

## **Privacy notice: The contribution of health and social adversity to public and private family court proceedings: a public health approach**

### **PART 1 – SUMMARY**

#### **1.1. What is this document?**

This is a “privacy notice.” It is a document that tells you about a research project that we’re carrying out. We have produced it because we will be using data collected routinely by public services, including the NHS.

This document includes information about: the research and how we are doing it; the data we are using; your rights; our contact detail. The first part of this privacy notice is a summary. If you want the full, technical details, you can find these in the second part.

For further information about the study, including our findings as they emerge, please visit <https://flh-research.org/>.

#### **1.2. Why are we doing this research?**

Family court can be extremely difficult for those who go through it. We know this from speaking to people who have been through family court as well as from previous research. For example, previous studies have shown that the percentage of mothers with mental health problems undergoing family court is much higher than among mothers who don’t experience family court. We are carrying out this research to understand the health needs of parents and children involved in family court cases. We have two overarching ambitions:

1. To provide evidence to help healthcare services support families better. This could be around and during court proceedings, but also long before, including when children are born.
2. To provide evidence to help reform family court processes so that they are less harmful and better for families.

If we can figure out earlier who needs help, then services like healthcare and social care may be able to better support families so that problems can be managed earlier on. Where court is needed, court can be reformed so that it responds better to needs of families and results in better outcomes for all.

#### **1.3. What are we doing?**

We will be using datasets that are created routinely by NHS healthcare providers and by the Children and Family Court Advisory Support Service (Cafcass) in England. These datasets include information on all those seen by these services. By linking these datasets together, we will be able to look at the health of groups of

people. For example, we will be able to look at all mothers in England who experience family court proceedings compared to mothers who do not.

The linkage between the NHS and Cafcass datasets will be done securely by NHS England using name, address and date of birth. Only NHS England will have access to this information. They will keep the data for only a short period of time. The research team will not have access to personal information that could identify you. The researchers cannot identify individuals under any circumstances.

The study will be accessing a copy of “de-identified” data. This means that the data that we will use will not contain any information such as name or address.

All the data will be handled securely. The study data will be transferred to the University research team in an encrypted form (‘scrambled’), where it will be securely stored in the UCL Data Safe Haven for up to five years (the duration of the project). The UCL Data Safe Haven is a secure research environment (a special computer environment) that meets government standards for holding data securely.

We have safeguards to ensure that the study publications cannot identify any individual (e.g. publication via conferences or other printed media such as journals and reports).

#### **1.4. What information will be used in the study?**

The datasets that we will use are:

1. Data from Cafcass about women undergoing family court proceedings in cases to do with children from 1 April 2007 to 31 March 2023. The types of information that we will use from Cafcass includes dates of applications and hearings, types of orders applied for and made, demographic information (e.g., age in years, gender, ethnicity, deprivation), which local authority and court, type of case (e.g., public or private family law) and whether welfare reports were ordered.

We will NOT be accessing court files (e.g., evidence submitted to court), or detailed case notes recorded by Cafcass.

2. Hospital Episode Statistics: these are records generated by NHS hospitals including inpatient stays, outpatient appointments and A&E visits. The types of information include dates of contacts, coded diagnoses and procedures and demographic information like sex and ethnicity.

This dataset does not include documents such as clinic letters or discharge summaries.

3. Similar information from other NHS datasets: Maternity Services Data Set, Community Services Data Set, Mental Health Services Data Sets, birth notifications and registrations. We will also use information from a previous study on families supported by the Family Nurse Partnership.

### 1.5. What are your rights?

You have a right to object to your data being used in the study. You have a number of options.

1. NHS National Data Opt-out. This is if you do not want your NHS information to be used in **any** research study (not just this one). This is managed by the NHS. Find out more at <https://www.nhs.uk/your-nhs-data-matters/>.
2. Cafcass data opt-out. This is if you do not want Cafcass to use the data they hold about you in **any** research project: <https://www.cafcass.gov.uk/about-us/privacy-and-data-protection/privacy-notice-adults-family-court-proceedings>
3. Opt-out of your Cafcass data being used for this study specifically. To opt-out of your Cafcass data being used for this research project specifically, there will be a dedicated e-mail address and further details available once the data sharing agreement is in place.

