



REPORT

Improving family court services for children

Ministry of Justice

Key facts

47,662	36 and 41 weeks	Over 4,000 children
total number of outstanding family court cases brought by local authorities (public law) and families related to the living and contact arrangements of children (private law) in December 2024	the average duration of public and private law cases in 2024	in public and private law cases ongoing for more than 100 weeks

Public law

15,980	new public law applications to family court made by local authorities in 2024
29	weeks difference in average public law case duration between Wales (24 weeks) and London (53 weeks) in December 2024
10,121	outstanding public law cases in December 2024

Private law

51,473	new private law applications to family court in 2024
52	weeks difference in average private law case duration between Wales (18 weeks) and London (70 weeks) in December 2024
37,541	outstanding private law cases in December 2024
1/5	monitored Family Justice Board (FJB) priorities on track to be met by March 2025 (one further priority is not currently tracked)
44	Local Family Justice Boards (LFJBs) to help local areas to focus on improving performance
£1.8 billion	National Audit Office estimate of the annual cost to public bodies of family justice services in 2023-24

Summary

1 Family justice is concerned with keeping children safe and helping families resolve disputes. It includes cases on protecting children, who children live with and how they spend time with their family, as well as divorce, adoption and associated financial arrangements. In this report we will use the term family justice to refer to government activity on these cases. Family justice is distinct from civil and criminal justice. Family justice cases account for around one in seven cases heard in family, civil or criminal courts. Family justice uses shared assets, such as courtrooms, and shared staff.

2 In this report we focus on the two categories of family justice cases that involve legal disputes over children: 'public law' and 'private law'. Public law cases are brought by local authorities to protect a child from harm. Private law cases involve parental disputes, such as the living or contact arrangements for their child. These two types of cases are among the most costly and time-consuming family court cases as they can involve vulnerable children, substance misuse and domestic abuse. In 2024, there were 15,980 new public law cases and 51,473 new private law cases.

3 Family justice involves the judiciary and several central government organisations and public bodies working together. The Department for Education (DfE) and the Ministry of Justice (MoJ) are the lead policy departments for public law and private law, respectively. Local authorities are statutorily responsible for safeguarding children and social work. HM Courts & Tribunals Service (HMCTS) is responsible for administration of the courts and judges and magistrates hear the cases. The Children and Family Court Advisory and Support Service (Cafcass) and its equivalent in Wales, Cafcass Cymru, advise the courts on what is safe for children and in their best interests. Independent solicitors and barristers represent families at court and may be funded by legal aid.

4 The way a case is managed differs between public law and private law (Figure 2) but broadly involves:

- working with families to improve care or provide support to resolve issues before court;
- if the child's safety is at risk or a solution cannot be found, an application is made to the court;
- assessments are made, evidence is collected and court hearings held; and
- the magistrate or judge will decide on the best course of action and make a court order. These can vary from taking the child into local authority care to setting parental contact.

Scope

5 This report reviews the government's approach to improving how public law and private law cases are managed, with a specific focus on improving family justice services for children. This report covers England and Wales. The main government bodies we have audited are MoJ, DfE, HMCTS and Cafcass in England. Cafcass Cymru is a devolved service, delivered and funded by the Welsh Government, and is therefore outside the scope of this report. We do not audit the judiciary, which is constitutionally independent of the executive branches of government. Therefore, although we are aware of judicial-led improvement work, we have not evaluated this work in our audit. We have focused on the family courts process from where a case is brought to court onwards, and have not audited the work of local authorities. We have not audited the quality of children's services or the outcomes of cases.

Timeliness of family courts

6 Family courts have a backlog of cases but have recovered better than criminal courts after the COVID-19 pandemic. In December 2024, there were 47,662 outstanding cases; 10,121 in public law and 37,541 in private law. Unlike in Crown Courts where the outstanding caseload has continued to rise following the pandemic, the outstanding caseload in family courts has reduced by 18,081 (28%) from a peak of 65,743 cases in August 2021. This is partly because family court demand has fallen over the period. Also, MoJ increased funding and sitting days for family courts in 2020-21 to help reduce the outstanding caseload. Both the backlog and funding have since reduced; HMCTS expenditure on family courts was 17% lower than in 2021-22 in 2023-24 prices (£368 million in 2020-21; £307 million in 2023-24). The government has not set out how it assesses the appropriate capacity to manage the caseload most efficiently (paragraphs 1.6, 1.7, 2.21, Figure 4 and Figure 5).

