. This analytical summary presents findings from the 2012/13 Crime Survey for England and Wales (CSEW) examining public attitudes and experiences of the family justice system, including mediation. The CSEW is a nationally representative household survey. In the 2012/13 survey, around 35,000 adults were interviewed.

Key findings

Overall, the CSEW shows that although the public's direct experience of the family justice system (FJS) was limited, those who had been involved reported positively on their experiences. Around half of adults were aware of the FJS and mediation as an alternative to court. Overall, the majority of adults were confident in the FJS.

- Direct involvement in the FJS was limited. One per cent of adults said they had taken part in mediation in the two years before interview.
- Less than 1% of adults said they had been involved in a family court case in the two years prior to interview. The majority of those who had attended court felt that they had been treated fairly and with respect, with most feeling well informed before and while at court.
- Just under half (47%) of adults said they had heard of the FJS before the interview. Awareness varied by socio-demographic characteristics. Women were more likely to say they were aware than men. There were also differences between groups that appeared to be related to experiences of family separation; divorced respondents and those with a non-resident child were more likely to say they were aware.
- Three-quarters of adults identified at least one issue that the FJS deals with; the most common answer related to deciding who a child should live with, mentioned by 38% of adults. Far fewer people mentioned issues around taking children into care (11%).
- Overall, respondents were likely to over-estimate the proportion of couples who go to court to make contact arrangements with each parent following separation.
- Over half of adults (53%) said they were aware of mediation as an alternative to court. Similar to awareness of the FJS, women, divorced people, and those with a non-resident child were more likely to say they were aware of mediation.
- To assess public confidence in the FJS, survey respondents were presented with either a child contact/residence case or a care case scenario. In the contact/residence case, around seven in ten adults felt that the courts would come to a decision that was in the best interests of the child (71%) and would take into account the views of both parents (72%). In the care case scenario, reported levels of confidence were slightly lower; approximately two-thirds (67%) felt the court would come to a decision in the best interests of the child and 65% felt the court would take the views of parents into account.

Background

The family justice system in England and Wales deals with the issues that arise following the breakdown of families, parenting and relationships. In broad terms, these cases fall into the category of either public or private law, although the boundaries can be blurred. Public law cases arise when social services intervention is needed to protect a child at risk of harm. Typically this is the means by which children may be removed from the care of their parents and placed in the care of local authorities. Private law cases deal with the consequences of relationship breakdown and private family disputes, such as divorce, deciding which parent a child should live with and how often they should see the other parent. The vast majority of parents do not involve the family justice system to make arrangements for parenting post-separation.

The Ministry of Justice (MoJ) and Department for Education (DfE) established the Family Justice Board in March 2012¹ to improve the performance of the family justice system and to ensure the best possible outcomes for children who come into contact with it. The Board represents key organisations that are involved in the family justice system, including the Association of Directors of Children's Services, Cafcass and CAFCASS Cymru,² HMCTS,³ the Legal Aid Agency, the Ministry of Justice and the DfE. The Board's Action Plan included a commitment to produce a research programme, developed in consultation with key stakeholders, to address evidence gaps identified for the delivery of family justice reforms.

As part of this research programme, the Ministry of Justice added a series of questions to the 2012/13 Crime Survey for England and Wales. These questions were designed to measure public understanding of, and confidence in the family justice system, including mediation. The questions were also designed to measure the public's recent experience of court and mediation to resolve family issues. This report presents the key findings from the survey and focuses on the following questions:

- What recent experience does the public have of the family justice system?

- How aware is the public of the family justice system and its roles?
- How well does the public think the family justice system works for the families who use it?

Approach

Data were collected via the Crime Survey for England and Wales (CSEW). The survey is managed by the Office for National Statistics, and undertaken by TNS BMRB. The CSEW is a stratified random probability sample survey of adults aged 16 and over living in private households in England and Wales, with one adult in each sampled household randomly selected to take part. The 2012/13 survey ran from April 2012 to March 2013 and covered approximately 35,000 adults, with a response rate of 73%.⁴ Questions about understanding of and confidence in the family justice system were asked of a random quarter of the overall sample, while questions on whether survey respondents had accessed court or used mediation were asked of all survey respondents. Data are weighted to account for the complex sample design and for non-response bias.

This summary report also draws on relevant findings from other surveys:

- The 2010 Civil and Social Justice Panel Survey (CSJPS) (Pleasance *et al*, 2011) – a stratified random probability sample survey of adults aged 16 years and over living in private households in England and Wales. The CSJPS covers the public's experience of civil justice issues. In 2010 there were 3,806 adult respondents. The response rate was 54%.
- The 2009–10 HMCS Court User Survey⁵ – a court exit survey providing measures of user satisfaction among court users across different service areas. A total of 8,832 interviews were carried out across 376 courts.

