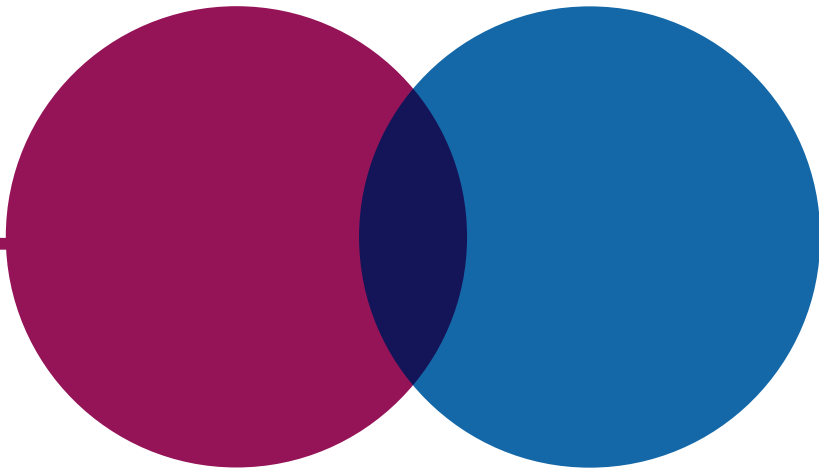




National Audit Office



REPORT

Improving family court services for children

Ministry of Justice

SESSION 2024-25
21 MAY 2025
HC 877



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National Audit Office

Improving family court services for children

Ministry of Justice

Report by the Comptroller and Auditor General

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National Audit Act 1983 for presentation to the House of
Commons in accordance with Section 9 of the Act

Gareth Davies
Comptroller and Auditor General
National Audit Office

13 May 2025

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Key facts

47,662

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

**36 and
41 weeks**

the average duration of public and private law cases in 2024

**Over
4,000
children**

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.

Part One

Current performance

1.1 This part sets out:

- the background to family justice in England and Wales;
- current family justice performance; and
- the impacts of delays on families and children.

Family justice in England and Wales

1.2 Family justice is concerned with keeping children safe and helping families resolve disputes. This includes cases concerning who children should live with and how they should spend time with their family, divorce and associated financial arrangements, and adoption. In this report we will use the term family justice to refer to government activity on these cases. Family law is distinct from civil and criminal law. In 2023-24 there were 553,000 family court cases (around one in seven cases), compared with 1.7 million civil court and 1.5 million criminal court cases. In this report we focus on the two types of family justice cases that involve legal disputes over children:

- ‘Public law’ – local authorities seeking to safeguard children where there may be a risk of harm, including through care orders. In 2024, 15,980 new public family law cases started (receipts) in the courts; and
- ‘Private law’ – cases brought by parents to agree on living or contact arrangements. In 2024, 51,473 new private family law cases started (receipts) in the court.

These two types of cases are among the most time-consuming and costly overall in family courts, and involve some of the most vulnerable people in society. Many families involved in public law proceedings often have several complex needs, including drug and alcohol use.

1.3 Family justice involves a range of central government organisations and public bodies, including justice, education and social care, with inputs from the judiciary (**Figure 1** on pages 14 and 15). The Department for Education (DfE) is the policy lead for public law, as part of its remit to ensure that local services protect and support children, although the Ministry of Housing, Communities & Local Government (MHCLG) makes funding available through the Local Government Finance Settlement to local authorities for statutory children's services, including safeguarding. The Ministry of Justice (MoJ) is the policy lead for private law. Family justice practice and responsibilities vary locally. There are 44 designated family judge areas (referred to as local areas) in England and Wales responsible for ensuring that the courts in their area are run efficiently and effectively within their allocated resources.

Public law and private law processes

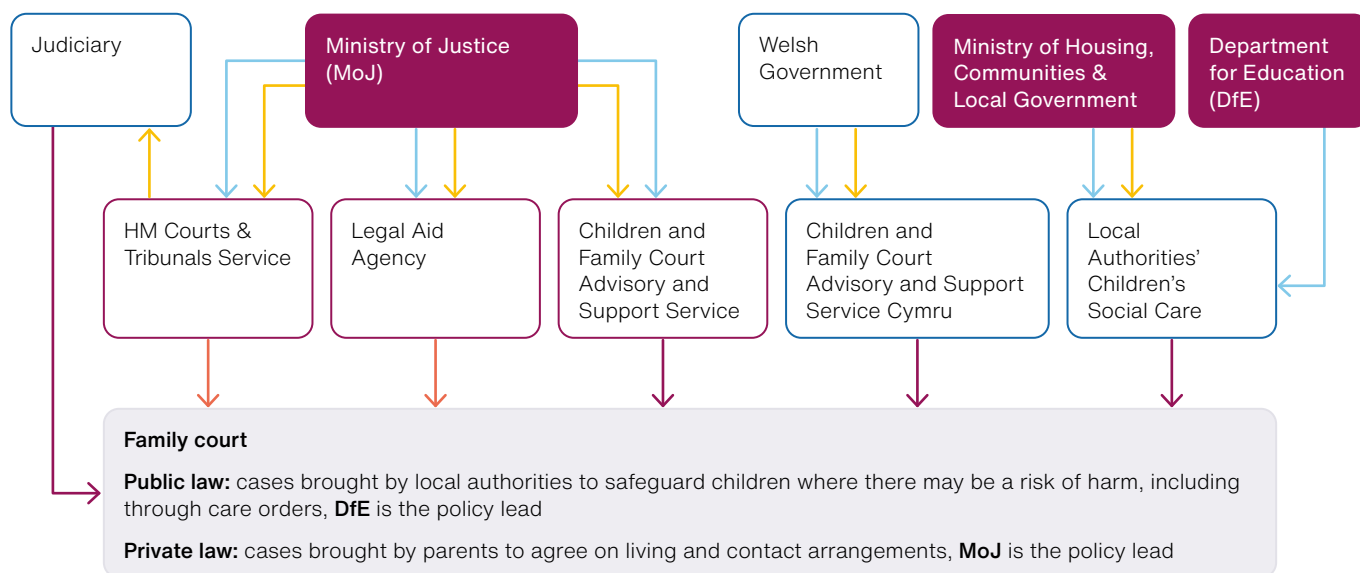
1.4 The processes for public law and private law cases differ, but they often share court facilities and a range of staff, including social workers, legal advisers, judges and administrators. **Figure 2** on pages 16 to 20 sets out an overview of the processes followed for public law and private law cases. In both types of case, professionals work with families to seek alternatives to court where possible. In public law, local authority social workers initially work with children and families to secure improvements to protect the child. In private law, parents are expected to undertake a mediation assessment prior to making a court application, except where one party alleges domestic abuse, other specific extenuating circumstances apply or the applicant has attended a previous session within the last four months. If these early interventions are not successful, a court application can be made. The family court may order Cafcass or Cafcass Cymru to appoint a 'Children's Guardian' or 'Family Court Advisor' for children subject to court proceedings. Their role is to advocate for the child's rights and interest, and advise the courts on what is safe for children and in their best interests. Independent experts may be commissioned to provide evidence to the court. Independent solicitors and barristers represent families at court and may be funded by legal aid. Many cases have multiple hearings.

Developments in family justice

1.5 Family justice has undergone significant change since an independent review (the Norgrove Review) in 2011. The Norgrove Review made 134 recommendations to government, aimed at improving court efficiency and effectiveness, outcomes for service users and reducing delay. Following these recommendations, the government made several legislative and governance changes to family justice (**Figure 3** on page 21).

Figure 1
Organisations involved in cases involving children in family justice

Family justice operates across several central government departments and other public bodies



- Government departments
- Arm's-length bodies or government agencies
- Organisations not part of UK central government
- Parties involved in proceedings
- Oversight
- Funds
- Supporting proceedings

Organisation	Responsibilities
Ministry of Justice (MoJ)	The overall justice system owner in England and Wales, and policy lead for private law.
Department for Education (DfE)	Policy lead for public law. Lead on policy for local authority children's social care and child protection services.
Ministry of Housing, Communities & Local Government	Funding and oversight of local authorities for core services, including children's social care.
Judiciary	Hearing family court cases, considering evidence and reaching judgements. Family courts are led by 44 designated family judges in England and Wales.
HM Court & Tribunals Service (HMCTS)	Responsible for administration of family court proceedings, including court staff, IT systems and infrastructure. Provide independent advice to the Lord Chancellor and Lord Chief Justice on the number of family court sitting days in a year (over 131,000 sitting days in 2023-24).
Children and Family Court Advisory and Support Service (Cafcass) and Cafcass Cymru	Safeguarding and promoting the welfare of many children involved in family court proceedings. Cafcass (England) has 19 service area teams across England, each reporting to an assistant director.
Local authorities	Safeguarding children, provision of children's social care.
Legal Aid Agency	Funding legal advice or representation in court for people who meet the government's eligibility criteria.

Figure 1 *continued*

Organisations involved in cases involving children in family justice

Notes

- 1 This diagram has been simplified to focus on public law (cases brought by local authorities to protect children from harm) and private law (cases involving parental disputes, such as the living or contact arrangements for their child).
- 2 Cafcass and Cafcass Cymru are not involved in all private law cases.
- 3 Cafcass Cymru is a devolved service, delivered and funded by the Welsh Government, and is therefore outside the scope of this report.
- 4 The Department for Work & Pensions (DWP) helps ensure that both parents contribute to the living costs of their children, even if they do not live with them. DWP also works with HMCTS to calculate court fees payable.

Source: National Audit Office analysis of Ministry of Justice documentation

Trends in demand and outstanding caseload

1.6 Family justice faced rising demand before the COVID-19 pandemic, but the number of new cases entering family courts (called receipts) has fallen between 2021 and 2024 in both public law and private law (**Figure 4** on page 22). Public law and private law experienced large increases in the number of receipts in 2016, with public law receipts increasing by 27% between 2014 and 2016. Public law receipts peaked in 2017 at 19,389, while private law receipts peaked in 2020 at 55,711, both decreasing since. In 2024, there were 15,980 public law and 51,473 private law receipts. Since August 2021, total caseload in the family court has declined by 28% (18,081). The rate of completing cases (called disposal rates) reduced during the COVID-19 pandemic but has recovered since, particularly in public law.¹

1.7 Although the COVID-19 pandemic posed a significant challenge throughout justice, family courts have recovered better than criminal courts. At the beginning of the pandemic, HMCTS quickly increased its capacity to hold remote hearings.² It also increased family court sittings days by 14% between 2019-20 and 2020-21, which have since reduced. While the backlog in criminal Crown Courts has continued to rise, in family courts the outstanding caseload fell from a peak of 65,743 cases in August 2021 to 47,662 by December 2024.³ The outstanding caseload – comprising 10,121 public law cases and 37,541 private law cases at December 2024 – was less than immediately before the pandemic (**Figure 5** on page 23). The government has not set out what capacity would be required to manage the caseload efficiently on a timely basis. It is therefore difficult to establish the size of any ‘backlog’ of cases and what capacity would be required to manage this.

1 Disposal rates describe the number of cases that have been completed and left family court per sitting day.

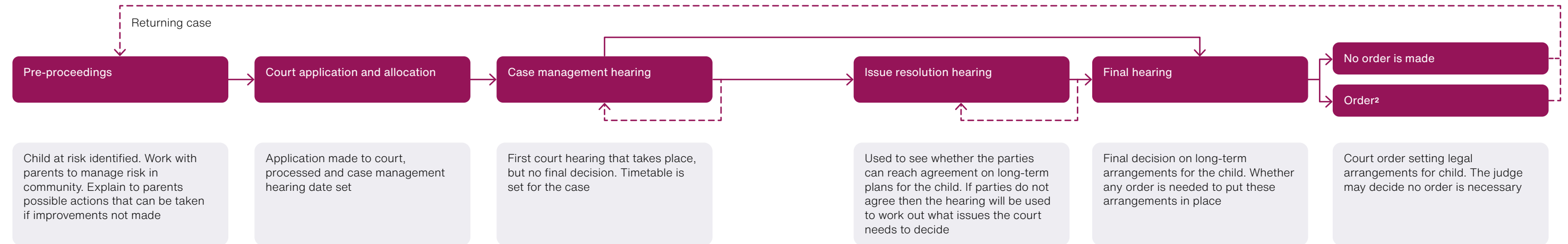
2 There was a swift adoption of remote hearings for family courts during the COVID-19 pandemic. A survey for the 6-months between May and October 2020 found that 86% of public users of the family court services attended hearings remotely.

3 The outstanding caseload is recorded by case and by child. Outstanding caseload by child is generally higher than by case, as one case can sometimes relate to multiple children. In this report, we report all outstanding caseload figures by case.

