

Study of data held by Cafcass in cases featuring radicalisation concerns

This version of the study has been created for the purpose of sharing with external agencies and partners, and case examples have been anonymised to protect identities.

Background and context

The Home Office defines radicalisation as “*the process by which a person comes to support terrorism and forms of extremism leading to terrorism*”, with Prevent defining extremism as “*the vocal or active opposition to our fundamental values, including democracy, the rule of law, individual liberty, and the mutual respect and tolerance of different faiths and beliefs*”.¹ While what is meant by ‘radicalisation’ and ‘extremism’ in a child protection context can, as discussed later, be unclear; a useful definition for child protection professionals, from M (Children) [2014], is “*negatively influencing [a child] with radical fundamentalist thought, which is associated with terrorism*”.

In December 2015, Community Care [reported the results of a survey](#) which found that just over half of social workers surveyed were either ‘slightly’ or ‘extremely’ unconfident in their knowledge of the correct intervention in a case featuring radicalisation concerns. Judges have emphasised that the interest of the individual child remains the paramount concern within proceedings, reminding social workers that their core safeguarding skills are the most valuable tools. Hayden J said in London Borough of Tower Hamlets and M & Ors [2015] that “*the type of harm I have been asked to evaluate is a different facet of vulnerability for children than that which the courts have had to deal with in the past. What, however is clear is that the conventional safeguarding principles will still afford the best protection*”.

Cafcass developed a child exploitation strategy in 2015, to support practitioners in cases featuring radicalisation concerns, child sexual exploitation or child trafficking. Work has included the creation of a network of child exploitation ambassadors who work with service managers to disseminate local and national information. Resources have been made available to staff and a system has been put in place to collect data on cases where radicalisation has been flagged as a risk.

Methodology

As part of the strategy, the Cafcass Policy team maintained a database of known cases featuring radicalisation concerns, with such concerns identified by the allocated Family Court Adviser (FCA). The principal purpose of this database was to facilitate the sharing of information and experiences among Cafcass operational staff. However, the database also facilitated the production of this study. In the six months of July to December 2015, the Cafcass Policy team was notified by FCAs of 54 Cafcass cases, concerning 128 children, featuring evidence, risk or allegation of radicalisation. Data was collected from the 54 case files in January 2016.

As described in the findings, below, many of these cases were ongoing when the data was collected and, as such, outcomes and any findings regarding radicalisation had not been

¹ Cited in http://www.familylaw.co.uk/news_and_comment/researching-reform-toddlers-anti-terror-measures-and-taking-children-s-passports-why-our-plans-to-conquer-hate-will-fail?platform=hootsuite

established in the majority of cases. Further, this sample should not be taken as representative of all radicalisation cases that come to Cafcass' attention and certainly not of radicalisation cases within the wider family justice system. Nor should this sample be cited as evidence of cases referred to the family court due to radicalisation; they are cases where radicalisation is a known feature, or where it has been identified by the Cafcass practitioner as being a potential risk within the case. Notwithstanding this caveat, we hope that the data presented here will provide helpful information about the profile of the children and families in these cases.

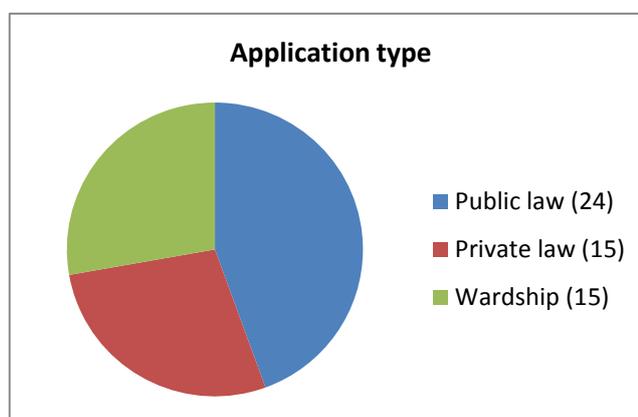
Findings

Application and case status

The table below shows the types of applications received by Cafcass in which FCAs flagged a risk of radicalisation. The most common lead application type² was s31 care proceedings, followed by local authority applications for wardship.