⁴ For further information about the CSEW, see the technical report: <http://www.ons.gov.uk/ons/guide-method/method-quality/specific/crime-statistics-methodology/2012-13-crime-survey-for-england-and-wales-technical-report---volume-one.pdf>

⁵ The survey covered both professional and public court users as they exited court buildings. Public users included defendants, victims, witnesses, parties to cases, those supporting friends or relatives and those searching records. Professional users were solicitors, barristers, police officers and other legal executives. Survey respondents were shown a list of possible reasons for attending court and selected the most appropriate to them; therefore they self-defined the role they had at court.

¹ <https://www.gov.uk/government/policy-advisory-groups/family-justice-board>

² Children and Family Court Advisory Support Service

³ Her Majesty's Courts & Tribunals Service

- The Opinions and Lifestyle Survey (2013)⁶ – a stratified random probability sample survey of adults aged 16 years and over living in private households in Great Britain. The 2013 survey included questions on behalf of the Ministry of Justice to examine the public’s attitudes to court fees and the extent that these views varied by confidence in the family justice system. Questions were included in April and May 2013 and asked of a total of 1,799 respondents. The response rate was 57% in April and 53% in May.

All figures presented in this report are based on an unweighted sample size of at least 100. Any sub-groups compared in our analysis contained a minimum of 100 respondents. Any stated differences between figures which are included are statistically significant at the 5% level.⁷

Results

Experiences of family separation

The CSEW has traditionally included measures of current marital status and household structure, but these have not fully captured experience of family justice related issues, such as separation or child contact arrangements. A number of additional new questions were asked on behalf of the Ministry of Justice in the 2012/13 survey to identify adults who were living in households with a child who had a non-resident parent, and adults who were themselves non-resident parents.⁸ Key results are as follows:

- 8% of adults said that they were divorced (6%) or separated⁹ (2%) at the time of the interview; half (50%) of adults were married or in a civil partnership and 11% said they were living in a couple. A quarter (25%) said they were single,

and 6% said they were widowed at the time of the interview.

- 3% of adults were living in a single parent household¹⁰ and 26% were living in a couple (including married) with at least one dependent child in the household.¹¹
- 16% of households with children under the age of 16 had at least one child who had a non-resident parent.
- 2% of adults were parents who had at least one child under the age of 16 who lived elsewhere. This was usually with the other parent (87%), although 2% of these parents had a child under 16 who was either adopted (0.5%), in foster care (1%) or in the care of the local authority (0.4%); 4% of these adults had a child who was living with their wider family members and 4% with the family of the other parent.¹²

All these measures reflect the individual’s status at the time of interview. It is likely that a larger proportion of people have experienced relationship breakdown at some point in their lives given that relationships and contact arrangements with children shift and change over time. Recent data from ONS found that lone parent families accounted for around 7% of all households in the UK in 2013.¹³ A recent report (Punton Li *et al*, 2012) estimates that there are around 2.5 million separated families with dependent children (including 16–20-year-olds in education) in Britain. This includes all families where the parents do not live together and children who now live in households with a lone parent or where a parent has re-partnered.

⁶ The Opinions and Lifestyle survey is run by the Office for National Statistics. See report for further info: <https://www.gov.uk/government/publications/public-attitudes-to-civil-and-family-court-fees>

⁷ Survey estimates are subject to a margin of error, meaning that apparent differences may not be statistically significant differences, i.e. the difference may be due to chance. Any differences referred to in the text indicate a statistically significant difference at the 5% level, which means that there is a 95% likelihood that the difference is true.

⁸ A non-resident parent is a parent whose child lives elsewhere.

⁹ Divorced and separated data includes legally dissolved same-sex civil partnerships and separated same-sex civil partnerships.

¹⁰ For the purposes of the CSEW analysis, a single parent household is defined as an adult aged 16–59 years who is the only adult living in the household with a child aged under 16 years. This may exclude some single parents; for example, those who live with other adult family members.

¹¹ Dependent children are those aged under 16, or aged 16–18, never married and in further education.

¹² 6% of these parents said ‘somewhere else’. Respondents could give multiple responses to this question.

¹³ The CSEW analysis found that 3% of all adults were living in a single parent household. This excludes some single parents; for example, those who live with other adult family members. There are further differences in the definitions of the CSEW and ONS data. The ONS figure reflects the number of lone parent families (not households), the definition of a lone parent is one aged 16+, a dependent child includes those aged 16–18 in full-time education, and the ONS data are for the UK whereas the CSEW is for England and Wales only.