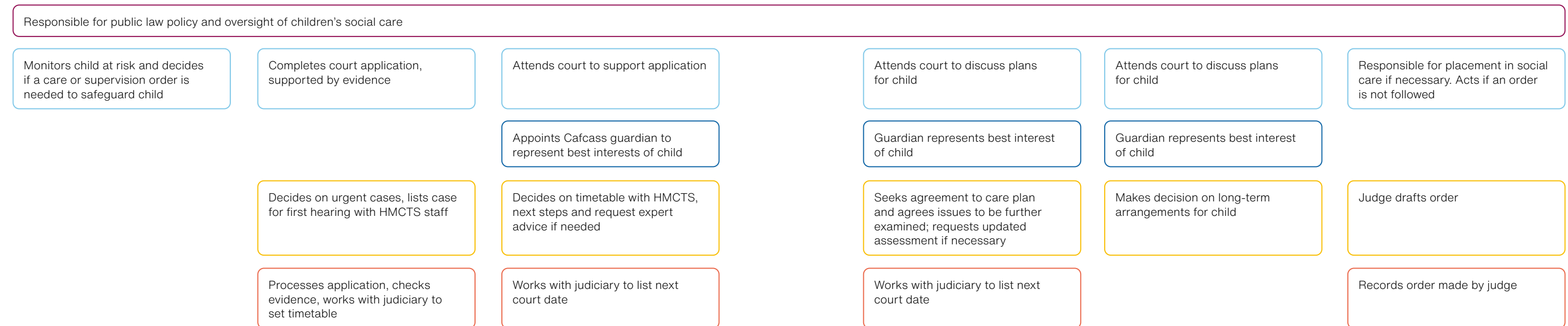
Figure 2
Public law and private law process overviews

Public law and private law cases follow different processes

Public law



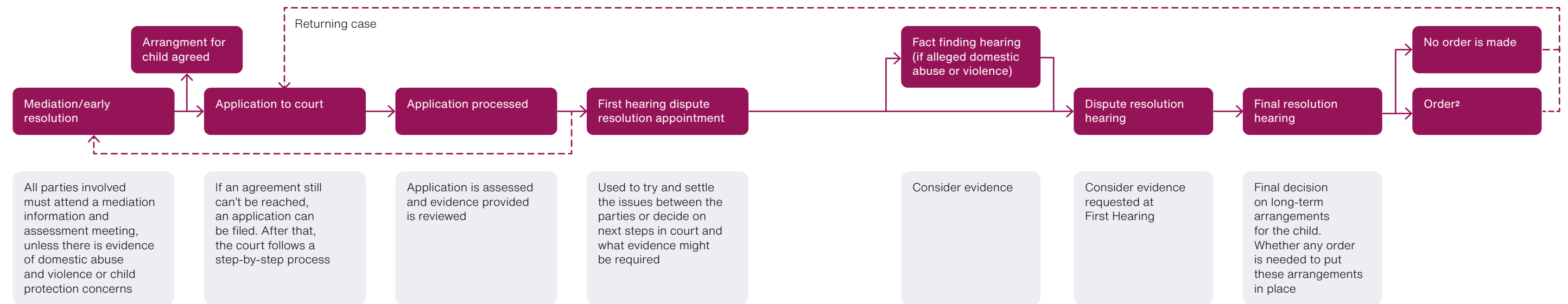
Role of government or other body



- Department for Education (DfE)
- Local authority social worker
- Children and Family Court Advisory and Support Service (Cafcass)/Cafcass Cymru
- Judiciary
- HM Courts & Tribunals Service (HMCTS) administrative staff and infrastructure

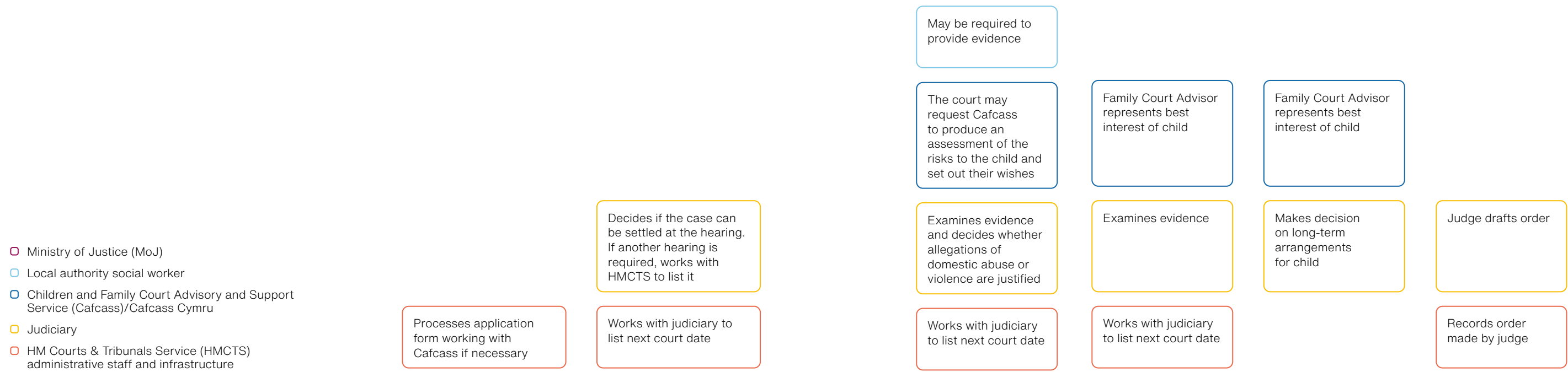
Figure 2 continued
Public law and private law process overviews

Private law



Role of government or other body

Responsible for private law policy. Funds some mediation work



- Ministry of Justice (MoJ)
- Local authority social worker
- Children and Family Court Advisory and Support Service (Cafcass)/Cafcass Cymru
- Judiciary
- HM Courts & Tribunals Service (HMCTS) administrative staff and infrastructure

Figure 2 *continued*

Public law and private law process overviews

Notes

- 1 Cases may not progress through all stages, and as indicated by the dotted arrow, a case can return to a previous stage in the process and can come back to court again after the case has been disposed at court. For private law, areas chosen as pathfinder pilots follow a different process.
- 2 Interim care orders may be issued by the court before a final order is made. Different types of orders can be made by the court.
- 3 A private law case can become a public law case at any stage if a child is at risk of significant harm.
- 4 Urgent public law cases have hearings held before the case management hearing.

Source: National Audit Office analysis of documentation from Ministry of Justice, Children and Family Court Advisory and Support Service, HM Courts & Tribunals Service and Department for Education

Timeliness

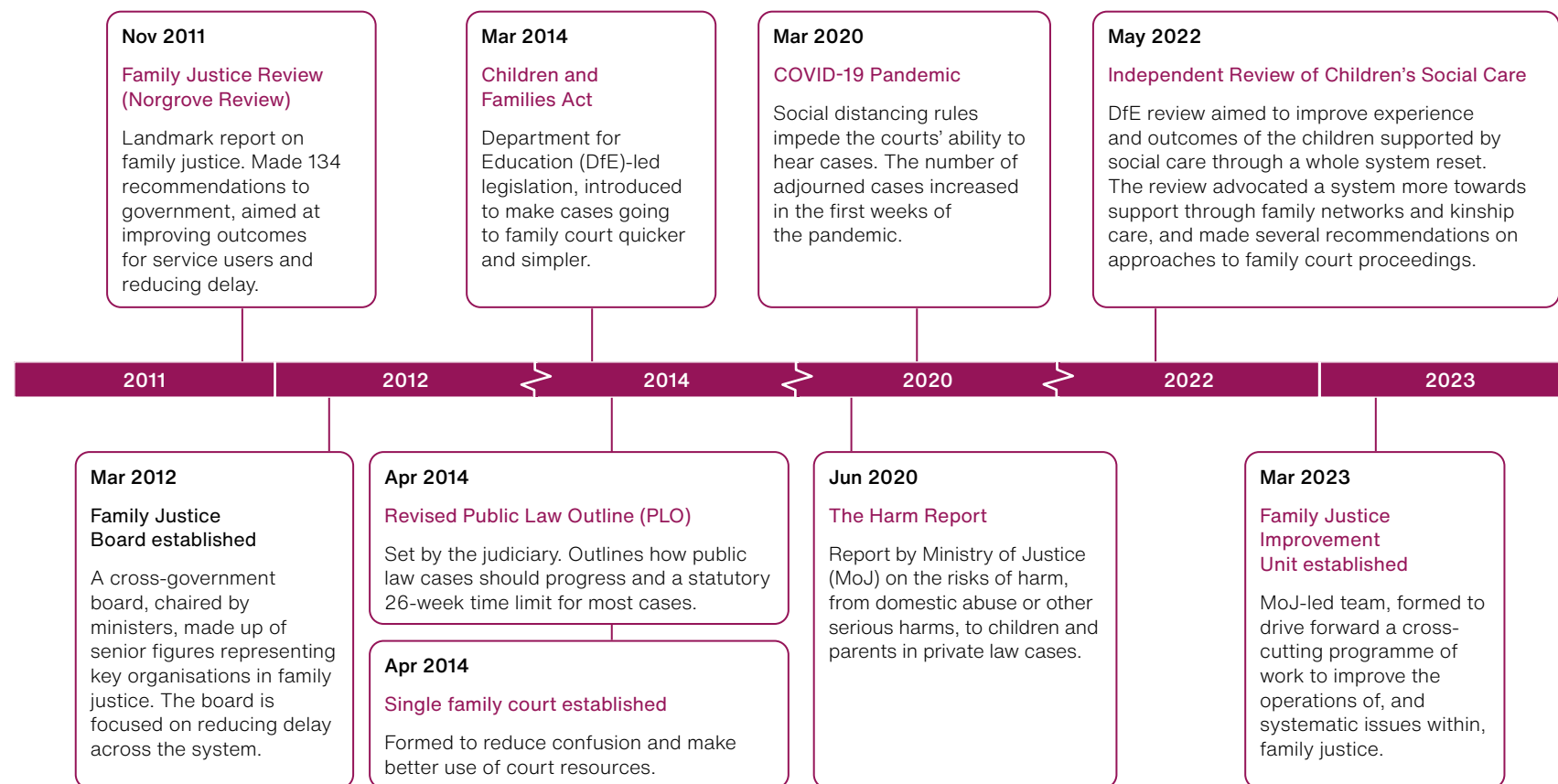
1.8 The government has a 26-week limit for completing most public law cases (around 80% of cases), set by the Children and Families Act 2014, although there is no limit to the number of extensions that can be given. No equivalent statutory limit exists for other public law cases or private law cases. Since 2014, the 26-week limit for these cases has never been met when considering the average case duration across England and Wales. The proportion being closed within 26 weeks peaked at 64% in 2016, before declining.

1.9 During COVID-19, case duration increased markedly due to disruption in the courts. Between 2020 and 2022, the average duration of public law and private law cases increased by around 17% and 36% respectively. More recently, the average duration of family court cases has improved since a peak during the COVID-19 pandemic, but children and families are still waiting too long to have their cases resolved. In 2024, the mean durations of public law and private law cases were 36 and 41 weeks respectively. In public law, this represents a reduction from a high of 39 weeks following the pandemic, but remains above pre-pandemic levels, for example the average case duration was 27 weeks in 2018. In private law, the average case duration has fallen from 44 weeks in 2023 but remains above pre-pandemic levels; for example, the average case duration was 26 weeks in 2018. In public law, the proportion of children waiting more than a year increased from 0.7% in January 2017 to 12% in December 2024. In December 2024, there were over 4,000 children involved in public and private law proceedings which had been open for over 100 weeks.

Figure 3

Timeline of key developments affecting public law and private law cases since the 2011 Family Justice Review

There have been a number of initiatives to improve family justice since 2011



Note

1 The Public Law Outline (PLO) includes a statutory 26-week time limit for cases involving care proceedings that was set by the Children and Families Act 2014. The PLO sets practice directions for case management to complete cases within this limit.

