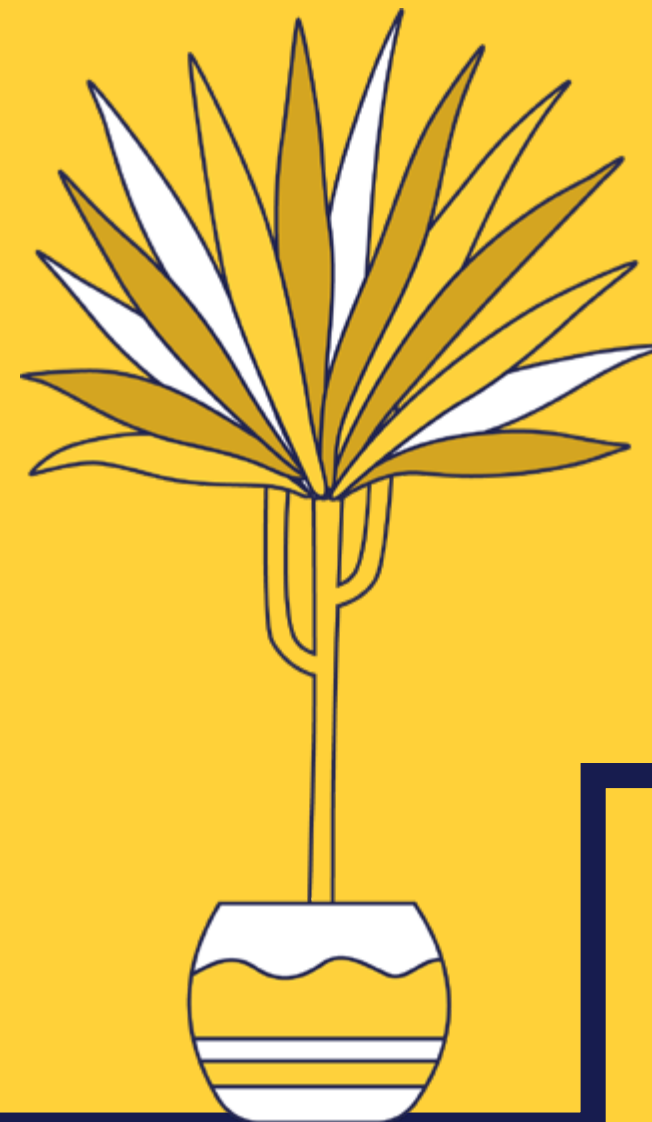


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# Newborn babies in urgent care proceedings in England and Wales: An update

**Authors**

Charlotte Edney and Mary Ryan



**This paper provides an analysis of the most recently available data on the number of newborn babies in care proceedings in England and Wales and the use of initial hearings involving newborn babies that are held at short notice.**

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Mary Ryan

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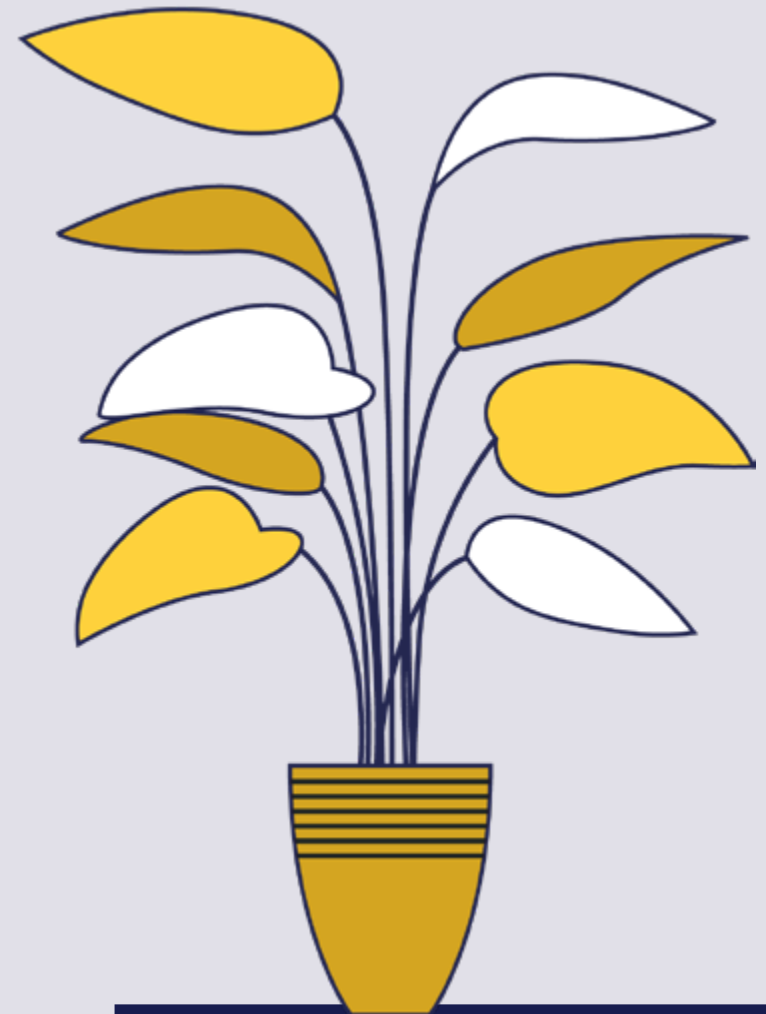
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#### **Disclaimer**

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# Notes

This briefing paper provides an analysis of the most recently available data on the number of newborn babies in care proceedings in England and Wales and the proportion of initial hearings involving newborn babies that are held at short notice. For the first time, we are also able to report on the ethnicity of babies in care proceedings in England.

## About the data and terms used in this analysis

Our updated analysis is based on Cafcass and Cafcass Cymru data, 1 April 2015 and 31 March 2023. This study makes use of anonymised data held in the Secure Anonymised Information Linkage (SAIL) Databank (<https://saildatabank.com>). We would like to acknowledge all the data providers who make anonymised data available for research.

Our sample included 48,605 babies in England and 4,432 in Wales who were the subject of a care proceedings (s.31) application.

For the purposes of this analysis:

- a 'baby' is defined as a child under 1 year old
- a newborn baby is defined as under 2 weeks old, although they may be up to 6 days older, because the underlying data relates to the week of birth.

In cases where local authorities require swifter decision-making following the issue of care proceedings, an application can be made for an urgent interim care order (ICO) hearing. Cafcass offers the following categorisation of urgent hearings, which we use in this briefing:

- a short-notice hearing is one that takes place within seven days of the application issue date
- an emergency hearing is where the first hearing takes place less than three days from care application issue date [note that our research measures one or two days]
- same-day hearings take place on the day the care application is issued, that is, with zero days' notice.