Table 1 and chart 1: applications received by Cafcass

Application	No. of cases
Public law – care s31	20
Inherent jurisdiction (wardship)	15
Private law – CAO (live with)	11
Public law – supervision s31	2
Private law – CAO (spend time with)	2
Public law – discharge of care order	1
Public law – placement	1
Private law – prohibited steps	1
Private law – parental responsibility	1
Total	54

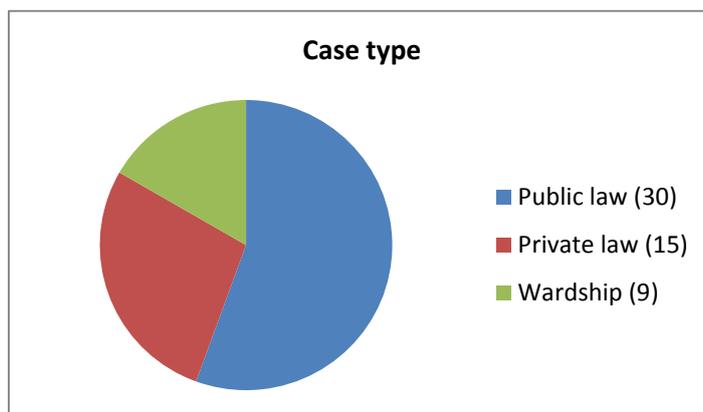


Data is also provided, below, on the status of the 54 applications, as recorded on the case file at the time of data collection (January 2016). Case status is different to application type, and providing data on both demonstrates how cases develop. For example, table 2 shows nine cases of wardship at the time of data collection, whereas table 1 shows 15 applications for wardship, as some wardship applications became s31 care proceedings cases. Further, some private law child arrangements order applications changed to 16.4 appointments, when a Guardian was appointed to represent the child, under rule 16.4 Family Procedure Rules.

² Applications are recorded by the lead application. For example, a CAO application for a child to live with and spend time with an adult, would be recorded by the lead case type, of live with. In public law, a care and supervision application would be recorded as a care application.

Table 2 and chart 2: case status recorded on the electronic case file at data collection

Case status	No. of cases
Public law – care s31	26
Private law – CAO (live with)	9
Private law – 16.4 appointment	2
Inherent jurisdiction (wardship)	9
Public law – supervision s31	2
Private law – CAO (spend time with)	2
Public law – discharge of care order	1
Public law – placement s31	1
Private law – prohibited steps	1
Private law – parental responsibility	1
Total	54



What became of the 15 wardship applications, concerning 23 children?

Wardship, a private law order in relation to a child, can only be made by the High Court. In this sample, the local authority obtained leave to make 23 children wards of court. The High Court has custody of its wards, which means that no important steps in their lives, such as leaving the jurisdiction, can be taken without the permission of the court. This is particularly relevant to the 15 applications in the sample, as 14 of the applications were specifically about an intention – either of the child or an adult party – to travel to ISIS controlled territory (see table 3, below).

In a wardship application the child is not automatically a party (and so would not have a children’s guardian appointed) but can be joined as a party and would then be appointed a guardian under rule 16.4 of the Family Procedure Rules. Of the 15 applications for wardship:

- Nine continued as wardship – these cases were single children (teenagers) at risk of travelling independently, and one sibling group, at risk of travelling with a parent.
- Six became s31 care applications – these were cases featuring younger children, five being sibling groups, where the risk was of the children travelling with a parent.

Chart 3: data by application type and case status

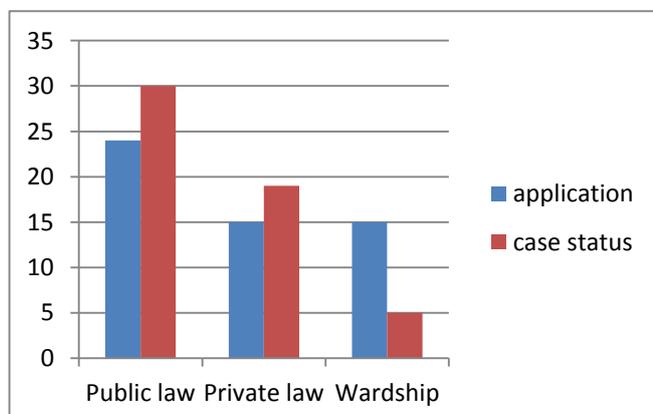


Table 3: data on the 15 wardship applications received by Cafcass.