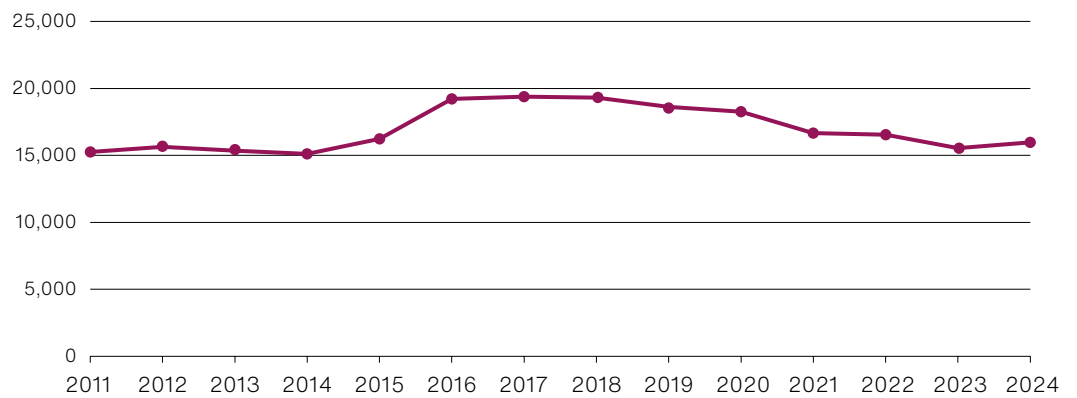
Figure 4

New public law and private law case receipts per annum between 2011 and 2024 in England and Wales

The number of new public law and private law cases coming to family court has reduced since 2020, following a significant increase during the previous years

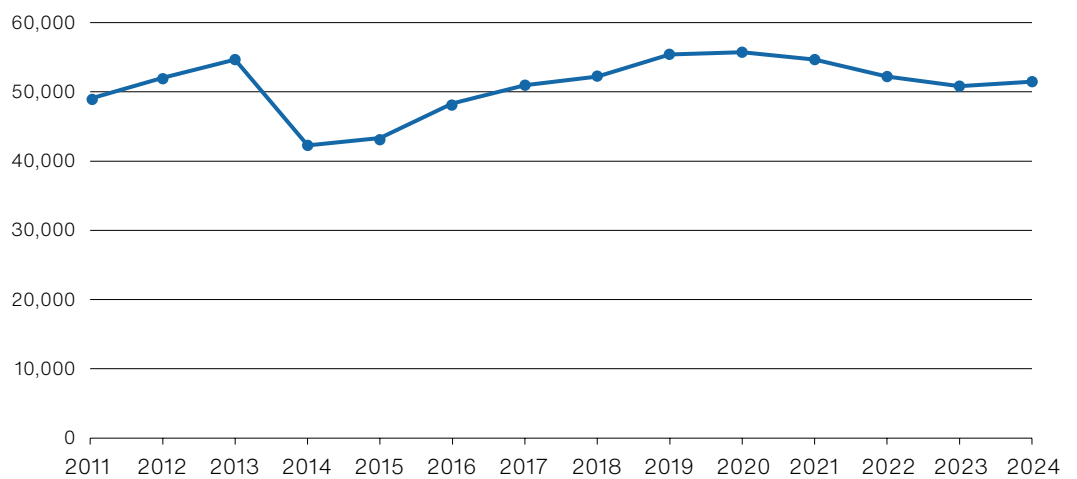
Public law

Number of new public law cases



Private law

Number of new private law cases



Notes

- 1 A receipt is a new case that enters family court.
- 2 Data points shown are total receipts in each calendar year.

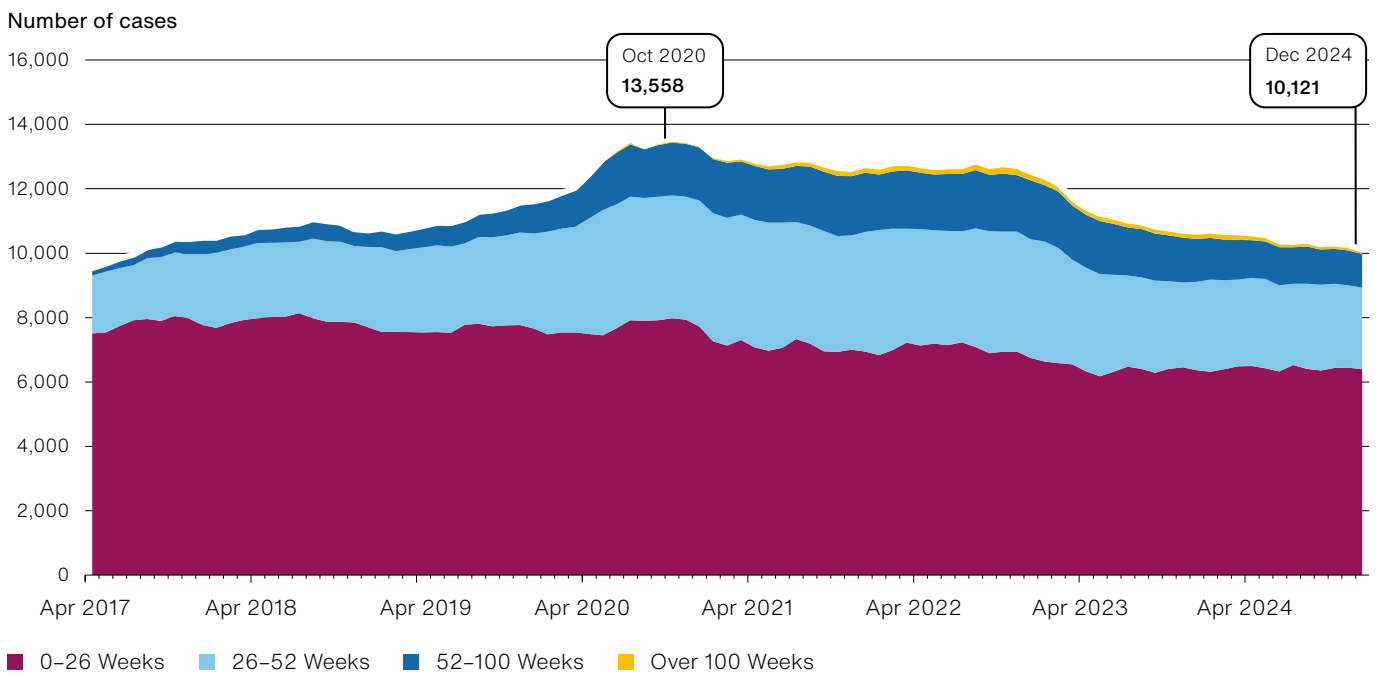
Source: National Audit Office analysis of Family Justice Quarterly Statistics

Figure 5

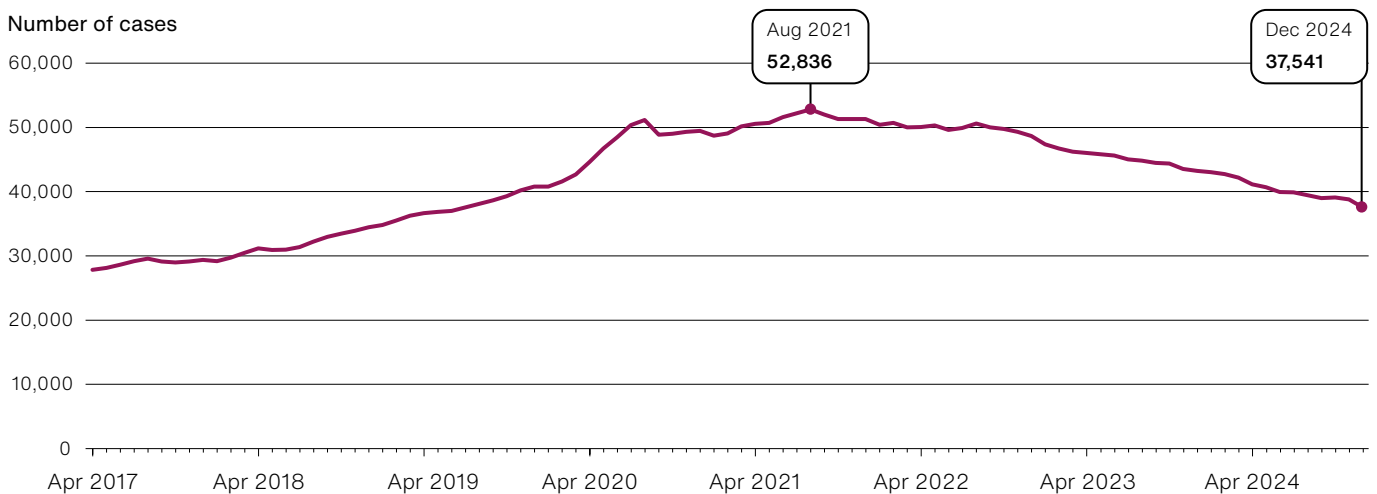
The outstanding caseload of public law and private law cases between April 2017 and December 2024 in family courts in England and Wales

The outstanding caseload at the end of 2024 is less than immediately before the COVID-19 pandemic at the beginning of 2020

Public law



Private law



Notes

- 1 Analysis of case duration data for private law cases is not available.
- 2 The outstanding caseload is recorded by case and by child. By case is shown. Outstanding caseload by child is generally higher than by case, as one case can sometimes relate to multiple children.

Source: National Audit Office analysis of both unpublished and published family justice statistics from HM Courts & Tribunals Service

1.10 The average case duration varies significantly by region. As at December 2024, Wales was the best performing region, with average public and private law case durations of 24 and 18 weeks respectively. London and the South East performed particularly poorly compared to the national average. For example, in London, where delays are worst, the average case durations for public and private law were 53 and 70 weeks respectively (29 and 52 weeks longer than in Wales). London and the South East accounted for two-thirds of all public law cases open for over 100 weeks. This variation reflects the different scale of impact for the issues identified; for example, judicial capacity is lower in the South East. There is also significant variation by local area (**Figure 6**).

Impacts of the delays to public law and private law cases

1.11 Delays in completing cases can mean that children must wait longer for permanent care and living or contact arrangements, and may have the disruption of multiple short-term placements. Children may experience a lack of stability, disrupting friendships and education and creating anxiety. Parents are also affected by delays, which can cause increased tension between parties and financial strain. Delays can mean less or no contact with children for non-resident parents for extended periods of time.

1.12 Delays can lead to further delays, and are associated with higher costs across the system.

- If a case takes longer, it becomes more likely that a family's situation will change, leading to a need to update evidence or assessments and return to court, creating further delays, leading to additional hearings and cost.
- Delays also lead to increased spending on legal aid. Between 2018 and 2022, the average spending on legal aid for a public law case more than doubled, from around £6,000 to about £12,000, mainly due to an increase in case duration. This was equivalent to an annual increase of £314 million legal aid spending for all public law cases.
- Delays may cost local authorities more in staff time, funding additional expert assessments and housing children in temporary residential care settings for longer, which will cost more. DfE analysis indicated that reducing the average duration by a week for public law cases could save local authorities around £697 per case, equivalent to an estimated £18.5 million saving nationally.

Figure 6

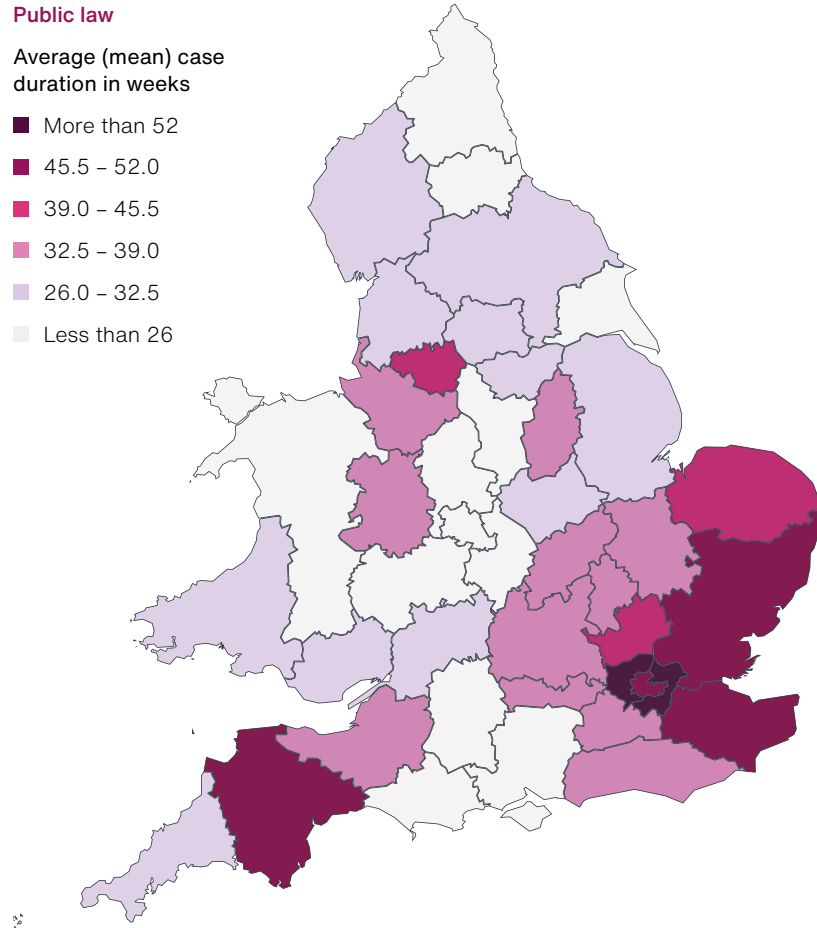
Average case durations by local family justice areas in December 2024 in England and Wales

There are local differences in the average (mean) case duration for public law and private law