In some places, we have included analysis from previous reports (see 'Linked publications' in the bibliography) in order to compare and monitor trends over a longer time period.

## How to get in touch

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# Key findings

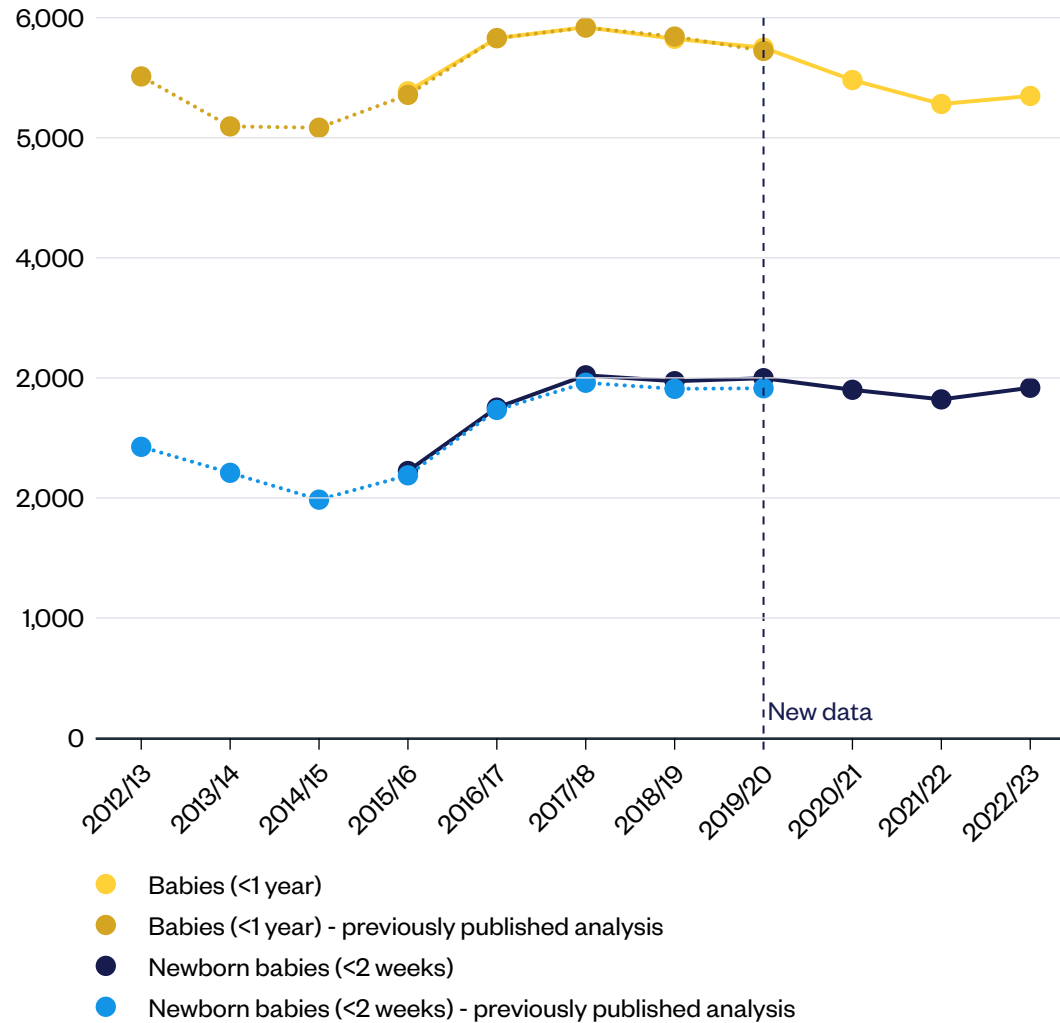
- In England:
  - the number of babies in care proceedings has been on a slight downward trajectory over the last few years – from 5,757 in 2019/20 to 5,354 in 2022/23
  - the proportion of these babies who are under 2 weeks old (newborn babies) has, however, increased from 52 % in 2019/20 to 55% in 2022/23
  - the rate of newborn babies becoming subject to care proceedings has continued to rise from 49.1 newborn babies per 10,000 live births in 2019/20 to 50.6 in 2022/23.
- In Wales:
  - the number of babies in care proceedings has fallen steadily in each of the last few years – from 413 in 2019/20 to 344 in 2022/23
  - the proportion of these babies who are under 2 weeks old has remained the same at 51%
  - the rate of newborn babies becoming subject to care proceedings has fallen from 70.4 per 10,000 live births to 62.6 per 10,000 births between 2019/20 and 2022/23.
- The number of newborn babies who are the subject of a same-day hearing has increased from 1 in 10 to 1 in 5 over the last 10 years in both England and Wales.
- Regional variations in both the rates of newborn babies in care proceedings and the use of short-notice hearings are worthy of further investigation.
- Reliable data about ethnicity is only available for England and this indicates that babies with mixed or multiple ethnicities are over-represented in care proceedings.