Previous studies have highlighted the methodological challenges of identifying non-resident parents in surveys. The CSEW shows that 2% of respondents said they were non-resident parents of a child under 16. However, the actual figure is likely to be higher as non-resident parents are less likely to identify themselves as such in surveys. Further, the non-resident parents that do self-identify may be more likely to be engaged with their parenting and have better quality relationships with their children.¹⁴ Therefore, the non-resident parents in this analysis may not be representative of all non-resident parents.

Although the CSEW questions provide an indication of the proportion of people whose life circumstances mean that they may have had a family justice issue (e.g. they are a non-resident parent), this does not necessarily mean that there was an issue or dispute relating to agreeing the arrangements, for child contact for example, as they may have resolved this without any issues arising. The 2010 Civil and Social Justice Panel Survey (CSJPS) covered people's experiences of problems relating to relationship breakdown,¹⁵ and other family and civil justice issues, within the previous 18 months. A 'problem' referred to an issue or dispute that could be resolved by the justice system. The results were as follows:

- 2.1% had experienced a problem relating to relationship breakdown
- 1.1% had experienced a problem relating to divorce
- 1.0% had experienced a problem relating to domestic violence
- 0.2% had experienced a problem relating to care proceedings.

Family justice system experiences

The CSEW included questions to assess to what extent people had been directly involved in the family justice system, either through using mediation to settle a family dispute or being involved in a family court case, and attending court. Key findings are:

- In the 2012/13 CSEW, 1% of adults said they had taken part in mediation to settle a family dispute at some point in the two years before interview. Of these, a quarter (25%) had taken part to agree how often a child/children would have contact with each parent; a fifth (20%) took part to agree financial arrangements and 14% took part to agree who a child/children would live with following a separation. Over half of adults (54%) cited 'some other reason'¹⁶ for taking part in mediation to settle a family dispute.^{17,18}
- In the 2011/12 and 2012/13 CSEW, less than 1% of adults said they had been involved in a family court case in the two years before interview. Similarly, less than 1% had attended a court as an applicant¹⁹ or respondent.^{20,21}

Of those who had attended a family court,²² the majority felt that they had been treated by court staff fairly (82%) and with respect (87%), and most felt very or fairly well informed before (76%) and while at court (83%). However, almost a quarter (24%) had felt not very well or not at all informed before court and 17% had felt not very well or not at all informed while at court. The views of applicants and respondents were similar; the difference between respondents and applicants who said that they were kept very well informed at court (43% and 50% respectively) was not statistically significant. See Table 1.

¹⁴ The methodological challenges of identifying non-resident parents are discussed in Peacey and Hunt (2008)

¹⁵ Participants who said they had a problem or dispute connected to their children, a divorce, dissolution of a civil partnership, or separation from a spouse or partner in the past 18 months were asked whether the problem or dispute related to (among others) the division of property, difficulties obtaining maintenance or child support payments, or difficulties with residence or contact arrangements.

¹⁶ This figure may include generic responses given for why people took part in mediation; for example, 'because my partner wanted to' rather than other issues of dispute.

¹⁷ These figures may add up to more than 100% because respondents were able to cite more than one reason for taking part in mediation. Taking part in mediation does not mean parties reached full agreement.

¹⁸ Adults who had taken part in mediation were not asked any follow-up questions on how they found the experience.

¹⁹ The applicant is the person who started the case.

²⁰ The respondent is the person who is responding to a case started by someone else.

²¹ This analysis was based on a combined 2011/12 and 2012/13 dataset. There were some apparent mismatches between responses to these two questions for a small number of respondents, which are included in the above analysis. For example 30 people who said they had attended court as an applicant had not said that they had been involved in a family court case. This suggests that a small number of the survey respondents were confusing the role that they had at court or were providing inconsistent answers.

²² The questions on experiences at court (detailed in this paragraph and in Table 1) were asked about survey respondents' most recent court attendance. Therefore it does not include those survey respondents who had attended court in another role (e.g. as a victim or defendant) after attending as an applicant or respondent.

Table 1: Perceptions of most recent experience in a court by type of role (CSEW, all survey respondents who had been in a court in the previous two years)

	2011/12 and 2012/13 CSEW		
	Percentages ¹		All
	Applicant	Respondent	
Did court staff treat you fairly?			
Yes	82	81	82
Not entirely	7	8	8
Not at all	10	11	10
Did court staff treat you with respect?			
Yes	87	85	87
Not entirely	7	8	7
Not at all	6	7	6
How well were you kept informed in advance of court?			
Very well informed	44	41	43
Fairly well informed	33	33	33
Not very well informed	15	12	14
Not at all well informed	9	14	11
How well were you kept informed at court?			
Very well informed	50	43	47
Fairly well informed	33	39	36
Not very well informed	10	9	9
Not at all well informed	7	9	8
Unweighted base²	430	298	728

¹ Percentages may not sum to 100 as, to avoid rounding errors, they have been recalculated and rounded independently

² Unweighted base refers to 'did court staff treat you fairly?' Other unweighted bases are similar.