Public law

Average (mean) case duration in weeks

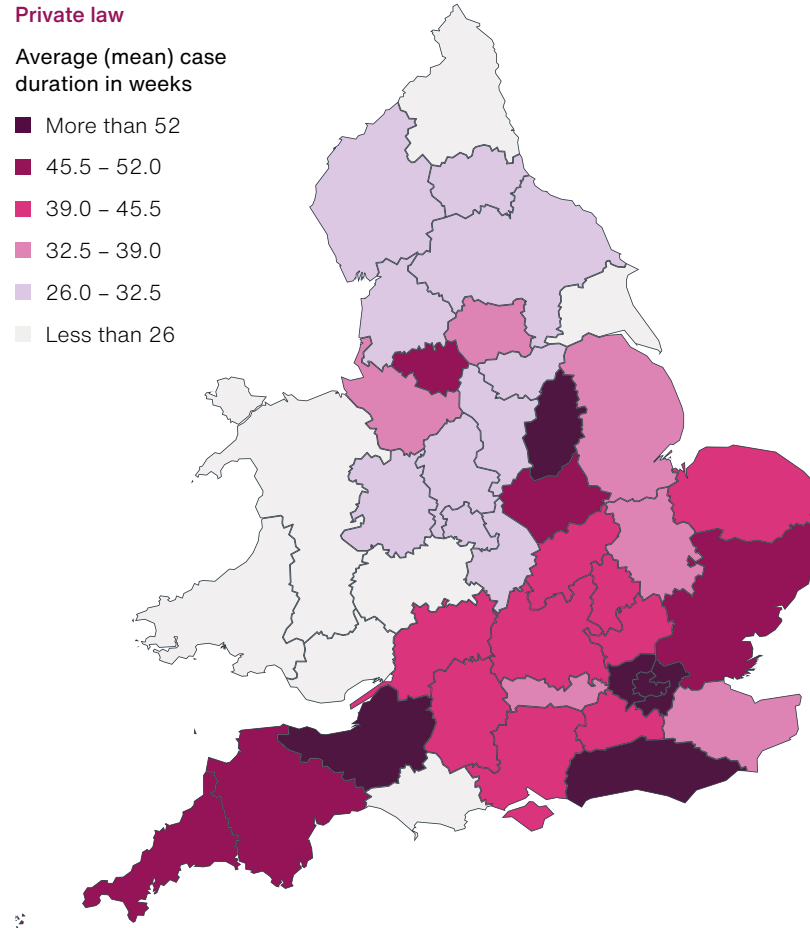
- More than 52
- 45.5 – 52.0
- 39.0 – 45.5
- 32.5 – 39.0
- 26.0 – 32.5
- Less than 26



Private law

Average (mean) case duration in weeks

- More than 52
- 45.5 – 52.0
- 39.0 – 45.5
- 32.5 – 39.0
- 26.0 – 32.5
- Less than 26



Notes

- 1 Family courts in England and Wales are led by 44 designated family judges, each responsible for the courts in their designated areas. Boundaries of the areas for the map are provided by HM Courts & Tribunals Service.
- 2 Data range from 15 to 59 weeks for public law and 17 to 76 weeks for private law.
- 3 The Royal Court of Justice, one of the 44 designated family judge areas, is not included in this figure.

Source: National Audit Office analysis of unpublished family justice statistics from HM Courts & Tribunals Service

Part Two

Enabling successful cross-government working

2.1 Family justice is managed across government. Our previous work has shown there are important enablers of successful cross-government working, which we assess in this part:

- strong accountability with clear roles and responsibilities;
- an agreed strategy and objectives;
- good-quality, linked data; and
- a clear understanding of whole system costs.⁴

Strong accountability with clear roles and responsibilities

2.2 The government established a Family Justice Board (FJB) to improve performance and ensure that organisations work together effectively, but progress has been slow, partly hindered by ministerial turnover (**Figure 7**). The FJB is jointly chaired by Department for Education (DfE) and Ministry of Justice (MoJ) ministers, and has wide representation including from government organisations, the Welsh Government, the Association of Directors of Children's Services, the Association of Directors of Social Services Cymru and the Chief Social Worker for Children and Families in England. There has been frequent turnover in Ministerial chairs; this churn resulted in a lack of consistent political leadership and instead the FJB frequently refocused its role and priorities. Although it aimed to meet quarterly, there were an average of 2.5 meetings per year between June 2018 and December 2024, with each minister attending on average only three meetings.⁵

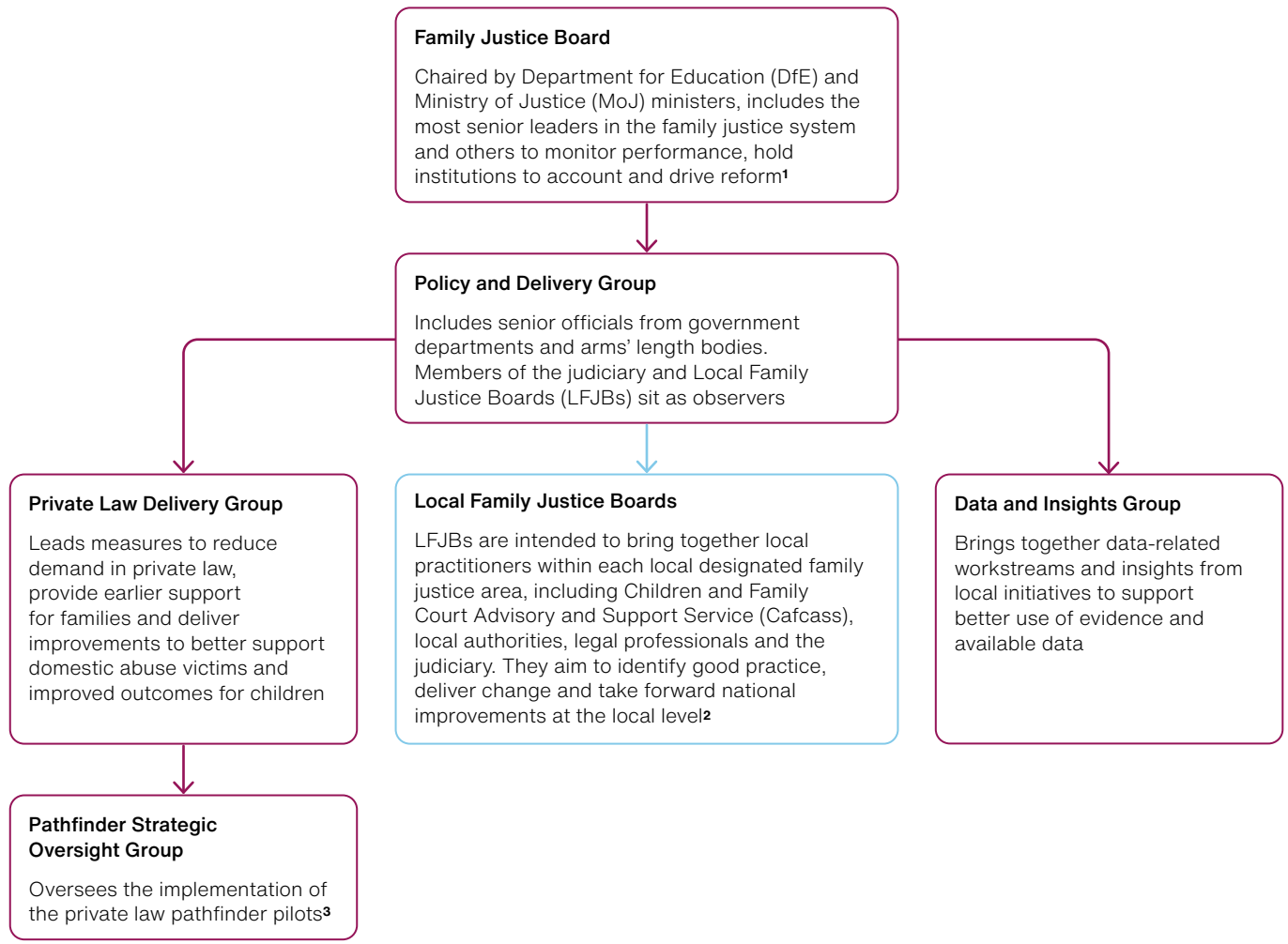
⁴ Comptroller and Auditor General, *Cross-government working: good practice guide*, Session 2022-23, HC 1659, National Audit Office, July 2023; Comptroller and Auditor General, *Efficiency in government*, Session 2021-22, HC 303, National Audit Office, July 2021; Comptroller and Auditor General, *Efficiency in the criminal justice system*, Session 2015-16, HC 852, National Audit Office, March 2016.

⁵ Between June 2018 and December 2024, there have been six different ministers responsible for co-chairing the FJB from DfE and five from MoJ. The FJB met 16 times.

Figure 7

The Family Justice Board and its delivery groups

The Family Justice Board is a cross-government board responsible for monitoring family justice performance, holding to account those involved and driving improvement



□ Official government bodies/groups □ Voluntary bodies/groups ➔ Oversight ➔ Voluntary arrangement

Notes

- 1 Includes officials from Department for Education, Ministry of Justice, HM Courts & Tribunals Service, Children and Family Court Advisory and Support Service (Cafcass), Cafcass Cymru, Department for Work & Pensions, Office for Standards in Education, Children's Services and Skills, Welsh Government (Chief Social Care Officer), Association of Directors of Children's Social Services, Association of Directors of Social Services Cymru. Aims to meet quarterly.
- 2 There are 44 Local Family Justice Boards and membership varies. Local Family Justice Boards are non-statutory bodies and not formally part of family justice governance or accountability arrangements.
- 3 Pathfinder is an initiative led by MoJ to improve experiences for children and families, including domestic abuse victims through process redesign. It is currently being piloted in five areas in England and Wales.
- 4 In addition to the Family Justice Board, the President of the Family Division has established some working groups to improve family justice. However, these, are not part of the formal accountability arrangements.
- 5 From August 2024, the Pathfinder Strategic Oversight Group was closed, replaced by its own governance arrangements. In September 2024, MoJ paused the work of the Private Law Delivery Group.

Source: National Audit Office analysis of Ministry of Justice documentation

2.3 In 2012, MoJ set up 44 area-based Local Family Justice Boards (LFJBs) in England and Wales to draw on local knowledge, improve performance, identify good practice and lead change. LFJBs are intended to escalate local concerns and bring together practitioners within each designated family justice area, including Cafcass, local authorities, legal professionals and the judiciary.⁶ LFJBs are non-statutory bodies and not formally part of family justice governance or accountability arrangements. MoJ and partners have limited oversight of LFJBs' work and whether they are delivering local improvements. They have no dedicated resources to support their work, with LFJB chairs providing secretariat duties from their own teams. Members of LFJBs are not paid for their time on top of their primary roles.

2.4 MoJ has found variation in the strength and effectiveness of LFJBs in helping to improve local performance, often driven by the level of involvement from local partners and local system leadership. In 2024, MoJ sought to strengthen LFJBs' role, providing additional national support, including senior sponsors and national and regional good practice sharing forums. MoJ has improved local-level reporting of performance, providing a dashboard that enables areas to look at local data (see paragraph 2.13). MoJ has tried to secure funding for the LFJBs in previous spending reviews but was only successful in securing funding for some training costs.

2.5 Our previous work has highlighted four essentials of accountability, and we assessed the family justice accountability arrangements against these criteria (explored in the rest of this part).⁷ There is no single organisation accountable to Parliament for overall performance on family justice. Accounting Officers are accountable for their organisation's performance and funding, not family justice performance overall. Some stakeholders we spoke to believed there was a lack of overall accountability for family justice, although each department understood which part of family justice it is responsible for. The FJB is the national mechanism for the overall system and it has set up several working groups: for example, the Data and Insights Group and the Private Law Delivery Group (Figure 7), bringing officials from member bodies together in their efforts to improve services. However, we saw limited evidence of the FJB holding organisations to account, despite this being a responsibility set out in its terms of reference. At a local level, as LFJBs have no statutory role, there is no mechanism for them to form part of formal accountability.

6 There are 44 designated family judges in England and Wales responsible for ensuring that the courts in their area are run as efficiently and effectively as possible, within the resources they are allocated.

7 Comptroller and Auditor General, *Accountability to Parliament for taxpayers' money*, Session 2015-16, HC 849, National Audit Office, February 2016. The four essentials of accountability are a clear expression of spending commitments and objectives, a mechanism or forum to hold to account, clear roles and someone to hold to account, and robust performance and cost data.

2.6 Complex and fragmented funding arrangements and information flows for family justice also make accountability more challenging. Funding for family justice is agreed by individual departments within their normal budgets and there is no cross-government family justice funding strategy. The flow of information to support individual accountabilities is not always clear. For example, DfE is responsible for public law policy but data on public law are generated by MoJ and local authorities are the main delivery bodies. The Ministry of Housing, Communities & Local Government (MHCLG) makes funding available to local authorities, the majority of which is not ringfenced, and DfE cannot ensure local authorities are prioritising spending in accordance with its public law priorities. Government reviews of family justice performance found examples of poor communication between organisations, with significant variation in local practices and a lack of a 'one system' mindset.

An agreed strategy and objectives

2.7 Since 2022, the FJB has set annual objectives for family justice, and priority indicators to track progress against them, focusing on the timeliness of cases. The FJB aimed to achieve these by creating efficiencies and improving pre-proceedings practice. For 2024-25, the three public law objectives were focussed on reducing delay (Figure 8). In private law, the objectives were to reduce delay and improve the experience for children and victims of domestic abuse. Although FJB members have had a shared focus on improving timeliness of cases, the FJB has not articulated an overall cross-government strategy for family justice, setting out its vision and levels of performance or outcomes it expects organisations to achieve in the medium and long term. There is a statutory 26-week time limit for most public law cases, but no equivalent limit for other public law cases or private law, nor any longer-term specific ambitions for family justice.