7 Children and families are still waiting too long to have their cases resolved. A statutory time limit was introduced in 2014, for most public law cases to be resolved within 26 weeks. However, the average time taken has consistently been longer and there is no limit to the number of extensions that can be given. In 2024, a public law case lasted 36 weeks on average. There is no timeliness target for private law, and in 2024 a case took 41 weeks on average. There is significant regional and local variation in timeliness. For example, in December 2024, public law cases lasted on average 29 weeks longer in London (53 weeks) than in Wales (24 weeks) and private law cases lasted on average 52 weeks longer (70 weeks in London and 18 weeks in Wales). In December 2024, there were over 4,000 children involved in public and private law proceedings that have remained open for more than 100 weeks. The proportion of children waiting over a year for a public law case increased from 0.7% in January 2017 to 12% in December 2024 (paragraphs 1.8 to 1.10 and Figure 6).

8 Delays in resolving cases can lead to increased risk of harm to children and higher costs for the taxpayer. Delays can mean children must wait longer for permanent care and living or contact arrangements, and may have the disruption of multiple short-term placements. Children may also experience anxiety, a lack of stability and disrupted friendships and education. If a case takes longer, it is more likely that the family's situation changes, requiring updated evidence or assessments, which creates further delays. Delays and more hearings mean higher court costs and increased spending on legal aid. For example, between 2018 and 2022, average spending on legal aid for a public law case doubled from about £6,000 to about £12,000, mainly due to cases taking longer. This represents an annual increase of £314 million legal aid spending for all public law cases (paragraphs 1.11 and 1.12).

Governance and accountability

9 Responsibilities for family justice are dispersed across several government bodies, leading to weak accountability for overall performance. DfE is responsible for public family law policy, although the Ministry of Housing, Communities & Local Government (MHCLG) makes funding available through the Local Government Finance Settlement to local authorities who are responsible for safeguarding children. MoJ is responsible for private family law, which shares resources with public law. Therefore, there is no single organisation accountable to Parliament for the overall performance of family justice. Instead, accountability is through each Accounting Officer to Parliament for the funding each organisation directly controls. The government established a ministerial-led Family Justice Board (FJB) to help organisations work together effectively, improve performance and hold organisations to account internally. This group met on average 2.5 times per year between June 2018 and December 2024. There has been frequent turnover in its ministerial chairs, with each minister attending only three meetings on average, resulting in a lack of consistent political leadership and frequent refocusing of the FJB's priorities (paragraphs 1.3, 2.2, 2.5, 2.6, Figure 1 and Figure 7).

10 The FJB does not have an overall strategy to improve family justice although members have had a shared focus on reducing delays. The FJB has not articulated a cross-government vision for the future of family justice, what good looks like from the perspective of a child or the taxpayer, or how partners will work together to deliver that vision. There is a statutory 26-week time limit for most public law cases, but no equivalent timeliness measure for other public law or private law cases, nor any longer-term specific ambitions for family justice. However, FJB members have recognised the importance of tackling delays and have a shared focus on initiatives to improve services. The FJB first introduced annual objectives and priority indicators in 2022, focusing on reducing delay. It made this regime more robust in 2024-25 with the introduction of targets to improve case durations, and to close all cases open for more than 100 weeks. Performance is improving but the government is only on track to meet one of its five measurable 2024-25 priority indicators. The FJB also set a goal to improve the experiences of children and domestic abuse victims in private law cases. It has not yet set performance metrics for this goal or for other aspects of performance, such as administrative efficiency or access to justice for different demographic groups (paragraphs 2.7, 2.8, 2.10 and Figure 8).

11 The government has set up Local Family Justice Boards (LFJBs) to help local areas to focus on improving performance, but these are not a formal part of governance, they have no dedicated resources and their effectiveness varies.

In 2012 MoJ established 44 LFJBs, bringing together local practitioners including Cafcass, local authorities, legal professionals and the judiciary. Recent work by MoJ to strengthen their role includes providing more national support, regional forums to share good practice and improved local-level performance reporting. However, these boards are non-statutory bodies and are not accountable to the FJB. They have no dedicated funding or resources and MoJ and others have limited oversight of their work. MoJ has found that variation in the effectiveness of LFJBs affects local performance, often driven by the level of involvement from local partners and local system leadership (paragraphs 2.3 and 2.4).