	Child details	Case status	Risk
1	Teenage male	Wardship	Older siblings had travelled to Syria
2	Four children age 0 - 12	Care s31	Parents attempted to take children to Syria where father wished to fight
3	Primary age female	Care s31	Child missing abroad with parent, believed to be in ISIS controlled territory
4	Teenage female	Wardship	Removed from plane, clear that her intention was to join ISIS
5	Teenage female	Wardship	Members of peer group travelled to Syria
6	Teenage female	Wardship	Members of peer group travelled to Syria
7	Teenage female	Wardship	Members of peer group travelled to Syria
8	Teenage female	Wardship	Members of peer group travelled to Syria
9	Three children age 4 - 9	Wardship	At risk of being taken to Syria by parent
10	Teenage female	Wardship	Older sibling had travelled to Syria
11	Two children age 9 - 11	Care s31	Parents planning to travel to Syria
12	Two children age 2 - 4	Care s31	Parents planning to travel to Syria
13	Three children age 0 – 5	Care s31	As risk of being taken to Syria by parent
14	Teenage female	Wardship	At risk of radicalisation via contact with older male
15	Three children – age 9 - 15	Care s31	At risk of being taken to Syria by a parent

The table below shows the Cafcass service areas in which the 15 applications for wardship were received.

Table 4: Cafcass areas in which wardship applications were received

Area	No. of cases
Greater London (A15a and A15b)	9
Greater Manchester (A3)	2
Surrey and Sussex (A16)	2
Cheshire, Merseyside and Lancashire (A9)	1
West Yorkshire (A5)	1

Qualitative data and categorisation

Within the modest qualitative analysis of Cafcass case files, we categorised cases using three definitions: adult radicalisation (21 cases); child radicalisation (10 cases); and other (23 cases, later sub-divided). The definitions are imprecise and serve only to provide an outline of the issues within the cases held by Cafcass staff.

Adult radicalisation

Cases were included in this category when the radicalisation principally concerned an adult party or parties in the case, where two criteria were met: likelihood (i.e. evidence that an event might take place) and seriousness (harm suffered by the child should the event take place).

There were 21 cases in this category, generally featuring younger children who were potentially vulnerable as a result of a parent's reported extremist views and/or intention to remove the child to a conflict zone.

Sixteen of the cases were known to Cafcass because the local authority made a s31 care application. The remaining five cases were: a Guardian appointed to represent a child under rule 16.4 following a wardship application; a local authority's application for a supervision order; a parent's application for the discharge of a care order; a parent's application for a child arrangements order; and a grandparent seeking parental responsibility.

Case example: an application was made due to concerns that the child would be removed to Syria. The parents were contacting known extremists and concerns had been raised by Channel. The parents were not engaging with agencies.

Case example: the police had evidence that the father was involved in terrorist activity in Syria and there was a risk the family would follow. There were concerns that the mother was not working with police in an open and honest manner, and appeared to lack insight into the risks to the children of travelling to Syria.

Child radicalisation

Cases were included in this category when the radicalisation principally concerned a subject child, again where there was likelihood and seriousness of harm. The suspected radicalisation of the child was the principal reason for the proceedings being brought in most cases, but not all.

There were 10 cases in this category, including eight of the applications for wardship (and all five of the cases that continued as wardship). Seven of the cases concerned a single female child (all teenagers), two concerned a single male child (one teenager, one of primary school age), and one case was a sibling group. A number of these cases featured children with siblings or peers who had previously travelled or attempted to travel to Syria.

What is known about the radicalisation of children?