# Numbers and rates



# Number of babies in care proceedings in England

Newborn babies in urgent care proceedings in England and Wales: An update

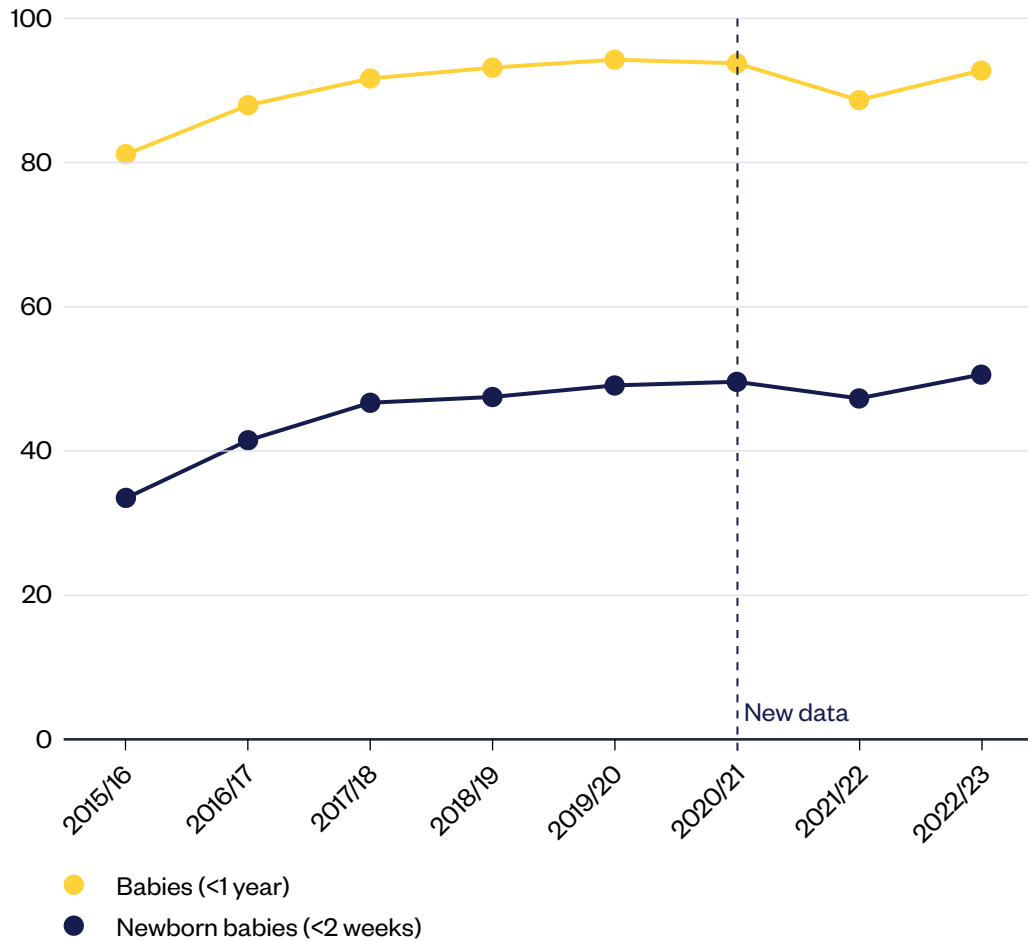


The number of babies in care proceedings has been on a slight downward trajectory over the last few years. In, 2022/23, 5,354 babies were in care proceedings compared to 5,757 in 2019/20. Of these, 2,918 were newborn babies.

The slight decline in the number of babies in care proceedings overall means that the proportion of newborn babies has been increasing. In 2022/23, newborn babies were the subject of 55% of proceedings involving children under the age of 1, rising from 41% in 2015/16 and 52% in 2019/20.

# Rates per 10,000 births in England

Newborn babies in urgent care proceedings in England and Wales: An update



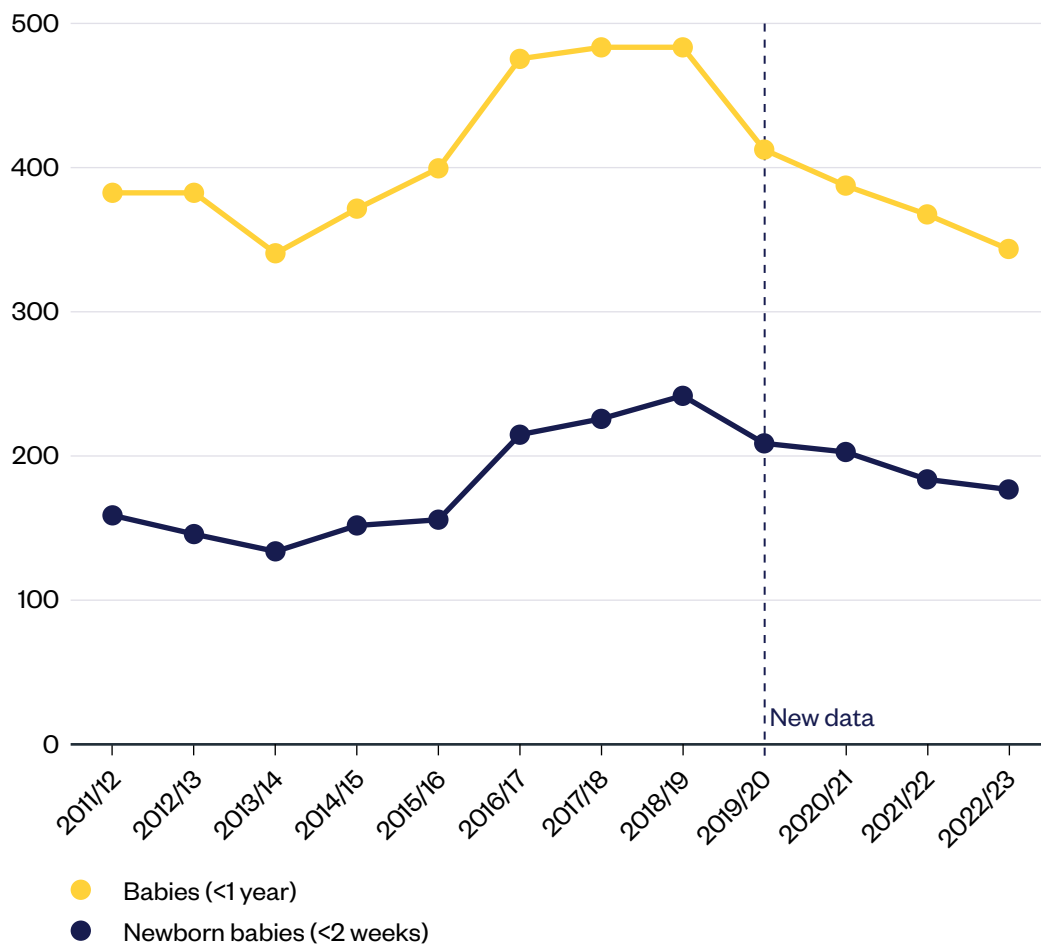
The rate of newborn babies entering care proceedings has continued to rise – from 49.1 newborn babies per 10,000 live births in 2019/20 to 50.6 in 2022/23. The changes in the number of newborn babies entering care proceedings cannot be explained by changes in the birth rate.

The rise in rates since 2019/20 has not been as sharp as the rise between 2015/16 and 2019/2020.