2.8 The FJB made its performance monitoring regime more robust in 2024-25 but is not on track to meet many of its targets. While the overall objectives did not change, specific targets were added to the revised indicators. Two indicators focused efforts on closing all cases that had been open for 100 weeks or more. However, the FJB is currently only on track to meet one of the five priority indicators for 2024-25 (**Figure 8** overleaf). When setting these, the FJB acknowledged that these would be challenging to meet in a 12-month period, but considered them achievable and to be kept under review. Progress against these indicators is not published, so does not support public scrutiny of government's progress.

Figure 8

Performance against 2024-25 priority indicators for family courts in England and Wales

As at December 2024, government bodies are not on track to meet many of the 2024-25 priority indicators set by the Family Justice Board for family courts

		Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	
Target		Actual number of cases, weeks or percentage									
Public law											
1	Number of cases open for over 100 weeks (number of cases at the end of the month)	0	212	193	176	171	182	161	159	161	159
2	Average duration of care and supervision cases (weeks)	32	42	42	42	42	41	41	41	41	40
3	Percentage of new care and supervision cases concluded within 26 weeks (disposed during the month)	83%	34%	35%	39%	34%					
Private law											
1	Number of cases open for over 100 weeks (number of cases at the end of the month)	0	3,158	3,004	2,893	2,783	2,784	2,683	2,657	2,484	2,401
2	10% reduction in number of open cases (number of cases open at the end of the month)	37,947	41,139	40,719	39,970	39,877	39,425	38,981	39,082	38,795	37,541

- Not met/off target
- Not met/on target to be met
- Met

Notes

- 1 The priority indicators are set by the Family Justice Board as priorities for its members across the family justice system.
- 2 Private law priority indicator 3, to improve the experiences of children and victims of domestic abuse, was under development in 2024-25 and not reported against.
- 3 Average case duration for public law priority indicator 2 is a 12-month rolling average.
- 4 For public law priority indicator 3, there is a lag of 26 weeks for the data for these indicators to become available.
- 5 Data on public law priority indicator 1 and private law priority indicator 1 are at the case-level, rather than child-level.

Source: National Audit Office analysis of HM Courts & Tribunals Service performance dashboard information

2.9 There is a difference between how the FJB tracks the performance of family justice and how departments do this as part of their outcome monitoring. MoJ and DfE have each agreed their own annual departmental plans since 2021. MoJ told us that each plan has outcome performance measures which are scrutinised regularly through departmental corporate governance and reported in departmental annual reports. MoJ's outcome measure for family justice is the number of court disposals. DfE does not report on any outcome metrics related to family justice. However, the cross-system objectives and priority indicators set by the FJB focus on timeliness, rather than disposals. This creates a risk that performance reporting at a departmental level does not align with system-wide priorities to improve performance.

2.10 While the FJB decided that organisations should focus on reducing delay in 2024-25, it recognised that this was only one element of the work needed to improve outcomes for children and families. The FJB set a priority to improve the experiences of children and victims of domestic abuse in private law cases, but how this is measured was still under development as at December 2024. Cafcass seeks feedback from the children and families they engage with on how well they feel supported by Cafcass's work. However, there is no shared understanding of 'what good looks like' from the perspective of a child and there are no wider measures of performance to understand whether children and families receive a quality service from end to end and whether their issues are addressed. Similarly, there are no wider aspects measured, such as administrative efficiency or access to justice for different demographic groups.

Good-quality, linked data

Data systems

2.11 Data systems and their quality for family justice vary across organisations. Each government department collects and records data on its own system in different ways without a common identifier, making it difficult to link data or to track a child through the family court process. Cafcass uses its own IT system with good demographic information, centred on the children it supports, although it is not involved in all private law cases. Ofsted commented in its 2024 report that Cafcass data had been complimented by a stakeholder as "in another league". Cafcass data are widely used by local authorities, DfE and the judiciary.

2.12 HM Courts & Tribunals Service (HMCTS) has been rolling out new data systems for family justice as part of its court reform programme which aimed to reduce paper-based work and speed up administration. For public law cases, HMCTS started using a new system called 'Core Case Data' (CCD) from 2020. CCD has a more user-friendly interface, enables greater data analysis and can run reports in real time. MoJ has assessed that the CCD system has streamlined data processing, saving 2.5 hours per case for around 15,000 cases a year. For private law cases, HMCTS currently uses a system called 'FamilyMan', which was introduced in 2000. This system does not allow much automation of tasks, and it can take days to run data reports. Our visits to local courts found that there were many manual processes involved, including extensive copying and pasting. HMCTS is piloting a new digital system for private law in two areas and is planning to roll it out nationally in 2025-26 to replace FamilyMan.

Data quality and gaps

2.13 MoJ and HMCTS have also developed performance dashboards, presenting data collected by HMCTS and Cafcass. These dashboards provide an increased range of consistent management information reporting and analysis, available to policy makers, local courts, Cafcass and LFJBs.

2.14 However, there remain significant data gaps and weaknesses:

- For public law, there is little centralised information on what has happened before a case arrives at court. Local authorities do not all routinely collect data on pre-proceedings, and the quality of data held varies significantly. A recent audit by DfE found that many local authorities do not have the resources or staff required to collect routine data. Warrington Borough Council has undertaken research, and presented recommendations to DfE, on designing a pre-proceedings data set and how local authorities could begin to collect these data.
- There remain significant gaps in the information that HMCTS's new public law CCD system collects. For example, it does not collect information on all protected characteristics (for example, ethnicity and disability) of children and their parents, nor how the court engaged with children (for example, whether they were involved in hearings). Cafcass is the only organisation that collects data on the age, gender and ethnicity of the children it supports.⁸

⁸ For private law, HMCTS told us that data on protected characteristics will be collected by the new digital system it is planning to roll out nationally in 2025-26 (paragraph 2.12).

- Data quality can be poor. In 2024, HMCTS reviewed approximately 2,000 private law cases that had been open for over 85–90 weeks, and found 30% of them had exited the court process and needed to be closed. HMCTS identified human error as the primary driver. It is currently working with local courts to further investigate the issue, but the impact on reported performance was uncertain at the time of this report. HMCTS plans to introduce a new data quality assurance programme, which it expects to complete by November 2026.⁹
- Family justice and social care data do not currently adequately capture the outcomes or experiences of children, young people and families.

2.15 The patchy data on protected characteristics makes it difficult to identify differences in the quality of services for different demographic groups. Therefore, HMCTS cannot fully understand how court services are impacting children; for example, if any particular group is having difficulty in accessing family justice services or waiting longer for their cases to be resolved. Cafcass undertook some analysis on our request and found that younger children were more likely to wait longer in public law and private law cases. It also found that the average public law and private law case duration for ethnic minority children is greater than the national average.

2.16 Government bodies do not routinely collect or analyse data on ‘returning cases’. In the 12 months to September 2024, about one-third of children supported by Cafcass had been supported before. Analysis carried out for us by Cafcass showed variations in the proportion of cases returning across local areas, and that children from a mixed ethnic background are slightly more likely to return to court. A one-off MoJ review identified a range of factors contributing to returning cases, including family relationships breaking down, previous court orders being unsuitable or vague, a lack of support for families in post-court proceedings and a lack of enforcement of previous court orders.

2.17 Many of the data issues are long-standing and well understood, but there is not yet a joined-up plan to improve how data are collected and analysed across family justice. There are significant gaps in understanding why cases are delayed or how the system impacts different groups of families or children and what happened to them after the court hearings. Many of these issues were identified in the government’s family justice review in 2011, and more recently, in work by the National Centre for Social Research and the Nuffield Family Justice Observatory, and some improvements have been made (paragraphs 2.12 and 2.13). Despite these improvements, a recent MoJ paper concluded that cross-government efforts to improve data and evidence were uncoordinated and inconsistent, work was duplicated and time consuming and information was not accessible to those who needed it. A review by DfE also noted that not enough was being done to analyse and gain insight from children’s social care data. At the time of this report, work led by MoJ to develop a cross-system data strategy was at an early stage.

⁹ HMCTS is currently carrying out a data quality programme to assess data quality issues on four critical data metrics (receipts, disposals, outstanding caseload and judicial sitting days) across all its jurisdictions which will last until November 2026.

2.18 We used anonymised data from HMCTS’s public law system to investigate how the data can be used to identify pinch points in the process. We found that while the data have increasingly been used to inform performance reporting in HMCTS’s dashboard, they might be explored further to help inform decisions and service improvements. In addition to analysis in the dashboards, for example, on factors causing vacated or adjourned hearings, we found that:

- 7% of applications submitted to court between January 2024 and November 2024 were returned due to errors in application; and
- of the cases disposed in 2024, 61.5% had at least one expert report. Cases with an expert report had on average a greater number of hearings (five compared to three for cases without) and a longer case duration (260 days compared to 138 days for cases without).

A clear understanding of whole system costs

2.19 The government does not routinely track the overall spending by various government bodies on family justice. Using both published and unpublished data, we estimated that MoJ, DfE, Cafcass, the Legal Aid Agency (LAA) and local authorities spent more than £1.8 billion on family justice in 2023-24 (**Figure 9**). For some organisations it is hard to estimate spending on family justice. For example, HMCTS reports its day-to-day spending on family court services, but it cannot estimate infrastructure and capital investment costs as family justice uses shared assets such as courtrooms and shared staff. All Cafcass spending is family-justice-related and LAA reports separately its spending on family court proceedings. However, local authorities – which incur substantial costs before and during care proceedings – do not report their spending on family-justice-related services separately from overall spending on family support and children’s social care. MoJ and others have commissioned one-off exercises to investigate areas of potential cost saving, but these often lack robust data.

2.20 Without understanding costs incurred by different organisations, the impact of initiatives that require organisations to work together to achieve efficiencies is difficult to measure as costs and savings may be achieved across different departments. For example, an early evaluation of the two pathfinder pilot areas in North Wales and Dorset found that average local authority spending had more than doubled (due to their involvement in more cases), while direct judicial costs, funded by HMCTS, had halved (due to a reduction in hearing time).¹⁰ Improvement activities may result in the profile of costs between organisations changing significantly.

¹⁰ For example, the average judicial cost per case in Dorset for the period evaluated is £193 which is 54% lower than that in a similar area Swindon (£419), while the average cost for local authorities is £151, 146% higher than that in Swindon (£61).

Figure 9

Estimated spending on family justice services by government bodies in England and Wales, 2023-24

Government bodies spent more than £1.8 billion in 2023-24 on family justice services

Organisation incurring expenditure	Family court expenditure in 2023-24 (£000)
Ministry of Justice (MoJ)	11,133
Legal Aid Agency (LAA)	888,974
HM Courts & Tribunals Service (HMCTS)	333,554
Children and Family Court Advisory and Support Service (Cafcass)	156,504
Department for Education (DfE)	590
Local authorities (LAs)	440,681
Total direct government spending on family justice services	1,831,435

Notes

- 1 MoJ and DfE spending includes initiatives related to family justice led by MoJ and DfE such as mediation vouchers, pathfinder and trailblazers. It does not include staff costs on family justice incurred by the departments or other apportioned headquarters costs. For DfE, the spending includes costs incurred during 2023-24 that is funded by the £10 million 'Shared Outcome Fund' allocated to DfE by HM Treasury.
- 2 HMCTS spending includes expenditure on staff salaries and wages for family courts administration and judicial staff, day-to-day running costs on family courts IT and estates, and HMCTS headquarters support team costs related to family courts. We estimated that the capital spending on family courts by HMCTS as an apportionment of all capital costs, based on the proportion of total revenue costs incurred on family courts.
- 3 Cafcass spending is the total expenditure by Cafcass for 2023-24, and includes both revenue and capital spending reported in its annual report. The revenue spending included cover for accounting adjustment under IAS19 pension accounting rules.
- 4 LAA costs include spending on civil representation and mediation for family courts.
- 5 Spending by local authorities is based on estimates for 2019 by DfE for the Independent review of Children's Social Care. These include legal costs incurred in bringing children into care. Costs have been inflated to 2023-24 prices using the December 2024 GDP inflator published by HM Treasury.
- 6 Spending by Cafcass Cymru and Welsh local authorities are not included here. DfE spending only includes its expenditure in England.
- 7 Total may not sum up due to rounding.

Source: National Audit Office analysis of published data from Ministry of Justice (MoJ), HM Courts & Tribunals Service (HMCTS) and Children and Family Court Advisory and Support Service's annual reports, Legal Aid Statistics published by the Legal Aid Agency (LAA), the Independent Review of Children's Social Care by the Department for Education (DfE) and unpublished administrative data from MoJ, HMCTS, DfE and LAA

2.21 The longer a case takes to progress through the court, the higher legal aid fees will be (paragraph 1.12). Therefore, reducing public law delays would help reduce government spending. However, while MoJ increased funding for family courts in 2020-21 to help reduce caseload, it has reduced funding since, both in real terms, and as a proportion of its overall spending, reflecting pressures on other parts of justice and a reducing outstanding caseload. HMCTS in 2023-24 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 number of public and private law sitting days also reduced over the same period.¹¹ In December 2024, the Legal Aid Agency estimated that, due to the 20% reduction in actual public law sitting days against the number planned since April 2024, its legal aid spending was £95 million higher than anticipated based on the planned sitting days.

¹¹ In 2020-21 there were 115,343 total public and private law sitting days, compared with 109,377 in 2023-24.