Results from the 2009–10 HMCS Court User Survey, which provided measures of user satisfaction among court users (focusing on those actually visiting court buildings) across different service areas, were similar. The findings indicated that the majority (84%) of family court 'public' users (i.e. those who weren't attending in a professional capacity) were satisfied with their experience at court; 37% reported being 'very satisfied' with 47% 'fairly satisfied'.²³

Awareness and understanding of the family justice system

Respondents to the CSEW were told that 'The family justice system deals with issues or disputes that can arise when families split up.' They were then initially asked 'Before this interview, had you heard of the family justice system?' They were not given any additional information about family justice before this

question, and the aim was therefore to elicit their immediate response, regardless of whether or not people's understanding of what the family justice system did was correct. Overall, just under a half of adults (47%) said they had heard of the family justice system and 53% said they had not. Although people may not have been familiar with the term 'family justice system', they may be aware that people go to court for divorce, to resolve issues around financial matters or the care of children following separation or that cases may be brought to court by local authorities to protect a child where there are concerns for their wellbeing. It is possible that reported levels of awareness may have been higher if the introduction to this question had explained further what the family justice system involved.

²³ See supplementary tables from Ministry of Justice (2010) HM Courts Service Court User Survey 2009–10. Ministry of Justice: London

The extent to which awareness of the family justice system (FJS) varied by socio-demographic characteristics was examined (also see supplementary tables):

- Women were more likely to report that they were aware of the FJS (50%) than men (45%).
- Awareness of the FJS varied by age, with those aged over 75 less likely to report they were aware of the FJS (32%) compared with younger age groups (40%–55%). Those aged 16–24 were also less likely to say they were aware of the FJS (40%) compared with those aged 25–64 (48%–55%).
- White people were more likely to report that they were aware of the FJS (49%) compared with non-white people (34%).
- People with a degree or diploma were more likely to say they were aware of the FJS (56%) than people with lower educational qualifications or no qualifications (33%–48%).
- Married or civil partnered people (50%) and divorced people (52%) were more likely than single (43%) or widowed people (35%) to report that they were aware of the FJS.
- People who had a child who did not live with them were more likely to say they were aware of the FJS (60%) compared with those who did not have a non-resident child (47%).

These findings indicate that awareness of the FJS varied by socio-demographic characteristics, such as gender, age and current marital status. However, socio-demographic characteristics tend to co-vary – for example widowed people are more likely to be older, and therefore the differences between the groups presented above may reflect differences in other factors or characteristics. The differences also appear to reflect how aware people are of the FJS because of its relevance to their own life circumstances. For example, divorced people will have had some contact with the FJS and people who do not live with their child may have had contact with or considered involving the FJS in relation to child contact arrangements.

All survey respondents were asked to say what issues they thought the FJS dealt with. They were not given any prompts; the intention was to capture the spontaneous responses that people gave. Overall, three-quarters of people (75%) identified at least one issue. The most commonly identified issue related to deciding who a child should live with, mentioned by almost four in ten adults (38%). Just under a quarter (24%) mentioned deciding how often a child should have contact with each parent and just over a quarter (27%) mentioned divorce. Far fewer people mentioned issues around taking a child into care (11%), or adoption (3%).²⁴

Table 2 shows how the results vary between those who initially said that they were aware of the FJS and those who said they were not aware of the FJS. People who said that they were aware of the FJS were more likely to cite at least one issue the FJS dealt with (88%) compared with those who said they were not aware of the system (64%). While over half (51%) of people who were aware of the FJS said it dealt with deciding who a child should live with following separation, only just over a quarter (27%) of those who were not aware of the system identified this issue. Over a third (34%) of people who said they were aware identified contact arrangements, compared with 16% of those who said they were not aware.

The extent to which understanding of the FJS varied by socio-demographic characteristics was explored. As with the awareness question, adults aged over 75 were less likely than other age groups to cite at least one issue the FJS dealt with. People educated to degree level were more likely to identify an issue than those with lower educational qualifications.

See supplementary tables for a breakdown of understanding of each FJS issue by socio-demographic characteristics.

²⁴ As noted previously, the introduction to this series of questions refers to the FJS dealing with 'issues or disputes that can arise when families split up'. It is possible that this may have affected the responses to this question if it was taken to imply private law rather than public law cases.