Your choice will not affect the health care, Cafcass or court services you receive.

You have the right to complain directly to the [Information Commissioner's Office](#), which is an independent regulatory authority set up to uphold information rights.

Note that because the research data are de-identified, it will not be possible to identify and remove your records once the linkage has been completed. As a consequence, it is also not possible for researchers themselves to grant usual data protection rights.

### 1.6. Study team contact details

This research is part of the [Population Policy and Practice Research & Teaching Department](#), at the University College London Great Ormond Street Institute of Child Health. If you would like to get in touch, please contact Matthew Jay, who is leading the study, at [matthew.jay@ucl.ac.uk](mailto:matthew.jay@ucl.ac.uk). Alternatively, you may contact Matthew's line manager, Ruth Gilbert, at [r.gilbert@ucl.ac.uk](mailto:r.gilbert@ucl.ac.uk).

You may also contact the UCL Data Protection Officer at [data-protection@ucl.ac.uk](mailto:data-protection@ucl.ac.uk). If you wish to contact the Data Protection Officer, please mention data protection registration reference Z6364106/2024/12/107.

### 1.7. Further information

For further information about the study, including our findings as they emerge, please visit <https://flh-research.org/>.

For the detailed version of this privacy notice, please see the next section.

## **PART 2 – DETAILED VERSION**

This research is part of the [Population Policy and Practice Research & Teaching Department](#), at the University College London (UCL) Great Ormond Street Institute of Child Health (ICH). It uses information collected from administrative sources to conduct research in order to understand the health of mothers involved in public family court proceedings. It is led by [Dr Matthew Jay](#) and is funded by the [Wellcome Trust](#).

### **2.1. What is this Privacy Notice about?**

This privacy policy outlines the purpose of the research and explains how we will collect and use the data for this study. It also describes how to get further information and what to do if you (or your child) do not want to be part of the study.

### **2.2. What is this study about?**

This study focusses on the health of mothers and children who use family courts in England. This includes so-called “public” proceedings where social care services seek to remove a child into care. It also includes “private” proceedings, for example where there are disputes between parents about children following relationship breakdown. Emerging research is showing that mothers and children involved in such proceedings have high levels of health need, including mental health problems, exposure to domestic abuse or drug and/or alcohol problems. However, information is lacking on how health services and courts can address these needs. Our project will use longitudinal data from hospitals and other health care services, linked to court data, to determine the needs of mothers and children before, during and after family court proceedings.

### **2.3. What information will we use about you or your child for the study?**

Our study uses de-identified data that is collected from hospitals, other healthcare services in England. This information is linked to another dataset from the Children and Family Court Advisory Support Service (Cafcass), who represent children and carry out welfare checks in family court cases. This study will use data only for women and their children in England who had at least one live birth between 01/04/1997 and 31/03/2023 when they were aged between 15 and 50 years of age.

The types of information that we will use from Cafcass includes dates of applications and hearings, types of orders applied for and made (if any), demographic information about parties and children (e.g., age in years, gender, ethnicity, deprivation), local authority and court, type of case (e.g., public or private family law) and whether welfare reports were ordered. We will NOT be accessing court files (e.g., evidence submitted to court), or detailed case notes recorded by Cafcass. If you would like to find out more about the kind of information that we will, please contact us at the e-mail addresses below.

We aim to examine the health of mothers and children involved in family court proceedings, compared to those not involved. The findings could lead to testing of interventions to improve the health of mothers and children earlier on and potentially prevent the need for some proceedings. Findings could also reduce the negative impacts of family court proceedings on mothers' and children's health. We need to evaluate data for the whole of England to take account of variations in social care thresholds between local authorities and differences between different court areas. This will ensure that relevant findings may be applied to different local contexts.