Part Three

Understanding and addressing the causes of delays and inefficiencies

3.1 In this part we assess:

- government's understanding of the causes of delays and inefficiencies;
- the work it has ongoing to address these causes; and
- barriers to performance improvement.

Understanding the causes of delays and inefficiencies

3.2 Our work on improving operational delivery in government demonstrates that adopting a whole-system approach is essential to support organisations to deliver outcomes they cannot achieve alone. An overall assessment of the key drivers of performance and inefficiencies across the process is important to ensure all partners have a shared understanding of, and focus on, the areas most likely to secure improvements. Reviews by the Ministry of Justice (MoJ), Department for Education (DfE) and others on family justice improvement have varied in scope, often commissioned by different bodies as needed in response to pressing issues. The government and Family Justice Board (FJB) has no overview of what the most significant issues are and the capacity required to deal with them efficiently (**Figure 10** overleaf).¹² This creates a risk that system leaders do not align performance improvement work with the most important causes of delay or cost.

3.3 We analysed the findings of the performance reviews to identify reasons for delay and inefficiencies. The reviews identified more than 25 different issues, which vary across local areas and between public law and private law cases. We cannot identify the scale and impact on overall performance of each issue identified, because the reviews differed in scope, and depth of analysis was limited by available data.

¹² In addition, the judiciary has led family justice reviews. We have not reviewed these, as the independent judiciary is not within the scope of this report.

Figure 10

Reviews and analyses undertaken by government bodies on drivers of performance in public law and private law

Government reviews of the reasons for delay and inefficiencies have varied in scope, with many produced reactively to pressing issues

Name of review	Date	Scope (public law, private law or both)	Details	Output
Family Justice Review (Norgrove Review)	2011	Both	Led by an independent review panel, sponsored by Ministry of Justice (MoJ), Department for Education (DfE) and the Welsh Government	228-page report with 134 recommendations
Cabinet Office Report	2017	Public	Led by Cabinet Office Implementation Unit to investigate the pressures faced by family courts	58-page report with 18 recommendations
Private Law Reform Project	2022	Private	Led by MoJ, based on interviews with service users	68-slide report
Private Law Timeliness Review	2023	Private	Led by MoJ's Innovation and Efficiencies Policy Group	9-slide summary report
Mutual Ventures Report	2023	Public	Commissioned by DfE, led by consultants Mutual Ventures	74-page report with 22 recommendations
Disposal Rates Project	2023	Both	Led by MoJ to investigate underlying reasons for declining disposal rates	93-slide report
100+ Week Deep Dive	2024	Private	Led by HM Courts & Tribunals Service (HMCTS), review of longest standing private law cases	9-slide report
Local Family Justice Boards (LFJBs) Programme of Engagement	2024	Both	Led by MoJ, engaging with LFJBs over a six-month period	9-page summary report

Notes

- 1 Not all published or unpublished reviews or analyses that have been undertaken to look at performance are included here. These are the most significant reviews, which have been identified from MoJ and DfE documents.
- 2 In addition, the judiciary has led family law reviews. We have not included these, as we do not audit the independent judiciary.
- 3 Disposal rates describe the number of completed cases per sitting day in family courts.

Source: National Audit Office analysis of government documentation

3.4 Our analysis found the reasons for delays and inefficiencies could be grouped into four different areas.

- Increased work required for each case, including more evidence reports being commissioned from experts and additional hearings per case. For example, for public law cases, the PLO suggests two to three hearings per case, whereas between January 2023 and November 2024 there was an average of five hearings per case, and 20% of cases had eight or more hearings. Data in December 2024 also showed that there were on average 3.3 expert reports per case, compared to an average of 2.4 per case in January 2023.¹³ Each report can take up to six weeks to be compiled. A shortage of available experts also led to increased case durations.
- Lack of capacity. 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. Reviews also highlighted that requiring relatively inexperienced local authority social workers to train new staff also created delays, inefficiencies and higher workloads. In 2021, Cafcass had to start prioritising case allocation in some areas, due to insufficient capacity to meet increased demand.¹⁴ On 1 April 2024, Cafcass had an 8.1% vacancy rate for its social workers. Some regions had more acute headcount gaps – in particular, London and South East, where there was a 38% shortfall in district judges in the first three months of 2023, compared to 10% or less in the North West and Wales.
- Administrative tasks being missed or performed inefficiently. For example, some cases have no future hearing listed, so they may not progress for some time; or for some cases, court orders are delayed or missing. Reviews and vacated hearing (where a hearing is cancelled before its listed date) data also reveal flaws in the public law cases presented by local authorities.
- Applicants not being adequately supported. Families applying to the court sometimes did not understand what they needed to do, resulting in rejected applications. Administrative staff and legal professionals report frequently being asked for advice about what forms should be filled and why. For those parents bringing private law cases who are ineligible for legal aid, additional support is provided by staff and judges, slowing the progress of cases.¹⁵ The percentage of litigants in person cases, where neither the applicants nor respondents had legal representation, increased to 39% in 2024 following changes to legal aid eligibility rules in 2013 (up from 13%), requiring additional support from court staff and judges. MoJ research found that around half of litigants in person were vulnerable and had difficulties representing themselves, with only a small minority able to do so competently throughout their proceedings.

¹³ These data are not available for private law.

¹⁴ Cafcass is organised into 19 local areas in England.

¹⁵ The proportion of cases with litigants in person has significantly increased following changes to legal aid eligibility in 2013, which removed legal aid for private law cases except where domestic abuse is alleged.

3.5 From 2023 HMCTS has started to collect internal data for public law on why some scheduled hearings are vacated, which can help identify some drivers of delay.¹⁶ These data show that for public law cases disposed between January 2023 and November 2024, around 32% of cases had at least one hearing cancelled before the hearing took place, which then had to be rearranged. The most common reasons given related to parties failing to follow court instructions, poor pre-proceedings preparation by local authorities and new social work reports being required following a change in family circumstances.

3.6 We undertook a review of the administrative process HMCTS follows upon receiving a court application to the court, against our good practice framework (Appendix One). This also identified issues with the efficient administration of cases.

- Poor quality information input by applicants was causing rework and delays, but HMCTS and others were not investigating the root causes of this.
- 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.
- A lack of confirmed quality requirements was leading to variation in the quality of content passed on and the ability of the next person to do their work.
- Court caseworkers accepted duplication and rework as part of their job. We found the same problems in different locations; for example, dealing with poor data input, but no collective understanding of how often it occurs.

Initiatives to improve performance

3.7 Based on their findings about the reasons for poor performance, organisations involved in family justice are trying a range of national and local initiatives, pilots for new ways of managing cases and discrete improvement projects (Appendix Two). These initiatives have a range of objectives, including to reduce the number of families needing court proceedings (which will reduce pressure in the system), reduce delays and improve the experience of court users, particularly vulnerable users. Some of the initiatives tackle more than one objective, and some are still at an early stage.¹⁷

¹⁶ In 2019, HMCTS started recording the reasons for court hearings being adjourned or vacated for public law. It told us that the quality of these data was variable, as the new public law data system was gradually rolled out to all cases from 2019 to 2024.

¹⁷ The judiciary has also undertaken work to improve family court proceedings, but we have not reviewed this as the judiciary are not within the scope of our work.

Reducing the number of families needing to enter the court system

3.8 In public law, the government is seeking better outcomes and reduced pressure on courts through supporting alternative ways of protecting children and resolving disputes outside of court. DfE has introduced family group decision-making meetings, held at the point when a local authority is considering applying to the court. These meetings give families an opportunity to come together and make a plan in response to concerns regarding the child's welfare, helping to avoid care proceedings where possible. Evaluations have suggested that children whose families were referred for a family group decision-making meeting were less likely to have had care proceedings issued (59%) compared to those not referred (72%), although some selection bias may influence results.

3.9 The government is also promoting early intervention to reduce parental conflict, encouraging local authorities to provide specialist support for drug and alcohol misuse. Following a successful pilot in 2008, the government encouraged local authorities to set up new Family Drug and Alcohol Courts (FDAC) providing intensive therapeutic treatment and support to parents. There is some evidence that the family reunifications created by FDAC are safer and more stable than those in standard proceedings, which may reduce the likelihood of recurrent care proceedings.

3.10 The government is taking steps to reform children's social care and encouraging local authorities to spend more on prevention. In November 2024, the government published a strategy 'Keeping children safe, helping families thrive', aiming to transform children's social care and keep more children safely with their families. As part of the reform, the government has nearly doubled the funding for child social care preventative services to over £500 million in 2025-26, including a new £270 million children's social care prevention grant. A national framework for children's social care became statutory guidance in 2023 to support greater consistency across local authorities.

3.11 There are also initiatives in private law to promote alternatives to court. The Department for Work & Pensions funds a Reducing Parental Conflict programme, which aims to improve family relationships and resolve disputes. Since April 2014, private law applicants have been required to attend a Mediation Information Assessment Meeting (MIAM) before making a court application, unless an exemption applies. A MIAM enables parents to discuss their problems and be signposted to other advice and support. Between April 2019 and March 2024, around 35% of private law applicants subject to MIAM attended a MIAM, as a large proportion claimed exemption. To encourage greater uptake, the MoJ launched a Mediation Voucher Scheme in 2021, offering families a contribution of up to £500 per family towards their mediation costs. The evaluation from this scheme suggests that, of the 7,214 families it supported during its first 12 months, 69% reached an agreement on some or all issues and were classified as successfully diverted from court. However, there is no evidence that the scheme has increased the uptake, as the proportion of families attending the initial assessment has remained flat.

Targeting the causes of delays

3.12 The government is supporting a range of localised solutions and improvements (Appendix Two), including the trailblazers initiative launched in 2024. Trailblazers involve local authorities working with local HMCTS family courts and other partners to develop localised solutions on the causes of delay and to prevent individual agencies working in silos. This scheme has not yet been formally evaluated. HMCTS led deep dives into five areas that together have more than half of private law cases over 100 weeks, and found some common causes of delay – for example, shortages in judicial capacity. It also found some significant variations between areas. For example, the number of private law cases disposed per available sitting day in each of the London Designated Family Judge areas was 0.6, while Essex & Suffolk disposed 1.0 cases. Both London and Essex & Suffolk were areas where families were experiencing long delays (Figure 6). In March 2024, MoJ selected five of the most challenging areas to provide more senior support. These five areas will also be specifically monitored against the national priority indicators (paragraph 2.7 and Figure 8). In December 2024, MoJ also established a temporary surge court for London, to increase court capacity to hear cases.

3.13 Government bodies have also undertaken a range of other work to reduce delay and improve efficiency. The MoJ has increased the number of judges, including by raising the retirement age, improving pension arrangements and targeted recruitment campaigns. There were also some smaller-scale initiatives, including pilots using assessment checklists to improve pre-hearing preparatory work and check the need for expert assessments. HMCTS is taking a range of actions aimed at improving the court process for users. For example, in public law, following user research it has investigated the root causes of inefficiencies and made improvements to the application process.

Improving court experience for vulnerable users

3.14 MoJ and HMCTS are also working to improve the experience of court users, including protecting victims of domestic abuse and championing the voice of children. An important initiative is MoJ's new pathfinder court pilots, which aim to improve the experience of family justice for children and families, including victims of domestic abuse. Pathfinder is a redesigned process for cases, bringing forward domestic abuse assessments and a single Child Impact Report, to enable earlier information about any domestic abuse and a greater focus on the child's experience. Early evaluation of the first two pilots indicated that improved communication and earlier information gathering was leading to staff reports of improved experience for children and families, and faster resolution of cases. The new model also reduced the number of hearings per case, although the resulting reduction in court costs was offset by an increase in spending by local authorities. MoJ anticipates the model could lead to future savings as improved outcomes mean fewer cases will likely return to court.

3.15 The FJB set a priority indicator to improve experience for domestic abuse victims, but has not yet developed a way of measuring progress (paragraph 2.10). In 2017, a small-scale study by Cafcass and Women's Aid estimated that up to 62% of cases¹⁸ included domestic abuse accusations. HMCTS does not capture these data. MoJ had begun the rollout of Qualified Legal Representatives to prevent re-traumatisation of victims through cross-examination by their abuser, although stakeholders have raised concerns about limited availability. Independent Domestic Violence Advisers can now attend family courts to support victims of domestic abuse during proceedings. Cafcass also facilitates the Family Justice Young People's Board (FJYPB) where young people with experience of family justice share insights and experiences. FJYPB sends representatives to the FJB where they bring the voice of the child into policy decisions. FJYPB has also led on key changes for children, such as increased access to the judges deciding their case.

¹⁸ Cafcass and Women's Aid, *Allegations of domestic abuse in child contact cases*, 2016. This study looked at a sample of 216 cases out of a population of 15,160 cases related to contact orders between April 2015 and March 2016.