Table 2: Percentage of respondents who mentioned specific issues dealt with by the family justice system (2012/13 CSEW, all survey respondents)

Issues that were mentioned as being dealt with by the FJS	Those who said they were aware of the FJS	Those who said they were not aware of the FJS	All
Deciding who a child will live with following a separation	51	27*	38
Divorce	32	22*	27
Agreeing how often a child will have contact with each parent following a separation	34	16*	24
Domestic violence	19	17	18
Financial arrangements following relationship breakdown	21	13*	17
Taking a child into local authority care	14	8*	11
Other issues	9	5*	7
Issues related to children (e.g. child protection)	5	3*	4
Family issues (non-specific)	4	4	4
Adoption	4	2*	3
Drugs/alcohol/ addiction/ treatment	1	1	1
Mediation	1	0*	1
Gave at least one of the issues listed above	88	64*	75
None of these issues	3	10*	7
Don't know	9	26*	18
<i>Unweighted base</i>	<i>4402</i>	<i>4724</i>	<i>9152</i>

Respondents could give multiple responses to this question.

The unweighted base numbers for people who said they were aware of the FJS and those who were not aware do not add up to the total base number ('All') because 'don't know' responses (n=26) have been excluded.

* Indicates that there is a statistically significant difference between those who said they were aware of the FJS and those who said that they were not aware of the FJS, at the 5% level.

Survey respondents were also asked 'Out of every 100 couples who separate how many couples do you think go to court to help them decide how often children should have contact with each parent?' This was to assess people's perceptions of the proportion of couples who attend court to agree contact arrangements following separation. Estimates from other sources suggest that around one in ten children with non-resident parents had their contact arrangements ordered through the court (see Blackwell and Dawe, 2003 and Lader, 2008). The remainder of child contact arrangements are made via other routes, such as mediation or collaborative law, or agreement between the parents with no professional input, while some arrangements are not agreed between parents.

Overall, respondents were likely to over-estimate the proportion of couples who go to court to help them

decide how often children should have contact with each parent following separation. Only 7% of people said they thought that 10% or fewer couples went to court and around a third (32%) thought that more than half of couples went to court in this situation. Generally, these findings did not differ depending on people's awareness or understanding of the FJS. Respondents who said they were aware of the FJS before the interview or said that the FJS dealt with contact or residence issues were as likely to over-estimate the proportion of couples going to court as those who had not. These results are presented in Table 3.

See supplementary tables for the views on how many separating couples out of 100 go to court to agree contact arrangements by socio-demographic variables.

Table 3: Public views on how many separating couples out of 100 go to court to agree contact arrangements (2012/13 CSEW, all survey respondents)

The proportion of couples who go to court to make contact arrangements	Percentages				
	Aware of the FJS before interview		Those who said FJS dealt with contact/residence issues		All
	Yes %	No %	Yes %	No %	
0–10	7	8	7	8	7
11–30	25	21*	26	21*	23
31–50	32	34	32	34	33
51–70	18	16	18	17	17
71–90	13	13	13	13	13
91–100	2	1	1	2	1
Don't know	2	7*	2	7*	5
<i>Unweighted base</i>	<i>4400</i>	<i>4723</i>	<i>4189</i>	<i>4960</i>	<i>9149</i>

The unweighted base numbers for the awareness of the FJS question do not add up to the total base number ('All') because 'don't know' responses (n=26) have been excluded.

* Indicates that there is a statistically significant difference between those who said they were aware of the FJS and those who said that they were not aware of the FJS or between those who said that the FJS dealt with contact/residence issues and those who said that the FJS did not deal with contact/residence issues, at the 5% level.

Awareness of mediation

Survey respondents were also asked about their awareness of mediation to deal with family disputes outside of court. As mentioned earlier, 1% of adults said they had used mediation in the last two years to settle a family dispute. Of those who had not used mediation in the past two years, 53% said that they were aware that individuals could use mediation as a way of settling disputes as an alternative to going to court.²⁵ The awareness of mediation by socio-demographic characteristics was explored:

- Women were more likely to say that they were aware of mediation (55%) compared with men (51%).
- People aged between 16 and 24 were less likely to be aware of mediation (31%) compared to all other age groups (42%–64%).
- People from a white ethnic group were more likely to say that they were aware of mediation (56%) compared with people from a non-white ethnic group (32%).

- Divorced people were more likely to say they were aware of mediation (68%) compared with all other marital status groups (40%–58%).
- People educated to degree or diploma level were more likely to say they were aware (63%) compared with people with lower or no educational qualifications (40%–53%).
- People who had a child who did not live with them were more likely to say they were aware of mediation (65%) compared with those who did not have a non-resident child (53%).