# Number of babies in care proceedings in Wales

Newborn babies in urgent care proceedings in England and Wales: An update



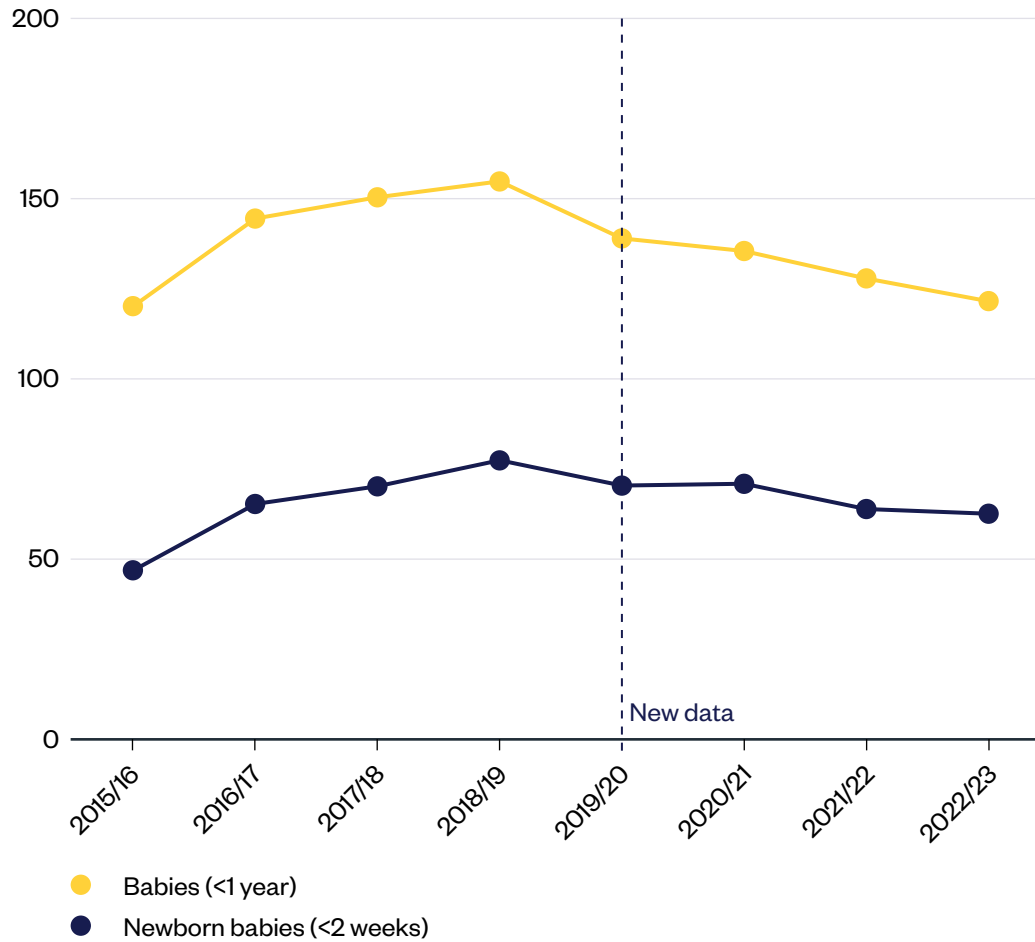
The number of babies in care proceedings has fallen steadily in each of the last few years – from 413 in 2019/20 to 344 in 2022/23.

The number of newborn babies subject to care proceedings has also decreased since a peak in 2018/19 (177 newborns compared to 242) but has not yet returned to 2012/13 levels (146 newborn babies).

As the drop in the number of babies under 1 year old has been greater than the drop in the number of newborn babies in proceedings, the proportion of cases involving newborns remains at 51% (as it was in 2019/20) compared to 28% in 2012/13.

# Rates per 10,000 births in Wales

Newborn babies in urgent care proceedings in England and Wales: An update



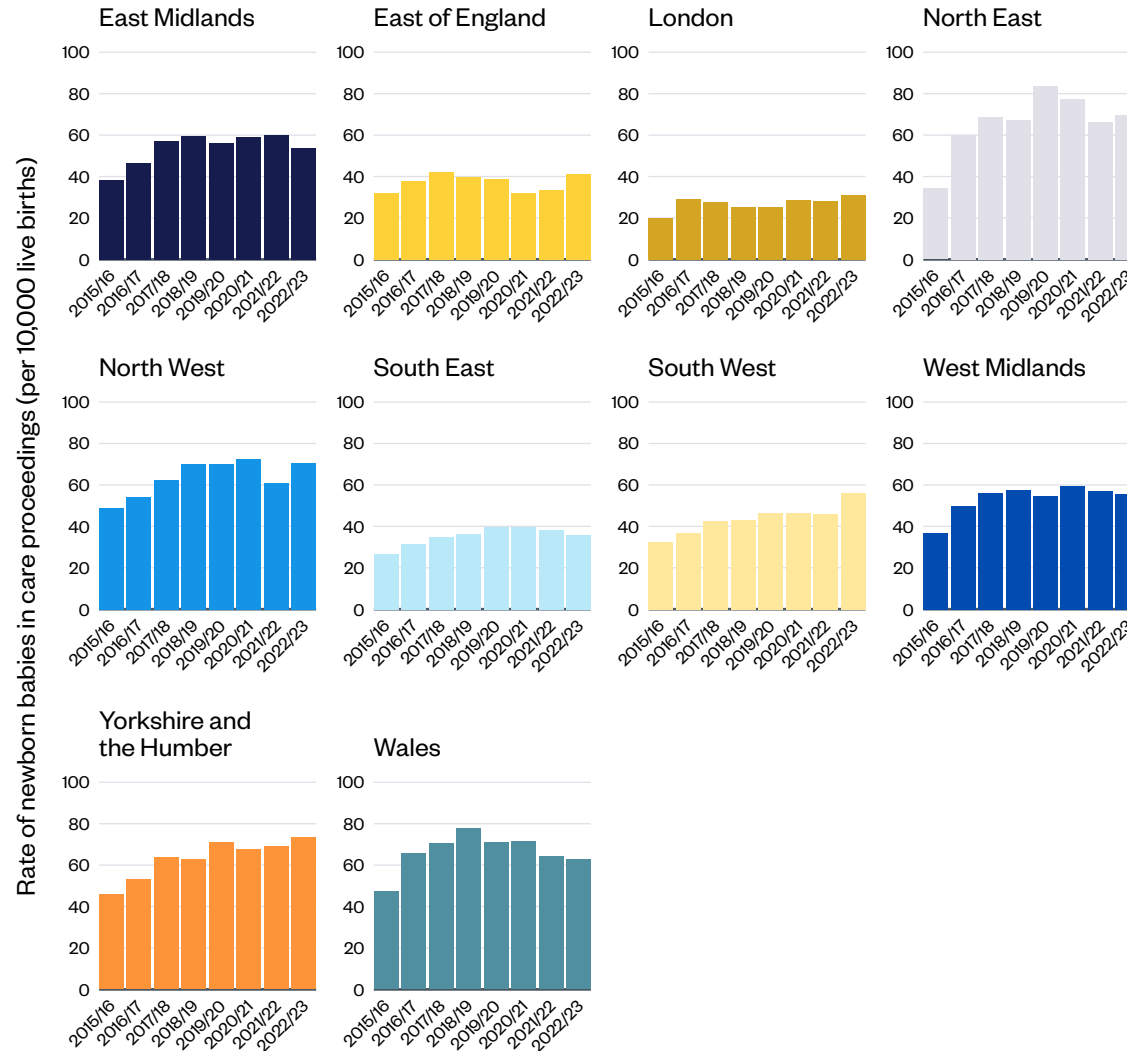
Rates of babies under 1 year old and newborn babies entering care proceedings have fallen from their peak in 2018/19.