Whole system approach to improvement

3.16 All the above initiatives have developed in response to specific issues over time and individual departments have focussed improvement work on parts of the process they can best influence, or according to their departmental priorities. Each initiative is led by either MoJ, HMCTS or DfE. While FJB monitors and shares progress of many of these initiatives among its members, there is no overall portfolio management of these improvement initiatives across family justice, and an early plan for this was abandoned. MoJ and DfE acknowledged that there was a risk of too many concurrent initiatives and “change overload”. The lack of a system-wide approach also hinders the FJB’s ability to consider where constrained departmental resources will have the most impact. For some newly introduced initiatives, insufficient time has passed to enable their impact to be fully evaluated; for example, pathfinder and trailblazers. It is therefore too soon to conclude whether the performance improvement initiatives overall are sufficient to address the issues identified by the reviews and achieve long-term improvement.

3.17 We also analysed whether current improvement initiatives address the key causes of delay and inefficiency that the government reviews identified. There is no simple mapping of issues to improvement work as some initiatives may tackle multiple causes of delay. Our analysis highlighted some areas where there may be scope for further focus.

- **The efficiency of court administration.** Our review of the process between an application being received by the court and being listed for a court hearing identified that improvements could be achieved from better managing the process across organisations, establishing quality measures for each stage and encouraging a culture of continuous improvement.
- **Support for private law applicants and respondents.** We undertook a review of online guidance available to families applying for child arrangement orders. Advice on completing the key application form is limited, with the print version containing a single page of guidance (compared with, for example, a 66-page guidance document for applying for a Lasting Power of Attorney). In 2023, MoJ had designed a pilot for early legal advice on private law, but this was paused in 2024.

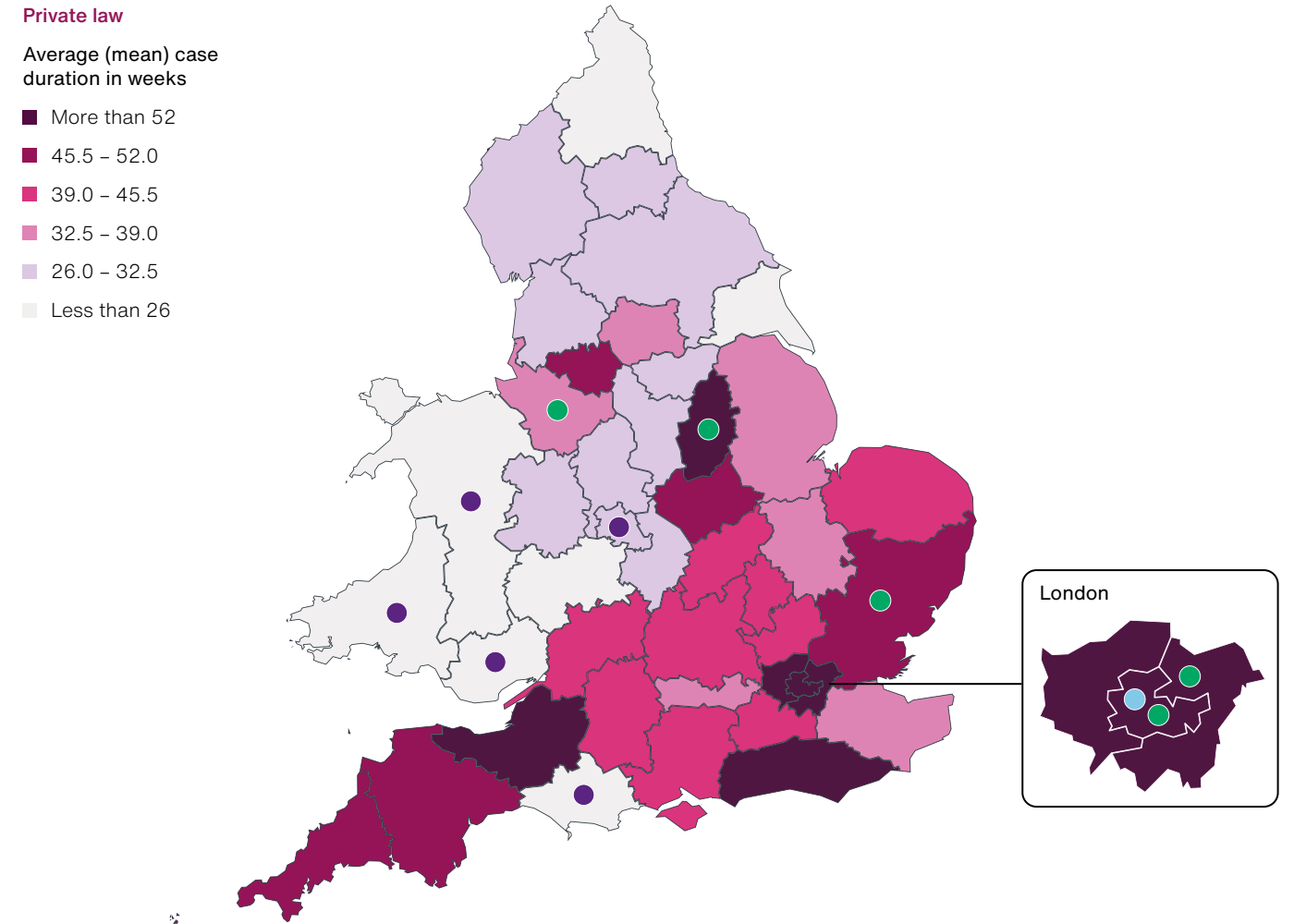
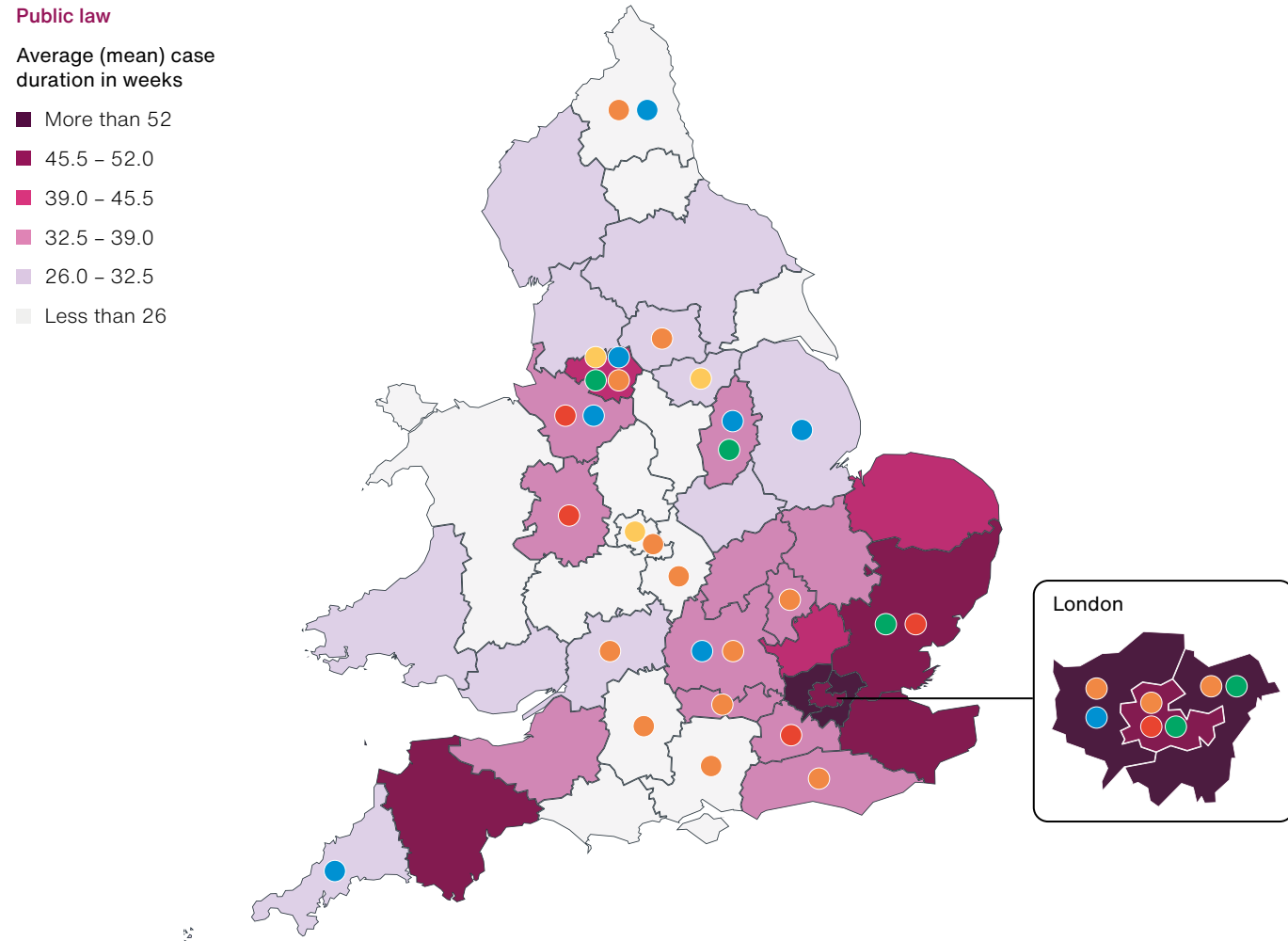
- **Support for litigants in person.** In 2020, the MoJ launched the Legal Support for Litigants in Person Grant, a two-year £3 million grant programme to fund pre-court support for litigants in person. Of the litigants in person receiving the grant, 88% reported their court outcome as 'satisfactory', and 57% took less time in court. MoJ has not provided further funding for litigants in person since 2022, and HMCTS does not provide any additional support or guidance, instead directing users to documents and videos provided by not-for-profit organisations.
- **Sharing good practice.** MoJ and HMCTS do not have a single source of good practice guidance for groups of staff performing similar roles (for example, court staff or legal professionals). The PLO (practice direction) provides guidance on managing cases, but there is no similar guidance for private law cases. Approaches vary by court and include good practice produced by local family justice boards and internal guidance developed by court staff. There is also no shared understanding of what a good experience looks like for someone applying to the court. In 2023, Cafcass produced its own practice quality standards for working with children and families in private law, and also updated its standards for public law proceedings.

3.18 We also reviewed the geographical coverage of the improvement initiatives. This showed that some areas had many different initiatives ongoing, while others had none, and the initiatives were not always in areas where delay was greatest.¹⁹ For example, at the end of December 2024, Norwich had an average public law case duration of 42 weeks but no initiatives ongoing, whereas Birmingham had case durations of 23 weeks but two initiatives ongoing (**Figure 11** on pages 46 to 48).

¹⁹ DfE told us that it had offered all areas to be part of the pre-case management hearing meeting initiative but only 58 local authority areas decided to take part.

Figure 11
Improvement initiatives in England and Wales for public law and private law by local family justice area

Some family justice areas with the longest average case duration do not yet have any improvement initiatives ongoing



Public law initiatives	Description
<ul style="list-style-type: none"> Family Drug and Alcohol Courts (FDAC) 	FDAC takes a therapeutic approach to care proceedings for parents with complex needs and where parental substance misuse is a significant factor, aiming to support families to stay together if possible.
<ul style="list-style-type: none"> Trailblazer pilots 	Aim to reduce delays in court proceedings by identifying local causes of unnecessary delays through a 'deep dive' exercise and then implementing specific local interventions in response to the issues identified.
<ul style="list-style-type: none"> Suspected Inflicted Head Injury Service (SIHIS) for Children pilots 	The SIHIS pilot aims to test a new multidisciplinary model service, reducing unnecessary delays in family courts.
<ul style="list-style-type: none"> Checklist pilots 	Pilot testing benefits of two checklists (readiness checklist and expert assessment checklist) during the pre-hearing meeting to improve preparation and closer engagement, and reduce use of expert assessments.
<ul style="list-style-type: none"> Areas of focus 	Areas facing the biggest performance challenges offered additional support through senior sponsors to help ensure focus on achieving national objectives.

Private law initiatives	Description
<ul style="list-style-type: none"> Pathfinder pilots 	Aim to improve the experience of family courts for children and families, including victims of domestic abuse, and aim to reduce the time families spend in court.
<ul style="list-style-type: none"> Areas of focus 	Areas facing the biggest performance challenges offered additional support through senior sponsors to help ensure focus on achieving national objectives.
<ul style="list-style-type: none"> London surge court 	Additional sitting days at private law backlog court in London, funded from Ministry of Justice's pathfinder budget.

Figure 11 *continued*

Improvement initiatives in England and Wales for public law and private law by local family justice area

Notes

- 1 Coloured areas show average case duration (mean).
- 2 Family courts in England and Wales are led by 44 designated family judges, each responsible for the courts in their designated areas. Boundaries of the areas for the map are provided by HM Courts & Tribunals Service.
- 3 A description of each initiative can be found at Appendix Two.
- 4 Does not include national initiatives such as increasing take up of mediation, family group decision-making meetings and the digital data solution fund. Pre-case management hearing meeting initiative is not shown on public law map.
- 5 While based in Wandsworth, the London surge court hears cases across London.
- 6 Data range from 15 to 59 weeks for public law and 17 to 76 weeks for private law in December 2024.
- 7 The Royal Court of Justice, one of the 44 designated family judge areas, is not included in this figure.