Research in this area has found that it is not possible to create a profile of children at risk of radicalisation as there is a high degree of complexity involving a broad range of push and pull factors, within a small number of cases.³ At a discussion attended by FCAs and Cafcass Legal, held as part of Cafcass' child exploitation strategy, it was felt that, for males, similar methods are used as for 'recruitment' into gangs, while for females, this exploitation is "like nothing seen before", of children with no clearly apparent vulnerabilities, described within local authority assessments as "highly motivated and [academically] able" or a "high performer at school", as in the reported case of London Borough of Tower Hamlets v B.

Generally, the children in this study were not outwardly vulnerable to the extent that they or their family were known to the local authority. This sets these cases apart from most others that feature within Cafcass' exploitation strategy. A Cafcass report in November 2014, on learning from serious case reviews, found that 'the most striking feature of all of the [known

³ See the two reports from the Institute for Strategic Dialogue: *Becoming Mulan? Female Western Migrants to ISIS* (2015) and *'Till Martyrdom Do Us Part' Gender and the ISIS Phenomenon* (2015).

victims of child sexual exploitation] is their extreme vulnerability.⁴ In London Borough of Tower Hamlets v B, Hayden J said:

“In each of these cases, however, these young women have boundless opportunities, comfortable homes and carers who undoubtedly love them, but they have been captured, seduced, by a belief that travelling to Syria to become what is known as ‘Jihadi brides’ is somehow romantic and honourable both to them and to their families. There is no doubt, to my mind, that young women here have been specifically targeted, in addition to young men of course, but for different reasons”.

Other children in the sample – male and female - had characteristics more typically found in child protection proceedings. For example, they were “vulnerable to suggestion”, had been missing from home, or were in families featuring risks such as domestic violence.

Case example: a family about which there were radicalisation concerns in addition to concerns of inappropriate sexualised behaviour of the children. The children had moved schools multiple times within the year.

‘Other’ cases

Twenty three cases were categorised as ‘other’. Given this relatively high number, these cases were categorised further, with reference to three types of case:

1. Allegations made by adult parties (eight cases)
2. Radicalisation is a concern, but one or both of the likelihood or serious harm criteria are not met (four cases)
3. Notifications where radicalisation was not overly apparent within the case file (11 cases)

First, allegations made by one adult party, about another, in public or private law proceedings. This was applicable to eight of the 23 ‘other’ cases. The allegations may not have been evidenced within the proceedings, and the purpose of their inclusion in this sample is to demonstrate the complex nature of some of the cases allocated to Cafcass staff.

This category includes both private and public law cases and the allegations cover a broad spectrum. For example, allegations ranged from one parent raising concerns about their ex-partner starting a new relationship with a Muslim, with suggestions that they may convert or join ISIS, to cases where there were explicit allegations that the other parent was involved in terrorist activity and that serious threats had been made.

Case example: the mother alleged the paternal family was trying to radicalise the children by encouraging them to support a terrorist group. The allegations were denied by the father, who raised concerns about the mother’s mental health.

⁴ [Learning from Cafcass submissions to SCRs, November 2014](#) (internal only)

Second, cases where there were concerns recorded about radicalisation, but this is not the primary concern within the proceedings. This was applicable to four of the 23 'other' cases. Like the first category, this also includes private and public law proceedings.

Case example: the local authority applied for care proceedings in respect of a child at risk of physical and emotional abuse. The mother was concerned about the child being vulnerable to radicalisation due to their increased religious activities and interests.

Case example: A wide range of allegations were made by both parties, and other family members, regarding physical, sexual and emotional abuse. Both parents alleged that the other was an Islamic extremist who intended the children to be involved in terrorist activity.

Third, cases that were notified to the Policy team where radicalisation was not overly apparent within the case file. This was applicable to 11 of the 23 'other' cases. Generally, these were cases where there was a degree of risk with a cultural or religious aspect.

Case example: the mother in a private law case had concerns about the father being a Muslim and the effect of this on the child, including concerns about his cultural attitude to women.

Discussion

FCAs identified a broad range of cases featuring risks of radicalisation. These cases ranged from the very obvious (a person who has gone, or has been taken, to Syria) to cases where 'radicalisation' is raised within private law allegations of risk, or where risk is posed by parental conflict in relation to the children's faith. The challenge lies in applying definitions on the ground; there are clearly complexities in the many different manifestations of 'radicalisation' within family law proceedings.