The rate of newborn babies entering care proceedings dropped from 70.4 to 62.6 per 10,000 births between 2019/20 and 2022/23.

The rate dropped more sharply among babies under 1 year old, from 139 to 121.6 per 10,000 live births between 2019/20 and 2022/23.

# Regional variations in the rate of newborn babies entering care proceedings

Newborn babies in urgent care proceedings in England and Wales: An update

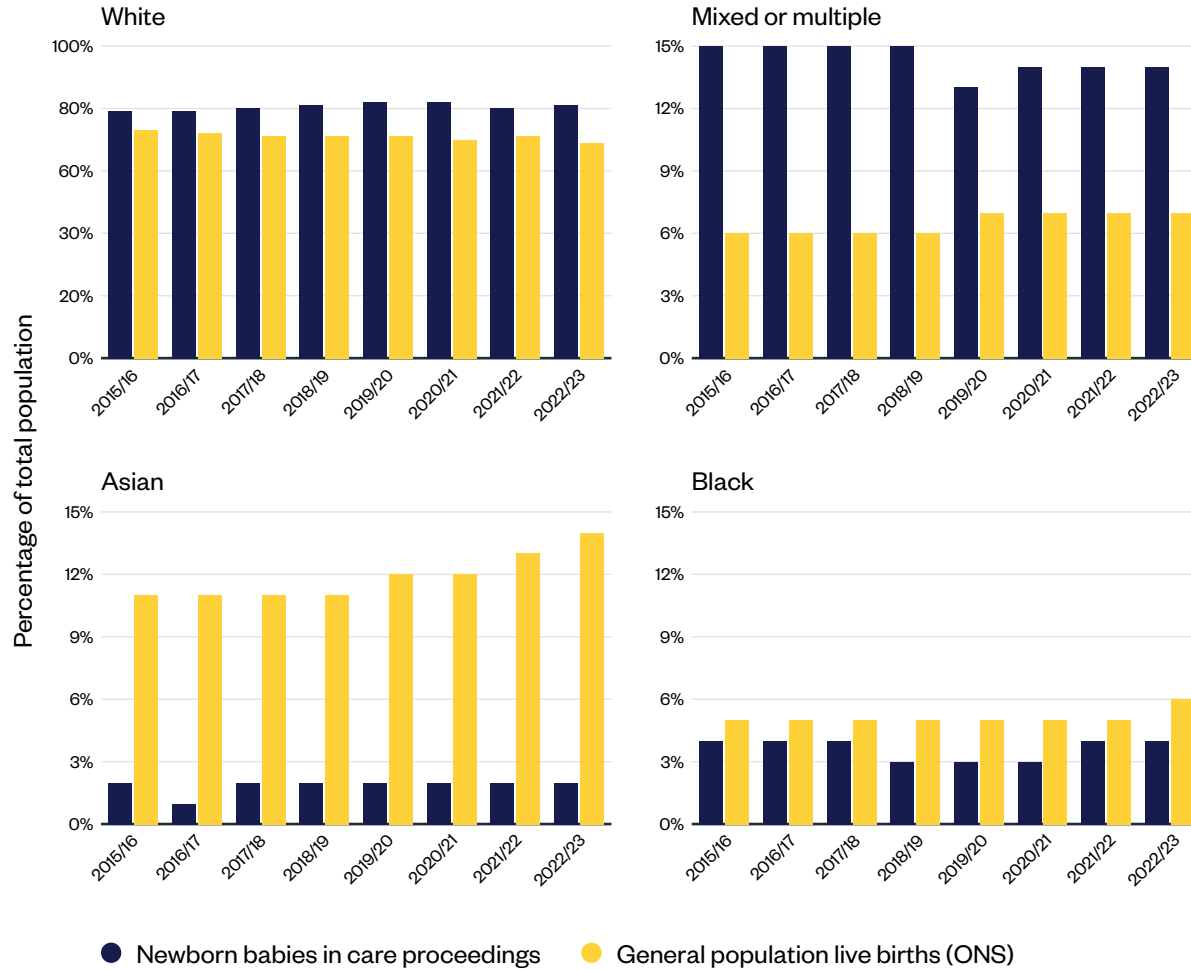


London has had the lowest rate of newborn babies entering care proceedings every year since 2015/16.

Yorkshire and the Humber, the North East, the North West and Wales have the highest rates.

While rates have tended to 'level off' in most other regions, the rate in the South West increased by 22% between 2021/22 and 2022/23, having been stable for 3 years in a row.

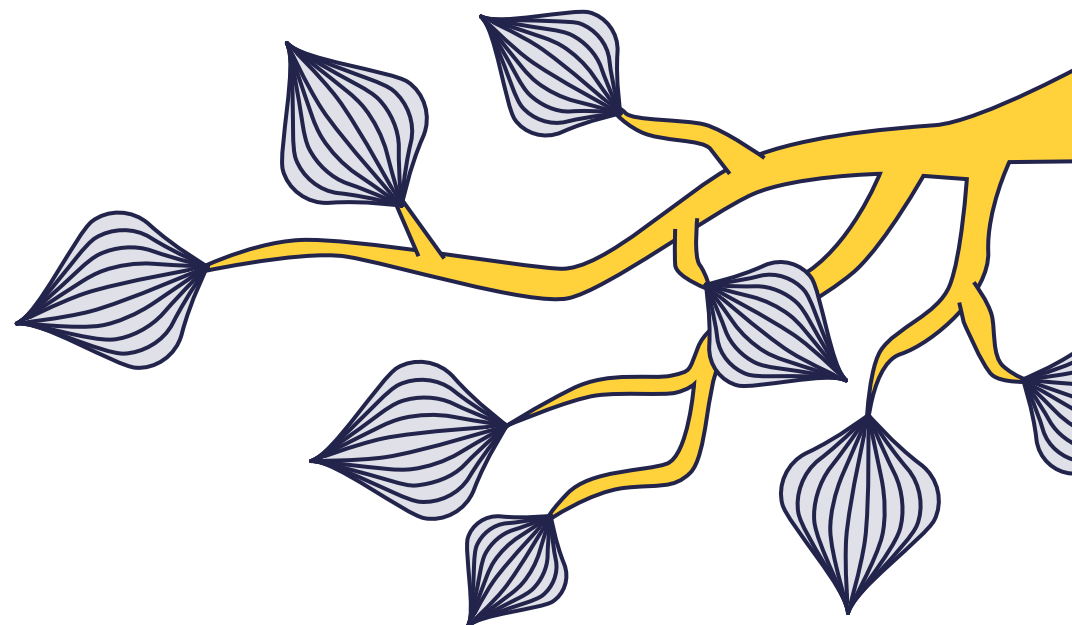
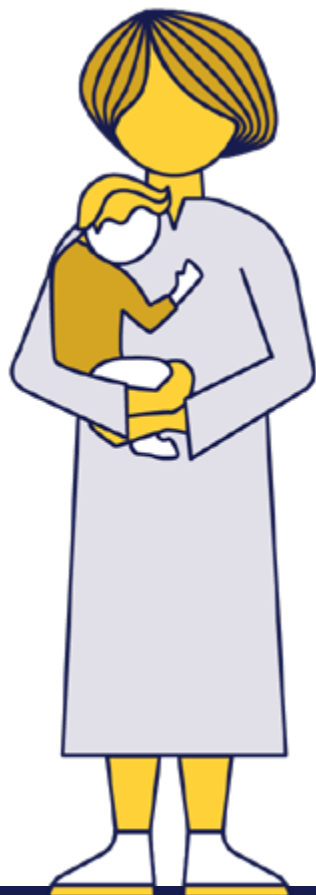
# Ethnicity