As mentioned above, socio-demographic characteristics tend to co-vary and therefore the differences between the groups presented above may reflect differences in other factors or characteristics. The differences may, again, also reflect how aware people are of mediation because of their own life circumstances. For example, divorced people may have been involved in or considered using mediation to settle financial arrangements after their relationship breakdown.

See supplementary tables for full breakdown on the awareness of mediation by socio-demographic characteristics.

²⁵ The question 'Before this interview, were you aware that individuals could use mediation as a way of settling disputes, as an alternative to going to court?' was asked of a random quarter of the overall sample, excluding those who had previously used mediation to settle a family dispute in the past two years.

Confidence in the family justice system

In order to explore public confidence in the family justice system, survey respondents were presented with one of two situations that the family courts deal with and were asked to think about this type of case when answering the series of questions that followed.²⁶

- The first situation explained to respondents that 'Family Justice courts deal with cases where parents are trying to agree which parent a child should live with and how often they should see the other parent following the breakdown of a relationship' (referred to as child contact/residence case).
- The second situation explained to respondents that 'one of the issues that Family Justice courts deal with are cases where a local authority attempts to take a child into care when parents are unable to care for the child themselves' (referred to as care case).

Overall, in the child contact/residence case, around seven in ten adults felt very or fairly confident²⁷ that the courts would come to a decision in the best interests of the child (71%) and would take into account the views of both parents (72%), while 56% felt confident that the courts would deal with such a case promptly. The levels of confidence reported in the care case scenarios were slightly lower; the majority of adults were confident that the courts would come to a decision that was in the best interests of the child (67%)²⁸ and would take into account the views of parents (65%). This is with the exception of dealing with a care case promptly, where 58% were confident. In all of these questions, most respondents chose the 'fairly confident' category rather than 'very confident'. The proportion of people who responded 'don't know' ranged from 11% to 18% across these questions, suggesting that many people felt they did not have sufficient knowledge or experience to provide a view. The results are presented in Table 4.

²⁶ Respondents were randomly allocated to either the child contact/residence or care case situations. There was a slight over-allocation of respondents to the child contact/residence situation during the survey fieldwork. However this did not affect the randomness of the samples within or across modules.

²⁷ The responses for 'very confident' and 'fairly confident' have been combined in the text. See Table 4 for the breakdown of responses.

²⁸ A percentage may be quoted in the text for a single category that is identifiable in the tables only by summing two or more component percentages. In order to avoid rounding errors, the percentage has been recalculated for the single category and therefore may differ by one percentage point from the sum of the percentages derived from the tables.

Table 4: Confidence in the family justice system (2012/13 CSEW, all survey respondents) (%)

Row percentages	Very confident	Fairly confident	Not very confident	Not at all confident	Don't know		<i>Unweighted base</i>
Dealing with a child contact/residence case. How confident are you that...							
...courts would come to decision in best interests of child	16	55	14	3	11	100%	4918
...courts would take into account views of both parents	17	55	14	3	11	100%	4917
...courts would deal with case promptly ¹	8	48	22	5	18	100%	4916
Dealing with a care case. How confident are you that...							
...courts would come to decision in best interests of child	16	52	17	3	13	100%	4232
...courts would take into account views of parents	11	54	17	4	14	100%	4232
...courts would deal with case promptly	10	48	22	4	16	100%	4234

Percentages may not sum to 100 as, to avoid rounding errors, they have been recalculated and rounded independently

1. Respondents were asked 'How confident are you that Family Justice courts would deal with a case like this promptly?'

Confidence in the family justice system varied by socio-demographic characteristics. Responses were explored for both the contact/residence cases and the care case scenarios.²⁹ In the contact/residence case scenarios:

- Women were more likely to say they were very or fairly confident that the family justice courts would come to a decision that was in the best interests of the child (74% compared with 69% of male respondents) and that the courts would take the views of both parents into account (75% compared with 69% of men).
- Younger people aged 16–24 were more likely to say that they were very or fairly confident that the family courts would deal with a case promptly (70%) compared with older age groups (46%–55%).
- Single people were more likely than married people to report feeling very or fairly confident that the family courts would deal with a case promptly (62% compared with 54% of married respondents).

In the care case scenarios:

- Younger people aged 16–24 were more likely to report being very or fairly confident that the family courts would deal with a care case promptly (72%) compared with older age groups (49%–60%).
- Single people were more likely than married people to report confidence that the courts would deal with a care case promptly (66% compared with 54%).

See supplementary tables for the full breakdown of confidence in the FJS by socio-demographic characteristics.