Examples of agencies working together, and thresholds for intervention

There were a number of examples of innovative multi-agency approaches to radicalisation concerns, involving social workers, schools, UK Visas and Immigration, Channel, and Prevent. This included the published cases where parents have been electronically "tagged" as a child protection measure.

The question of the 'threshold' was raised by Cafcass FCAs during the scoping work for this study. In M (Children) [2014], Holman J set out the need to balance the risk posed to children by extremism, against appropriate religious or cultural practices. *"There can be no objection whatsoever to any child being exposed, often quite intensively, to the religious practices and observance of the child's parent or parents. If and insofar as what is meant in this case by "radicalising" means no more than that a set of Muslim beliefs and practices is being strongly instilled in these children, that cannot be regarded as in any way objectionable or inappropriate"*.

Of the cases in this study coded as adult or child radicalisation, the threshold set by professionals seemed to focus on travel; either a child travelling independently, or being removed by or with a family member. There appear to be two considerations within this: the likelihood of it happening, and the potential impact to the child. Judges have made clear that the evidence base remains the same as for all family proceedings, as set out in the [President's 2015 guidance](#).

In some cases, while there was only a small risk of travel, the impact would be such that the court found that the severity of the outcome trumped the assessment of low risk of likelihood. This was the case in Y (A Minor: Wardship), in which Hayden J said “risk does not exist as a concept in a vacuum. Sometimes a small risk of some very serious consequence is an unacceptable risk”.

Engaging families

Cafcass FCAs raised questions of how best to engage families, and whether there is evidence that a ‘heavy handed’ approach can lead families to disengage. It is not possible to ascribe causation within this study, and some cases featured pre-existing family disengagement, linked to mental health concerns or previous experiences of professional intervention.

The families involved in wardship cases – in this sample – are, for the most part, a different group from those with which the local authority might more usually be involved. They were, generally, not ‘known’ to agencies prior to this intervention. Indeed, as recorded in one case file, some families had “avoided or refused or repeatedly missed social work involvement until now”. The extent of engagement featured in risk assessments; in some cases, orders made in the wardship jurisdiction were relaxed following consistent family engagement and a reassessment of risk. In one case, the police raised concerns about the effect of the family proceedings on the engagement work with the family, which included working with Channel.

Case example: the family had not been known to the local authority prior to the radicalisation concerns being raised. The child and family engaged with Channel, and the police raised concerns about the impact of the court proceedings on this work. There is evidence on the case file of the local authority working to maintain a good level of engagement.

Private law proceedings

Unlike care applications, in private law Cafcass may be the only safeguarding agency working with the family. Cafcass FCAs expressed a concern that some adult parties may use allegations of radicalisation to capture the attention of professionals and influence the outcome of the proceedings, though the general experience was that the majority of such allegations are allowed by the parties to ‘fade away’ or are subsequently discounted by the court, perhaps following a finding of fact hearing. Some private law cases featured explicit allegations as to the radicalisation of another adult, and the potential risk to the child. Other allegations were less specific to radicalisation, highlighting sources of tension between the parents as to the religious and/or cultural upbringing of their children, rather than being explicit indicators of radicalisation risk.

It is understandable that professionals in these cases feel that 'radicalisation' is something new, and in some cases full of ambiguity. One of the key messages from Cafcass' exploitation workshop with staff was that these allegations can be assessed by applying the standard tools and interventions of social work staff. Hayden J in Tower Hamlets v M & Ors [2015] reminded professionals that 'the risk assessment of potentially vulnerable children is the professional skill set of the experienced social worker'.

The length and complexity of the private law cases in this sample is important to note. The case files recorded: a fact finding hearing scheduled to last for 5-7 days; discussions within proceedings of whether the subject children should give evidence; a five day final hearing, with a fact finding element, in a case where a Guardian had been appointed under rule 16.4 to represent the children; and – though this was public law – a case featuring a two week fact finding hearing with a two week final hearing.