Other information that will be used in the study include:

- Hospital Episode Statistics: Geographical information such as hospital, local authority; the type of hospital admission – planned/unplanned, speciality of treatment, length of time spent in hospital, and the reason for hospital admission (diagnosis). Detailed lists of information available in Hospital Episode Statistics may be found [here](#).
- We will be using similar information from other NHS datasets (click for more detailed information about what these datasets contain): [Maternity Services Data Set](#), [Community Services Data Set](#), [Mental Health Services Data Sets](#), [birth notifications and registrations](#). We will also use information from a previous study on families supported by the [Family Nurse Partnership](#).

The linkage between the NHS and Cafcass datasets will be done securely by NHS England using name, address and date of birth. Only NHS England will have access to both the NHS and Cafcass data. They will keep the data for only a short period of time. The research team will not have access to personal information that could identify you. The personal identifiers are removed before transfer of any data to the researchers. The researchers cannot identify individuals under any circumstances.

## **2.4. How will the information be used?**

The linked health and Cafcass data will be used by study in the following ways:

- 1) To assess the accuracy of linkage between Cafcass and health records in England. This linkage between health and Cafcass data has not been done before for the whole of England. We need to assess whether the data linkage was effective across all local authorities.
- 2) Then, in work package 1, we aim to identify maternal and child risk factors, in particular in the first 1,000 days of life, that are associated with private or public law family court involvement and amenable to intervention by community services supporting families.
- 3) In work package 2, we aim to describe the health status of mothers and children before and after private or public law family court proceedings, the extent to which health and social factors explain variation in rates of family court proceedings across the country and the possible health impact of abolition of legal aid in most private family matters on 1 April 2013.

Statistical methods will be used to understand patterns in the data and possible associations between hearing dates, legal outcomes and use of health services.

We have safeguards to ensure that the study publications cannot identify an individual (e.g. publication via conferences or other printed media such as journals and reports).

## **2.5. Where and how long will the data be stored?**

The study data will be transferred to the University research team in an encrypted form ('scrambled'), where it will be securely stored in the UCL Data Safe Haven for up to five years (the duration of the project). The UCL Data Safe Haven is a registered data processor under the terms of the Data Protection Act 2018 ([Information Commissioner's Office Data Protection Registration: Z6364106](#)).

The data will not be used for marketing purposes, shared with or transferred to any third parties. The data provided to the team for research will not be transferred to other countries.

## **2.6. What is the lawful basis for using this information?**

The [lawful basis](#) for using information collected routinely for administrative purposes for research is the "public task." This is part of the University's [commitment](#) to "integrate education, research, innovation and enterprise for the long-term benefit of humanity." The public task basis may be found in Article 6(1)(e) of the General Data Protection Regulation, which states:

"Processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller."

## **2.7. Legal and ethical permissions**

The legal basis for processing personal data for this purpose data at UCL falls under Article 6(1)(f) of the General Data Protection Regulations (GDPR), i.e. the "legitimate interests" of healthcare research. It also falls under Article 9(2)(j), "processing is necessary for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes".

Personally identifying information (including names, addresses, dates of birth and NHS numbers) will be processed by NHS England in order to link the data. This will be conducted under section 251 of the National Health Services Act 2006 and its Regulations, the Health Service (Control of Patient Information) Regulations 2002, with support from the Health Research Authority via the Confidentiality Advisory Group (support granted 27 May 2025, 25/CAG/0065).

Ethical approval for this research has been granted by the NHS Health Research Authority London Central Research Ethics Committee (4 March 2025, 25/LO/0168).

The project is also overseen by the UCL/Great Ormond Street Joint Research & Development Office (23PE07).

## 2.8. Your rights

You have a right to object to your data being used in the study. You have a number of options.

1. NHS National Data Opt-out. This is if you do not want your NHS information to be used in **any** research study (not just this one). Find out more at <https://www.nhs.uk/your-nhs-data-matters/>.
2. Cafcass data opt-out. This is if you do not want Cafcass to use the data they hold about you in any research project: <https://www.cafcass.gov.uk/about-us/privacy-and-data-protection/privacy-notice-adults-family-court-proceedings>
3. Opt-out of your Cafcass data being used for this study specifically. To opt-out of your Cafcass data being used for this research project specifically, there will be a dedicated e-mail address and further details available once the data sharing agreement is in place.