Similar questions on confidence were included in the Opinions and Lifestyle (OLS) survey, which had the primary aim of exploring attitudes to court fees in the family courts. The confidence questions specifically related to whether the family courts take the views of both parents into account in residence cases and whether they made decisions that were in the best interests of the child. The OLS reported lower levels of confidence, and a higher proportion of

²⁹ As noted above, socio-demographic characteristics tend to co-vary and therefore the differences between the groups presented may reflect differences in other factors or characteristics.

respondents unable to express an opinion.³⁰ When the 'don't know' responses from both data sources are excluded, the difference between the proportions of respondents who were confident reduced, although it remained statistically significant. The difference may be partly explained by the ordering of the questions in the surveys. In the CSEW, respondents had been asked about their awareness and understanding of the FJS before they were asked about their confidence in the system. However in the OLS, the confidence questions were the first questions on the FJS that respondents were asked, following a brief introduction to the FJS.³¹

Conclusions

Overall, the public's direct experience of the family justice system was limited. Less than 1% of adults said they had been involved in a family court case in the two years before interview. The majority of those who had been involved were positive about their experiences at court.

Experience of mediation was also limited; only 1% of adults said they had taken part in mediation to settle a family dispute. A quarter of these adults had used mediation to agree child contact arrangements and a fifth to agree financial arrangements following a relationship breakdown.

Despite a low level of direct involvement, almost half of all adults said they were aware of the family justice system before the interview. Similarly, over half of adults said they were aware of mediation as a way of settling family disputes as an alternative to court even though they hadn't taken part themselves. When asked what issues they thought the FJS dealt with, almost four in ten adults identified issues around who a child should live with and a quarter identified contact arrangements with parents following separation. Far fewer people mentioned care or adoption issues.

Overall, respondents tended to over-estimate the proportion of couples who go to court to help them make child contact arrangements. While around a third of adults thought that more than half of all separating couples go to court to help them decide how often children should have contact with each parent, estimates from other sources suggest that around one in ten children with non-resident parents had their contact arrangements ordered through the court.

When presented with either child contact/residence or care case scenarios, overall the majority of adults were confident in the family justice system. Approximately seven in ten adults felt that the courts would take parents' views into account and come to a decision that was in the best interests of the child in a contact/residence case. These levels of confidence were slightly lower in the care case scenarios, with the exception of dealing with a care case promptly – where levels were similar.

Awareness and perceptions of the FJS and mediation varied by socio-demographic characteristics. Overall, women and degree-educated respondents were more likely to be aware of both the family justice system and mediation as a way of resolving disputes compared with men and respondents with lower or no educational qualifications. The differences between groups appeared to be related to the likely relevance of the FJS and mediation to the individual depending on their current life circumstances; for example those who were divorced or had a non-resident child were more likely to be aware of the FJS, perhaps because of their increased likelihood of having had contact with the FJS themselves.

³⁰ See supplementary tables for this Analytical Summary and supplementary tables from Franklyn, R. (2013) Public Attitudes to Civil and Family Court Fees. Ministry of Justice: London.

³¹ Respondents to the OLS were told 'The family courts deal with issues or disputes that can arise when families split up, including granting divorce and deciding which parent a child should live with and how often they should see the other parent following a relationship breakdown.' This introduction and the confidence questions in the OLS related to private family law cases only because court fees are only applicable to private law cases.

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Appendix A

Crime Survey for England and Wales questions on public experiences of and attitudes towards the family justice system

The CSEW questions included in this research summary are all listed below. The CSEW includes a number of other questions (e.g. on victimisation and public attitudes to crime and the criminal justice system). The questions below have been divided up into the sections that appear in the research summary and do not reflect the order that the questions appear in the questionnaire itself.

Family justice system experiences

1. Mediation is a way of settling family disputes **without going to court**. It involves an independent person (known as the mediator) helping those involved in a dispute to reach an agreement. In the last two years, have you taken part in mediation to settle a dispute?

1. Yes
2. No

2. Looking at this card, what was the reason you took part in the mediation?

1. To agree who a child/children would live with following a separation
2. To agree how often a child/children would have contact with each parent following a separation
3. Financial arrangements following relationship breakdown
4. Other

3. Have you been involved in a court case in the last two years? This might have been in the criminal court, the civil court or the family court?

1. Criminal court (Magistrates' or Crown Court)
2. Civil court
3. Family court
4. Have been in court in last two years but not sure which type
5. Have not been in court in last two years

4. [Thinking of when you were involved in a family court case] What did the case involve?

1. To agree who a child/children would live with following a separation
2. To agree how often a child/children would have contact with each parent following a separation
3. Care proceedings for children (involving social services or Local authorities)
4. Divorce
5. Financial arrangements following a separation
6. Other

5. Looking at this card have you been in a court in the last two years in any of the following ways? Please include anything you have already told me about.