Source: National Audit Office analysis of unpublished family justice statistics from HM Courts & Tribunals Service data, Ministry of Justice documentation and Department for Education documentation

Barriers to further improvements

3.19 There are barriers to the FJB securing further improvements in family justice performance.

- **Poor cost and performance data.** Government bodies need better data on the costs of family justice and the experiences of children, to make decisions on which initiatives have the best value for money (paragraphs 2.19 and 2.20). There are many overlapping initiatives at a local level, and the FJB will need to disentangle specific impacts and make value-for-money decisions on each initiative.
- **Unaligned incentives.** Our work, including interviews with stakeholders, points to several possible ways that the incentives within the family justice system could be better aligned. For example, it can be cheaper to go to court than to use mediation.²⁰ Long delays may also encourage parents to mark their private law cases as urgent, reducing time for preparatory work – which may lead to delays later.
- **Timely evaluation of wider applicability.** The approach adopted for some improvement work is innovative and MoJ has decided to adopt a pilot approach, where it evaluates what works in a local area before rolling out more widely. 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. To protect taxpayers' money, this approach requires timely evaluation of what works, including how well initiatives are likely to work if scaled up or delivered in different locations.

²⁰ Applying to court can cost significantly less than mediation costs. The application cost for a child arrangement order is £263 compared with mediation costs of between a few hundred and £2,000.

- **Funding arrangements.** Current arrangements for setting budgets do not easily enable funding to be moved across organisational boundaries to support new ways of working, when new ways of working shifts costs from one body to another, between central and local government (paragraph 2.20). The additional operating costs for four pathfinder areas and cost of preparing to extend these to a further four areas were forecast to be £20.7 million in 2023-24 and 2024-25, allocated from wider departmental budgets.
- **Local ownership.** The strength of LFJBs and their involvement in ongoing improvement work varies. Given government bodies' increased focus on localised solutions, it will be important that local areas have the capacity and resources to drive improvement work.

Appendix One

Our audit approach

Our scope

1 Our independent conclusions on the government’s approach to improving the management of private law and public cases were reached by analysing evidence collected between July 2024 and March 2025. We formed our conclusions after considering the extent to which the Ministry of Justice (MoJ) and Department for Education (DfE) and others:

- understand demand and capacity within the family court system across England and Wales;
- have adopted a whole-system approach to improve family courts performance; and
- understand and account for the needs of different groups within the family courts system.

2 This report reviews the government’s approach to improving how public law and private law cases are managed in England and Wales, with a specific focus on improving family justice services for children. The main government bodies we have audited are MoJ, DfE, HM Courts & Tribunals Service (HMCTS), and the Children and Family Court Advisory and Support Service (Cafcass) in England. Cafcass Cymru is 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, so we have not evaluated judicial-led initiatives. We have focused on the family justice process once a court application is made and have not audited the work of local authorities. We have not audited the quality of children’s services or the outcomes of cases.

Our evidence base

Interviews

3 We interviewed, both online and face-to-face, officials from MoJ, DfE, HMCTS, Cafcass and the Legal Aid Agency (LAA), including teams responsible for:

- policy and governance;
- spending review preparation, budgeting and financial reporting;
- data and insights, including data systems, dashboards, performance indicators and understanding user experiences;
- demand and capacity projections and capacity monitoring;
- pilots and initiatives; and
- regional and local operations, including local family justice boards.

4 We also interviewed wider stakeholders in the family justice system, including The Law Society, The Bar Council, members of the Judiciary, Cafcass Cymru, the Nuffield Family Justice Observatory, the Association of Directors of Children's Services (ADCS), the National Centre for Social Research (NatCen), independent domestic violence advisers and local authorities, the Children's Commissioner's office, the Chief Social Worker for Children and Families in England, and the Mediation Council. Discussions with stakeholders covered issues with data and data quality, court capacity (workforce and court estate), understanding of costs, court process, drivers of demand, caseload and case durations, and initiatives introduced to help improve family justice.

Document review

5 We reviewed MoJ, HMCTS, DfE and Cafcass documents for information to answer our main questions. We reviewed these documents to establish facts, including the MoJ's and its partners' analysis and understanding of the family court backlog, timeliness and what is driving it, governance arrangements, pilots and initiatives to reduce demand, improve timeliness and user experience. The main types of documents we reviewed were related to:

- strategy and governance arrangements for bodies within the MoJ group and across the family justice system;
- progress monitoring and reporting, including governance board minutes;
- data systems, including dashboards set up by MoJ, HMCTS to support Family Court operations and monitor progress;

- analysis by MoJ, HMCTS, Cafcass, LAA and DfE on family court backlog, timeliness, costs, user profiles and user experiences;
- modelling and forecasting demand and capacity; and
- initiatives to improve court capacity, court operations (courtrooms, maintenance, judges, social workers, legal advisors, pathfinder, trailblazers and so on), general efficiency and family court reform.

6 We also reviewed wider literature for context and information about our questions. This includes:

- previous reports by the National Audit Office;
- reports published or shared with us by stakeholders we interviewed; for example, the Government Internal Audit Agency (GIAA), The Bar Council, The Law Society, ADCS and Cafcass Cymru, the Nuffield Family Justice Observatory and NatCen.

Quantitative analysis, including data mining using case level public law data

7 We analysed financial data, published family justice statistics and data contained in the management information produced by MoJ, HMCTS, DfE, LAA and Cafcass, covering the period up to December 2024. We have not audited the accuracy or completeness of the data used. The datasets we analysed included:

- internal financial data on family court services by MoJ, HMCTS, DfE, Cafcass and LAA, spending in general and funding provided specifically for projects and initiatives to improve family court services including pilots;
- family court statistics published by MoJ, HMCTS, DfE and Cafcass, including trends in the size and age of outstanding cases, children supported by Cafcass;
- data from various dashboards developed by MoJ and HMCTS which are not published, including performance against priority indicators, the number of sitting days, and so on;
- HMCTS administrative data on court maintenance and court utilisation;
- MoJ data on the diversity of the judiciary: legal professionals, new appointments and current post-holders;
- HMCTS and Cafcass data on duration by children's age and ethnicity for public law and private law cases; and
- Data mining using unpublished case-level data for public law cases.

Process review (case studies)

8 We selected three of the 44 local family justice areas (East London, Staffordshire and North Wales), visiting one court team within each area (East London, Stoke and Wrexham). We also visited the Courts and Tribunals Service Centre for family courts at Stoke, and observed their operations. Our case studies focused on the process in place for case application, allocation, gate-keeping and arrangement for first hearings. We selected these specific courts to get a mix of performance based on average timeliness of cases progressing through family courts, regional spread, and to explore an area undergoing an improvement initiative pilot. We used our People and Operations good practice framework as the basis for these case studies, reviewing documents and speaking to staff on sites and remotely. While these findings are specific to the courts visited, they provide insights into how national processes are followed locally.

Appendix Two

Figure 12

Major government improvement initiatives for public law and private law in England and Wales

There is a range of initiatives to improve public law and private law cases in the last few years, in particular, since 2023

Initiative	Geographical coverage	Details	Impact
<p>Family group decision making meetings</p> <p>Public law</p> <p>Department for Education (DfE)-led</p> <p>Pilot from September 2020</p>	<p>Piloted in 21 local authorities, planning to roll out nationally.</p>	<p>A meeting is held at the point when the local authority is seriously considering applying to the court for a care or supervision order.</p> <p>Supporting families and friends to come together to make a plan in response to concerns regarding the child's welfare and to avoid care proceedings where possible.</p>	<p>Children whose families were referred for a family group decision making meetings are less likely to have care proceedings issued (59%) compared to those not referred (72%).</p>
<p>Increasing use of mediation</p> <p>Private law</p> <p>Ministry of Justice (MoJ)-led</p> <p>From 2014</p>	<p>National.</p>	<p>Applicants are required to first attend a Mediation Information Assessment Meeting (MIAM) before making an application to court, unless an exemption applies. A MIAM encourages mediation and other advice and support as alternatives to court.</p> <p>MoJ launched a temporary Mediation Voucher Scheme in 2021, offering families a one-off contribution of up to £500 per family towards their mediation costs. The voucher scheme has since been extended to March 2026.</p>	<p>Early evaluations from the voucher scheme suggests that, of the 7,214 families supported during the first 12 months, 69% reached agreement on some or all issues and were considered as successfully diverted from court.</p> <p>By the end of April 2025, the voucher scheme had helped 41,700 families. However, the proportion of families attending the initial assessment has remained flat. Between April 2019 and March 2024, around 35% of private law applicants subject to MIAM attended a MIAM, as a large proportion claimed exemption.</p>
<p>Family Drug and Alcohol Courts (FDAC)</p> <p>Public law</p> <p>DfE-led</p> <p>Pilot from 2008, subsequently rolled out to other areas</p>	<p>13 specialist FDAC teams supporting families in 39 local authorities across England and Wales in 24 family courts.</p>	<p>FDAC takes a therapeutic approach to care proceedings for parents with complex needs, and where parental substance misuse is a significant factor, providing intensive therapeutic treatment and support to parents, aiming to support families to stay together if possible.</p>	<p>Evaluations indicate that the family reunifications created by FDAC are safer and more stable than those in standard proceedings, which could reduce the likelihood of recurrent care proceedings.</p>

Figure 12 *continued*

Major government improvement initiatives for public law and private law in England and Wales

Initiative	Geographical coverage	Details	Impact
Pathfinder Pilots Private law MoJ-led From February 2022	Started in North Wales and Dorset; recently extended to Birmingham, South Wales and Mid and West Wales, with plans to launch in West Yorkshire in 2025.	Aims to improve the experience of family courts for children and families, especially those at risk of domestic abuse, and reduce the amount of time families spend in court. Key features include: <ul style="list-style-type: none"> ● a dedicated case progression officer; ● direct funding for domestic abuse support agencies; ● earlier information gathering by a multidisciplinary team; and ● focusing information gathering on the child's experiences. 	Early results indicate improved communication and earlier information gathering led to faster cases and reduced the number of hearings per case. Staff reported an improvement to the child and family experience. Resulted in reduction in court expenditure but an increase in spending by local authorities.
Trailblazer Pilots Public law DfE-led From April, 2024 to March 2025	Five district family judge areas (Central London, Liverpool, Essex and Suffolk, Wolverhampton and Telford, and Guildford).	Aim to reduce delays in court proceedings by identifying local causes of unnecessary delays through a 'deep dive' exercise and then implementing specific local interventions in response to the issues identified.	No evaluation published yet.
Pre-Case Management Hearing Meeting Public law DfE-led Pilots between October and December 2023, expansion from April 2024	58 local authorities	Specific meeting introduced to share information on case history, enabling the Children and Family Court Advisory and Support Service (CAFCASS) child guardian to have earlier access to pre-proceedings information.	No evaluation published yet.
Suspected Inflicted Head Injury Service for Children (SIHIS) Pilots Public law DfE-led March 2024	Three NHS Trusts (Manchester University NHS Foundation Trust, Birmingham Women and Children's NHS Foundation Trust, and Sheffield Children's NHS Foundation Trust).	The SIHIS pilot aims to test a new multidisciplinary model service that is aimed at reducing unnecessary delays in family courts. A specialist team within paediatrics will assess the cause of head injuries, possibly inflicted in nature, in children aged 0–8 years presenting at hospital. They will complete a template document for the court where there is suspected inflicted head injury and act as a single point of contact.	No evaluation published yet.

Figure 12 *continued*

Major government improvement initiatives for public law and private law in England and Wales

Initiative	Geographical coverage	Details	Impact
Digital Data Solution Fund and Pre-proceedings data collection Public law DfE-led Digital Data Solution Fund from May 2022, pre-proceedings data collection case study January to September 2023	National.	The Fund aims to use more timely and transparent data to improve local authority performance, identification of performance issues and policy development. The case study aims to assess data indicators feasible for reporting by local authorities, blockers and challenges and possible solutions.	Case study project successfully modelled some cases end to end through the system. However, the work noted that there are many gaps in data and barriers to achieving this systematically across all areas.
Assessment Checklist Pilots Public law DfE and MoJ-led From January 2024 to January 2025	Nine local courts in England and Wales.	Pilot testing benefits of two checklists (readiness checklist and expert assessment checklist) during the pre-hearing meeting to improve preparation and closer engagement, and reduce use of expert assessments.	No evaluation published yet.
Five areas of focus Both public law and private law MoJ-led From April 2024	Five district family judge areas (Central London, East London, Nottingham, Manchester, and Essex and Suffolk).	Areas facing the biggest performance challenges offered additional support through senior sponsors to help ensure focus on achieving national objectives. Work undertaken has included data reviews and development of local action plans.	Too soon to identify performance improvements.
The London Surge Court Private law HM Courts & Tribunals Service (HMCTS) and MoJ-led From December 2024	London.	Additional sitting days at private law backlog court in London, funded from MoJ's pathfinder budget. Aimed to list four additional final hearings per day from December 2024, initially until March 2025.	Data on impact not yet available.

Note

- 1 The judiciary is also encouraging performance improvement through several initiatives led by the President's Public Law Working Group and the President's Private Law Working Group. These include additional practice guidance for London and judicial-led events to raise awareness of the importance of the Public Law Outline in November 2024.

Source: National Audit Office analysis of Ministry of Justice and Department for Education documentation

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