Data and understanding costs

12 The government does not yet have the data it needs on family justice to understand the causes of delays across the whole system or the impacts on different groups. MoJ, HMCTS and Cafcass have made progress in improving their data systems and better using the data they do have to improve reporting and inform decisions. Despite recent improvements, challenges with IT systems remain, and there are significant data gaps and some data quality issues. For example, there is limited information on the families being supported. Cafcass collects the age, gender and ethnicity of the children it supports, but HMCTS does not. It is not yet possible to follow a child through the family justice process. These gaps in data hinder understanding of the causes of delays, or how the system may affect particular demographic groups differently. Many of the data issues are long-standing and well understood, but organisations do not yet have a joined-up plan to improve data collection and analysis across family justice (paragraphs 2.13 to 2.15, 2.17, 3.3).

13 The government does not know how much is spent on family justice, making it difficult to understand cost-effectiveness. Several organisations involved in family justice cannot easily identify only family-justice-related costs, as these services share assets and staff with other services. For example, local authorities incur substantial costs in public law cases but do not report this spending separately from overall spending on family support and children's social care. MoJ and other organisations have commissioned reviews, including investigating possible inefficiencies, and HMCTS's court reform programme has sought to improve efficiency by reducing paper-based work and speeding up administrative processes. However, without understanding costs across the family justice system, it is hard to understand the full costs and benefits of interventions or whether funding and incentives are well aligned. For example, an early evaluation of two of the pathfinder pilot areas, designed to reduce the amount of time spent in court and improve the experiences of children and families (including domestic abuse victims), found that average local authority spending had more than doubled due to their involvement in more cases, while direct judicial costs had halved. We have estimated, drawn from published and non-published financial information, that public bodies spent more than £1.8 billion in 2023-24 on family justice services (paragraphs 2.12, 2.19, 2.20 and Figure 9).

Improving family court services

14 HMCTS data, NAO analysis and stakeholder feedback have identified several key causes of delays in the court process. These can be broadly categorised into the following four areas:

- **Increased work and evidence required per case.** The Public Law Outline (a practice direction setting out the legislative framework for public family law cases) recommends that most public law cases should have two to three hearings, whereas the current average is five hearings, and 20% of cases had eight or more hearings. Expert assessments are increasingly used in cases, which each take up to six weeks to be compiled. In December 2024, there were 3.3 expert reports commissioned per case, compared with 2.4 per case in January 2023.
- **Lack of capacity in all parts of the system.** For example, in 2024, 17.3% of local authorities' children's social worker posts were vacant, and a further 16.2% of staff were from agencies. On 1 April 2024, Cafcass had a vacancy rate of 8.1% for its social workers.
- **Inefficient administrative actions.** The way the process is managed across administrative and legal staff resulted in multiple errors, duplication or unnecessary effort, and difficulty in making simple fixes. Our analysis shows that around 32% of cases had at least one hearing cancelled before the hearing took place (vacated), which then had to be rearranged.
- **Inadequate support for applicants and respondents.** Applicants' mistakes result in rejected applications, and administrative staff and legal professionals report frequently being asked for advice. The percentage of cases with litigants in person, where neither the applicants nor respondents had legal representation, increased to 39% in 2024, following changes to eligibility rules in 2013 (up from 13%), requiring additional support from court staff and judges (paragraphs 3.3 to 3.6).

15 The government, via the FJB, does not have an overall assessment of the main drivers of delays or the capacity required to manage the system efficiently and reduce delay. MoJ, DfE and others have carried out several reviews of different sizes and scope to identify causes of delay in family justice, identifying more than 25 different contributing factors. There is a consensus among FJB members that the system needs to focus on delays, but most of the reviews could not quantify the scale and impact of each issue on overall performance, or the resources required to deal with these causes efficiently, due to data limitations described above. The causes of delays can vary significantly by local area. For example, there has been an acute shortage of judges in London, unlike some other areas. London also has a low number of cases resolved (disposed) per available sitting day (0.6), while Essex & Suffolk, which also has long delays, disposes 1.0 case per sitting day (paragraphs 2.7 to 2.8, 3.2 to 3.4, 3.12, Figure 6 and Figure 10).