The data shows that mixed or multiple ethnicity babies are over-represented in care proceedings when compared to the general population. There are also fewer Asian babies in care proceedings than you would expect given the population and Black babies are also slightly under-represented.

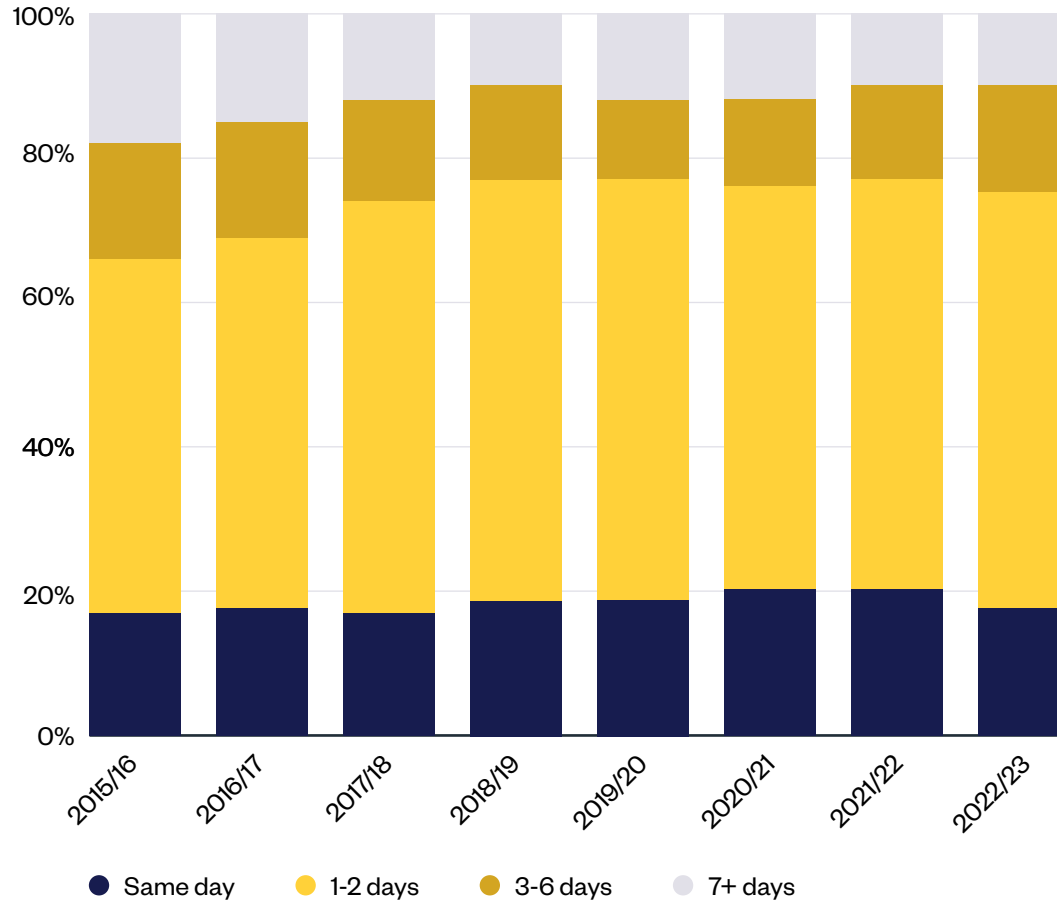
Other Nuffield Family Justice Observatory research finds that Black and Asian children are on average older than children of other ethnicities when entering care proceedings for the first time (Edney et al. 2023).