Your choice will not affect the health care or Cafcass or court services you receive.

You have the right to complain directly to the [Information Commissioner's Office](#), which is an independent regulatory authority set up to uphold information rights.

Note that because the research data are de-identified, it will not be possible to identify and remove your records once the linkage has been completed. As a consequence, it is also not possible for researchers themselves to grant usual data protection rights.

## 2.9. How do I contact the Research team (or Data Controller)?

If you have questions or concerns about the study, please contact Dr Matthew Jay:

Dr Matthew Jay  
Senior Research Fellow

[matthew.jay@ucl.ac.uk](mailto:matthew.jay@ucl.ac.uk)

W5.10 UCL Great Ormond Street Institute of Child Health  
30 Guilford Street  
London  
WC1N 1EH

You may alternatively contact Professor Ruth Gilbert, who is the data controller for this research:

Professor Ruth Gilbert  
Professor of Clinical Epidemiology

[r.gilbert@ucl.ac.uk](mailto:r.gilbert@ucl.ac.uk)

W5.13 UCL Great Ormond Street Institute of Child Health  
30 Guilford Street  
London  
WC1N 1EH

You may also contact the UCL Data Protection Officer:

Data Protection and Freedom of Information (FOI) Officer  
University College London  
Legal Services, 6th Floor  
1-19 Torrington Place  
London  
WC1E 7HB

Email: [data-protection@ucl.ac.uk](mailto:data-protection@ucl.ac.uk)

Please quote data protection registration reference: Z6364106/2024/12/107

You also have the right to complain directly to the [Information Commissioner's Office](#), which is an independent regulatory authority set up to uphold information rights.

## Additional information / links

Study website	<a href="https://flh-research.org/">https://flh-research.org/</a>
Information Commissioner's Office	<a href="http://www.ico.org.uk">www.ico.org.uk</a>
Cafcass	<a href="https://www.cafcass.gov.uk/professionals/our-research/external-research-supported-cafcass">https://www.cafcass.gov.uk/professionals/our-research/external-research-supported-cafcass</a>
Hospital Episode Statistics	<a href="http://content.digital.nhs.uk/hes">http://content.digital.nhs.uk/hes</a>
Maternity Services Data Set	<a href="https://digital.nhs.uk/data-and-information/data-collections-and-data-sets/data-sets/maternity-services-data-set">https://digital.nhs.uk/data-and-information/data-collections-and-data-sets/data-sets/maternity-services-data-set</a>
Community Services Data Set	<a href="https://digital.nhs.uk/data-and-information/data-collections-and-data-sets/data-sets/community-services-data-set">https://digital.nhs.uk/data-and-information/data-collections-and-data-sets/data-sets/community-services-data-set</a>
Mental Health Services Data Sets	<a href="https://digital.nhs.uk/data-and-information/data-collections-and-data-sets/data-sets/mental-health-services-data-set">https://digital.nhs.uk/data-and-information/data-collections-and-data-sets/data-sets/mental-health-services-data-set</a>
Birth notifications and registrations	<a href="https://digital.nhs.uk/services/national-care-records-service/birth-notification-process">https://digital.nhs.uk/services/national-care-records-service/birth-notification-process</a>
UCL Data Safe Haven	<a href="https://understandingpatientdata.org.uk/">https://understandingpatientdata.org.uk/</a> <a href="http://www.ucl.ac.uk/isd/itforslms/services/handling-sens-data/tech-soln">http://www.ucl.ac.uk/isd/itforslms/services/handling-sens-data/tech-soln</a>
UCL's Data Sharing Framework Contract with NHS England	<a href="https://www.ucl.ac.uk/isd/sites/isd/files/migrated-files/CON-321538-B5D8B.pdf">https://www.ucl.ac.uk/isd/sites/isd/files/migrated-files/CON-321538-B5D8B.pdf</a>