1. Victim
2. Witness
3. Defendant
4. Juror
5. Claimant in a case
6. Applicant (FAMILY COURT ONLY)
7. Respondent (FAMILY COURT ONLY)
8. Carrying out a pre-court visit
9. Legal professional (e.g. barrister, solicitor)
10. Observer (e.g. to support family member/friend, etc)
11. To file/deliver papers
12. To make a payment or pay a fee
13. Have not been in court in any of these ways in the last two years

6. And in which of these ways were you in court MOST RECENTLY?

1. Victim
2. Witness
3. Defendant
4. Juror
5. Claimant in a case
6. Applicant (FAMILY COURT ONLY)
7. Respondent (FAMILY COURT ONLY)
8. SPONTANEOUS ONLY: Not sure

7. Please think just about the LAST time you were in court/in court as (most recent role at court). Did you feel you were treated fairly by court staff?

1. Yes
2. Not entirely
3. Not at all

8. Did you feel you were treated with respect by court staff?

1. Yes
2. Not entirely
3. Not at all

9. How well were you kept informed about what would happen in court **in advance of attending**?

1. Very well
2. Fairly well
3. Not very well
4. Not at all well

10. How well were you kept informed about what was happening **while you were in court**?

1. Very well
2. Fairly well
3. Not very well
4. Not at all well

Awareness and understanding of the family justice system

1. The Family Justice System deals with issues or disputes that can arise when families split up. Before this interview, had you heard of the Family Justice System?

1. Yes
2. No

2. What issues do you think the Family Justice System deals with?

1. Divorce
2. Deciding who a child will live with/custody/residence
3. Agreeing how often a child will have contact with each parent following a separation
4. Taking a child into (local authority) care
5. Adoptions
6. Financial arrangements following the breakdown of a relationship
7. Domestic violence
8. Other (specify)
9. None of these

3. The following question asks you to give an answer out of 100. If you are not sure about the number, please give your best guess.

Out of every 100 couples with children who separate, how many couples do you think **go to court** to help them decide how often children should have contact with each parent?’

Awareness of mediation

1. Mediation is a way of settling family disputes **without going to court**. It involves an independent person (known as the mediator) helping those involved in a dispute to reach an agreement. Before this interview, were you aware that individuals could use mediation as a way of settling disputes, as an alternative to going to court?

1. Yes
2. No

Confidence in the family justice system

Scenario 1

Please look at this card, which describes a situation that might be dealt with by the Family Justice courts. I'd like you to read the card and think about this type of case when answering the questions that follow.

One of the issues that Family Justice courts deal with are cases where parents are trying to agree which parent a child should live with and how often they should see the other parent, following the breakdown of a relationship.

1. How confident are you that Family Justice courts would deal with a case like this promptly?

1. Very confident
2. Fairly confident
3. Not very confident
4. Not at all confident
5. Don't know

2. How confident are you that Family Justice courts would come to a decision that was in the best interests of the child in a case like this?

1. Very confident
2. Fairly confident
3. Not very confident
4. Not at all confident
5. Don't know

3. How confident are you that Family Justice courts would take into account the views of both parents before making a decision in a case like this?

1. Very confident
2. Fairly confident
3. Not very confident
4. Not at all confident
5. Don't know

4. How long on average do you think a case of this type should take, from when it is referred to court to when a final decision is made? Please choose your answer from this card.

1. Less than 1 month
2. 1 month or more, but less than 3 months
3. 3 months or more, but less than 6 months
4. 6 months or more, but less than 9 months
5. 9 months or more, but less than 12 months
6. 12 months or more, but less than 18 months
7. 18 months or more

Scenario 2

Please look at this card, which describes a situation that might be dealt with by the Family Justice courts. I'd like you to read the card and think about this type of case when answering the questions that follow.

One of the issues that Family Justice courts deal with are cases where a local authority attempts to take a child into care when parents are unable to care for the child themselves.

1. How confident are you that Family Justice courts would deal with a case like this promptly?

1. Very confident
2. Fairly confident
3. Not very confident
4. Not at all confident
5. Don't know

2. How confident are you that Family Justice courts would come to a decision that was in the best interests of the child in a case like this?

1. Very confident
2. Fairly confident
3. Not very confident
4. Not at all confident
5. Don't know

3. How confident are you that Family Justice courts would take into account the views of parents before making a decision in a case like this?

1. Very confident
2. Fairly confident
3. Not very confident
4. Not at all confident
5. Don't know

4. How long on average do you think a case of this type should take, from when it is referred to court to when a final decision is made? Please choose your answer from this card.

1. Less than 1 month
2. 1 month or more, but less than 3 months
3. 3 months or more, but less than 6 months
4. 6 months or more, but less than 9 months
5. 9 months or more, but less than 12 months
6. 12 months or more, but less than 18 months
7. 18 months or more