# Use of urgent hearings



# Same-day, emergency and short-notice hearings in England

Newborn babies in urgent care proceedings in England and Wales: An update

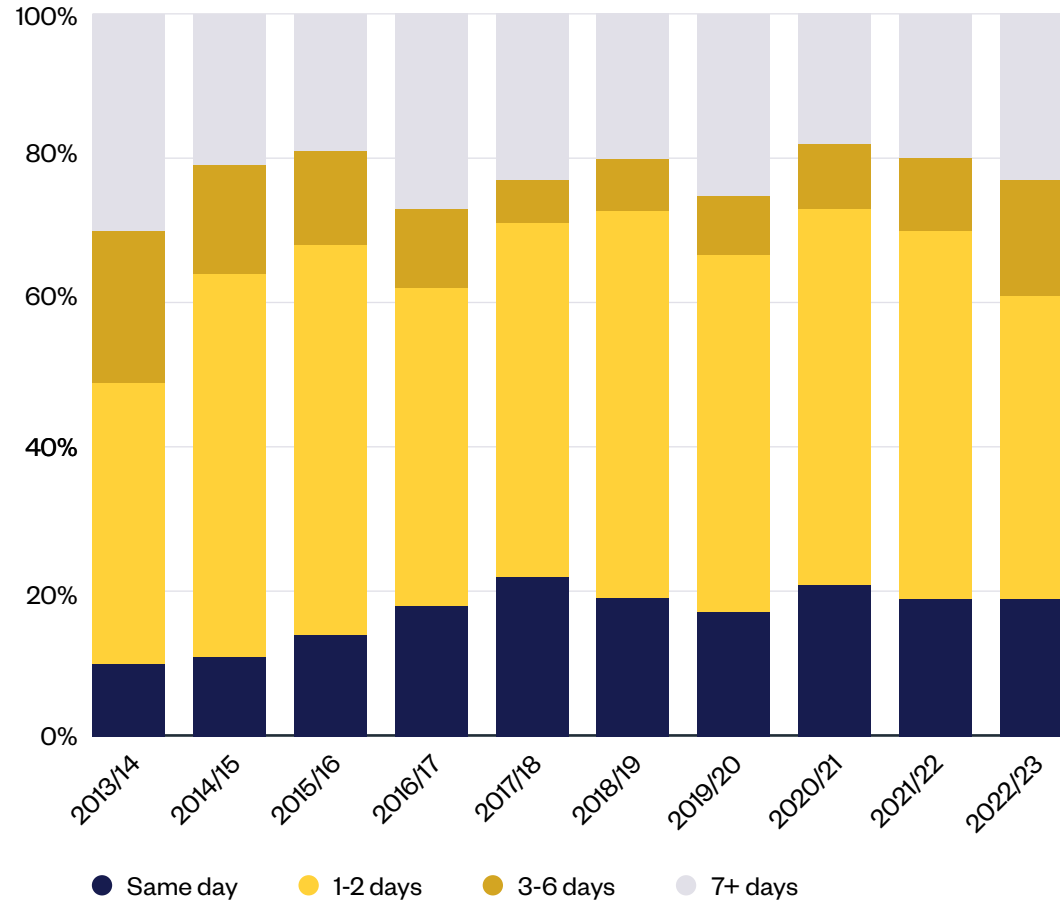


The vast majority of care proceedings involving babies in England – nearly 3 in 5 – are emergency hearings, heard within 2 days of an application being made.

The proportion of cases where the hearing is conducted 7 or more days after the issue date has been shrinking since 2015/16.

# Same-day, emergency and short-notice hearings in Wales

Newborn babies in urgent care proceedings in England and Wales: An update



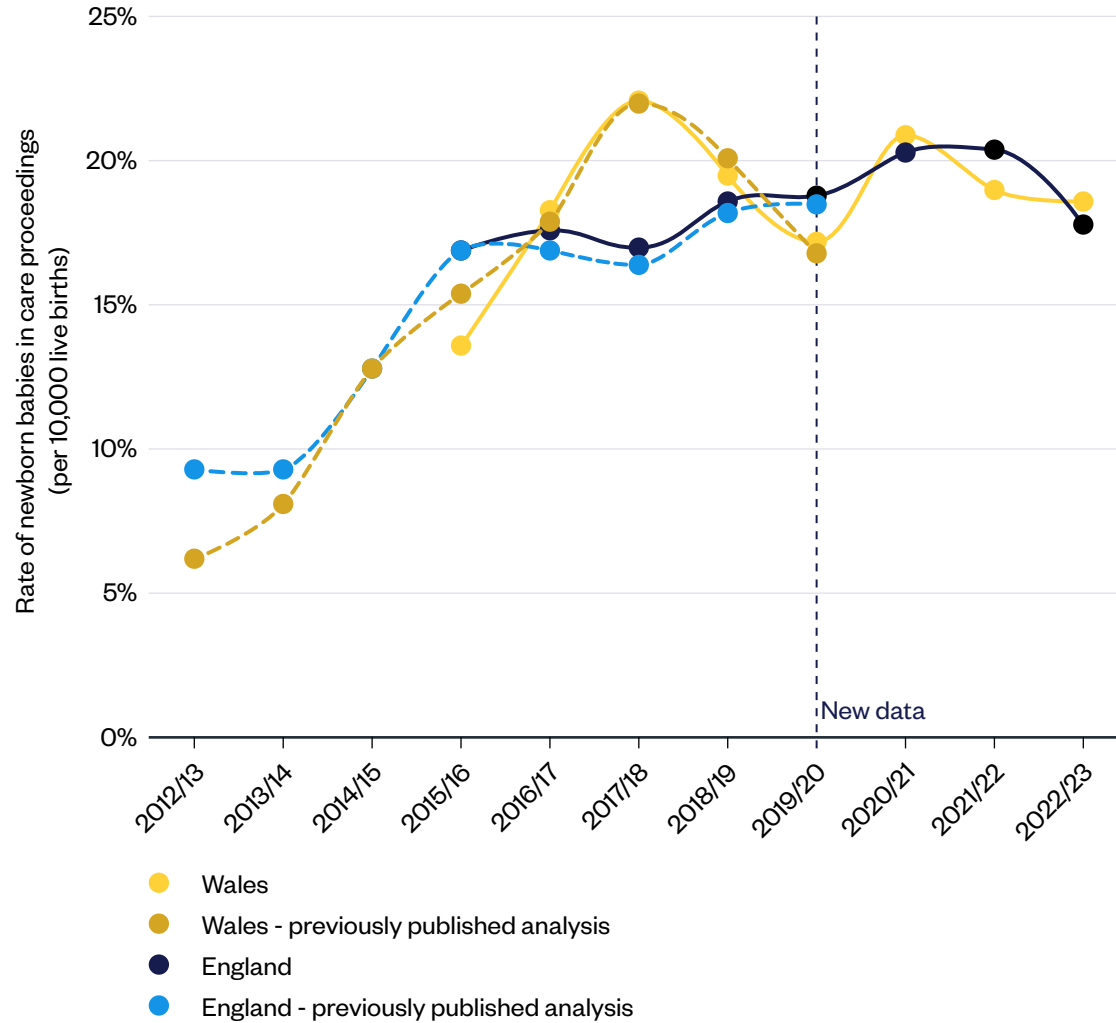
Similarly, in Wales, the vast majority of cases are emergency hearings, heard within 2 days of an application being made.

However, in recent years an increasing proportion of hearings have taken place 3+ days after the application has been made.

Over the last decade however, the picture in Wales is less stable than in England, showing greater fluctuation and variation in hearing types.