16 Organisations involved in family justice are trying a range of national and local initiatives to improve case progression in family justice. Although the FJB monitors progress of these initiatives at a national level, individual departments have focused improvement work on parts of the process they can best influence, or according to their departmental priorities. For example, DfE has a ‘trailblazers’ pilot focussing on encouraging closer local working and shared learning, although it is too early as yet to evaluate this. MoJ has several initiatives, including the pathfinder pilot in five local areas. Early evaluations in two pilot areas showed that the redesign reduced delays, and staff reported improved experiences for children and families, including domestic abuse victims. MoJ has also focused on tackling the areas with longest delays, by providing additional support to five local areas and a ‘surge family court’ in London where delays are longest. Both departments also have initiatives seeking to reduce the number of people needing to use family courts, through encouraging earlier support for families and out-of-court mediation, although there is no evidence that the initiatives have increased take-up of mediation (paragraphs 1.10, 3.7 to 3.12, 3.14, 3.16 and Appendix Two).

17 Without a system-wide assessment of where initiatives might secure maximum benefit, departments have a limited understanding of where to prioritise constrained funding. The result of disparate initiatives by individual departments has been a scattergun approach to improvement. Some local areas had several initiatives underway concurrently, which reduces departments’ ability to evaluate which initiatives are securing improvements, while other local areas with relatively poor performance have not received any focused improvement support. Some pilot initiatives have been trialled in relatively strong-performing local areas as a proof of concept, but their applicability to poorer-performing areas has not yet been tested, and the role of local ownership may be fundamental to success. A national roll-out would also need significant reallocation of funding. The FJB does not yet take a system-wide approach to deciding which initiatives will get the best results given limited resources (paragraphs 3.16 to 3.19, and Figure 11).

Conclusion on value for money

18 Some of the most vulnerable people in society are subject to family court proceedings. Delays in resolving cases can create additional stress for families, increase the risk of harm to children and increase cost. Family courts have recovered better than Crown Courts following the COVID-19 pandemic, and the family court caseload has declined by 18,081 (28%) since August 2021. Despite this, children and families are still waiting too long to have their cases resolved. The statutory time limit to resolve most public law cases within 26 weeks has never been met nationally since it was introduced in 2014, and some open cases are nearly two years old. Delays can lead to more delays as evidence or assessments need to be updated, and costs grow.

19 The reasons for delays are varied and complex, but the departments do not understand which factors are contributing most to delays, meaning that targeting improvements is difficult. There is limited evidence on what works, but family justice partners are trialling a range of projects to resolve cases outside of court and to reduce delays, with some early improvements noted in some areas. However, some areas still face notable delays. There are several barriers that government must tackle to better manage the family justice system, including having good-quality data, a system-wide assessment of the key factors driving poor performance and a better understanding of costs. Until government takes effective action to address these areas, its work to improve family justice will not deliver best value for money.

Recommendations

- a** MoJ, DfE, HMCTS and Cafcass, working through the FJB, should develop and publish an overall strategy for family justice improvements, including:
 - clear and measurable objectives for better serving children and families and taxpayers;
 - a system-wide assessment of key issues affecting performance;
 - a review of ongoing and future initiatives to ensure work is joined up and addresses key performance issues, including the role of local family justice boards; and
 - a set of measurable performance indicators that cover all elements important to achieving good outcomes, including quality and efficiency as well as timeliness.
- b** MoJ, DfE, HMCTS and Cafcass, working through the FJB, should agree a data and evidence strategy to identify data gaps from a family justice whole system perspective and consider how it will address these. This should include examining data in existing systems as well as insights from initiatives to better link systems, including methods for tracking a child through the process. The strategy should include how departments will collect better data on:
 - causes of delays and inefficiencies in the family justice system;
 - differential outcomes for user groups; and
 - the ‘whole system’ costs of family justice.
- c** HMCTS, MoJ and DfE should review available support for families through court proceedings and assess opportunities for better support to litigants in person and families more widely, including how to improve guidance for family court applicants by learning from the guidance available for other court applications and public services.
- d** Building on existing work with LFJBs, MoJ, DfE, HMCTS and Cafcass should identify how learning about what works (both locally and nationally) can be more systematically captured and applied more broadly.