# Prevalence of same-day hearings

Newborn babies in urgent care proceedings in England and Wales: An update

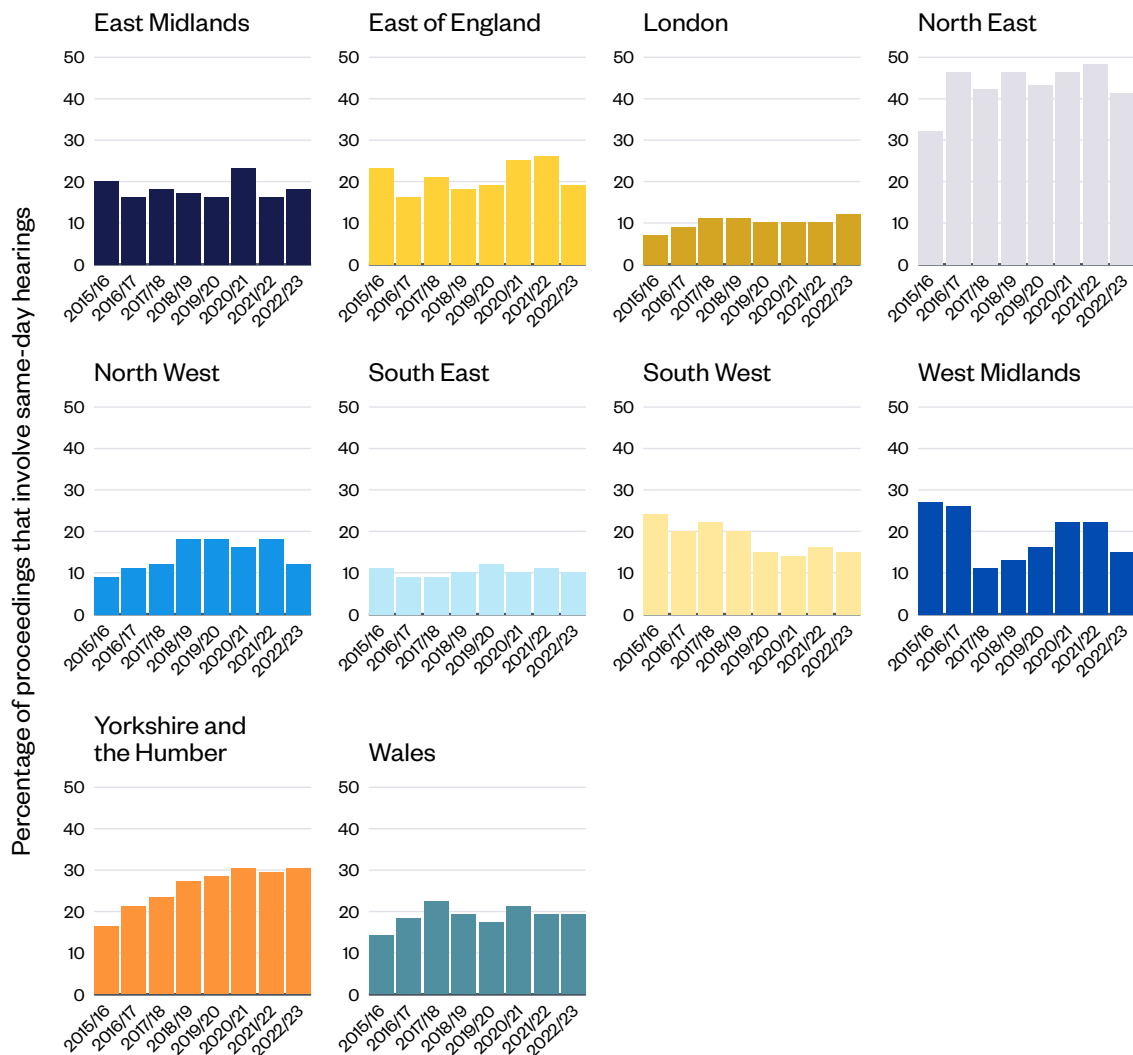


Almost 1 in 5 newborn babies in short-notice hearings (18% in England and 19% in Wales) were the subject of a same-day hearing in 2022/23.

This has increased from 1 in 10 over the last 10 years.



# Regional variations in the use of same-day hearings



There is considerable regional variation in the use of same-day hearings.

London and the South East have the lowest proportion of same day hearings for newborn babies – around 1 in 10 care proceedings involving newborn babies involves a same-day hearing.

The North East has the largest percentage of same-day hearings (around 40% in 2022/23), but there have also been increases in same-day hearings in Yorkshire and the Humber.

# Conclusions

- Monitoring changes in the number and rate of newborn babies in care proceedings, and in the use of short-notice hearings, is important – but further work is needed to understand the reasons behind the trends. Our earlier research has suggested that regional variations in the number of newborn babies in care proceedings may relate to underlying population trends, the availability of preventative services and mother and baby placements, the quality of legal advocacy and court culture.
- The number and rate of newborn babies in care proceedings in England remains stubbornly high, despite efforts to provide better pre-birth support in some areas of the country (for example, within *Born into Care* pilot sites and among the pathfinders in the Department for Education’s Families First for Children programme). It is possible that work in these areas is contributing to a stabilisation of the figures in England and that a decline in figures will become more apparent over time.
- The decline in numbers in Wales is encouraging given the steep upward trajectory prior to 2018/19. This may be linked to the existence of specialist pre-birth services in some areas and also the Welsh government’s commitment to reducing the number of children in care – although the statistics published in 2024 showed a slight rise in the overall number of children in care (Welsh Government 2024).
- The continuing frequent use of short-notice hearings in relation to newborn babies remains an issue of concern – both in relation to Articles 6 and 8 of the Human Rights Act 1998, and in relation to common humanity. A same-day hearing can mean a mother needs to attend court just hours after giving birth. This raises serious concerns about procedural fairness, the ability of parents to participate effectively in the proceedings, and the potential for rushed decision-making, which may overlook alternative care options within the family network. It appears that raising awareness of the prevalence of short-notice hearings in care cases involving newborn babies has not led to changes in practice and more work is required to address the barriers to change. Further exploration could provide valuable insights as to why some regions are making greater progress than others in terms of reducing the number of same-day emergency hearings.
- These findings once again highlight the need for better planning and preparation before birth to ensure that all parties have adequate time to prepare and participate. The *Born into Care* good practice guidance aims to address these concerns by improving pre-birth practice and ensuring that assessment and the support identified as needed in the assessment begin early in pregnancy, in the first or second trimester (Mason et al. 2023). The guidelines also recommend that the grounds for an urgent interim care order are clearly justified.

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# Nuffield Family Justice Observatory

Nuffield Family Justice Observatory (Nuffield FJO) aims to support the best possible decisions for children by improving the use of data and research evidence in the family justice system in England and Wales. Covering both public and private law, Nuffield FJO provides accessible analysis and research for professionals working in the family courts.

Nuffield FJO was established by the Nuffield Foundation, an independent charitable trust with a mission to advance social well-being. The Foundation funds research that informs social policy, primarily in education, welfare, and justice. It also funds student programmes for young people to develop skills and confidence in quantitative and scientific methods. The Nuffield Foundation is the founder and co-funder of the Ada Lovelace Institute and the Nuffield Council on Bioethics.

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